

RECORD OF PROCEEDINGS

Golden, Colorado
February 14, 1997

The Board of Trustees met in regular session on February 14, 1997, at 9:00 a.m.

Present: Trustees Joseph, Krug, Miller and Mooney, and Student Trustee Jacobsen.

Absent: Trustees Coors, Erisman and Parcel.

Also attending the meeting were President Ansell; Interim Vice President Trefny; Vice Presidents Chevront, Moore and Pougnet; Mr. Weiskopf, Executive Director of the CSM Foundation; Mr. Witkowsky, Executive Director of the Alumni Association; Dr. McNeil, President of the Faculty Senate; other staff members and visitors.

Trustee Miller presided.

Previous Minutes. The minutes of the December 10, 1996, meeting were approved.

Contract Approval and Execution Policy. The amended policy, which was presented to the Board for discussion at its December 13, 1996, meeting, was unanimously approved.

Visiting Committee Members. Dr. Trefny provided background information on the candidates for appointment to the Mathematical and Computer Sciences and Library Visiting Committees, and recommended approval of the candidates.

The Board unanimously approved the appointment of the candidates to the Mathematical and Computer Sciences and Library Visiting Committees.

Faculty Hiring Actions. Dr. Trefny presented the report and responded to Mr. Mooney's comment regarding the high number of instructors/adjuncts/visiting appointments.

Curriculum Revision Update. Dr. Trefny summarized curriculum revision activities that have taken place since the last meeting of the Board.

Board of Trustees Conference. Dr. Trefny proposed that the 1997 Board of Trustees Conference deal with the process of curriculum reform and its implementation. He requested that the Board approve this theme and also requested that the Board select one of its members to serve on the Conference planning committee.

Trustee Miller commented that it might be appropriate to ask the Visiting Committees for the degree granting departments for their opinions regarding the proposed curriculum revisions and implementation. Dr. Trefny agreed that it might be well to get their input.

Trustee Krug volunteered to serve on the 1997 BOT Conference planning committee.

The Board unanimously approved the recommendation that the 1997 Board of Trustees Conference deal with the process of curriculum reform and its implementation.

Performance Indicators. Dr. Middleton presented the report and stated that the Board will be asked to approve an elaborated version of these indicators at its March meeting.

Visiting Committee Report Response. Dr. Trefny reviewed the proposed visiting committee report response letter for the Department of Chemical Engineering and Petroleum Refining.

The Board unanimously approved the proposed response to the visiting committee report for the Department of Chemical Engineering and Petroleum Refining.

Legislative Report. Ms. Carr presented the legislative report.

Graduate School Admissions. Dr. Kidnay provided the report on graduate admissions for Spring and Fall 1997. President Ansell discussed his concerns about the low graduate enrollment figures and stated that efforts are being intensified to recruit graduate students.

Registrar's Report. Ms. Smith presented the Registrar's Report.

Enrollment/Admissions. Mr. Goetz provided the February 1, 1997, Admissions Report for Fall 1997.

Sabbatical Report. Dr. E. Dendy Sloan reported on his sabbatical taken during the spring semester of the 1995-96 academic year.

Faculty Senate Report. Dr. McNeil presented the Faculty Senate Report.

Sponsored Projects. Dr. Trefny reviewed the reports on new research award volume for December 1996 and January 1997.

Monthly Financial Reports. Mr. Moore provided the following reports: Current Funds Revenues, Expenditures and Other Changes for the Seven Months Ended January 31, 1997; Auxiliary and Self-Funded Activities for the Seven Months Ended January 31, 1997; and Balance Sheet, Non Current Funds Only, for the Seven Months Ended January 31, 1997.

Mr. Moore stated that the School is operating within current funds available.

Environmental Health and Safety Report. Mr. MacPherson submitted the Environmental Health and Safety Reports for the months of December 1996 and January 1997.

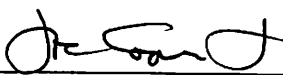
Institutional Advancement Report. Mr. Pougnet provided the Development Report Summary through January 31, 1997.

Mr. Pougnet introduced Ms. Leah McNeill, the newly-appointed Director of Public Relations, who started at CSM on January 13, 1997.

Draft Faculty Handbook. Dr. Trefny provided a draft of the 12th edition of the Faculty Handbook, together with a cover memorandum, and stated that the Handbook has been distributed to the faculty. He requested that the Board review the Handbook and be prepared to discuss it at the March Board meeting. The Board will be asked to consider this draft for approval at a future meeting.

Program of Excellence Award. In recognition of the CCHE Program of Excellence Award in the amount of \$1.4 million, President Ansell presented a plaque to Dr. Jim Ely, Acting Head of the Department of Chemical Engineering and Petroleum Refining. Dr. Ely thanked the Board and the members of the administration for helping the Department achieve this recognition.

The meeting was adjourned at 11:15 a.m., and the Board commenced its executive session.



February 14, 1997

RECORD OF PROCEEDINGS

Golden, Colorado
March 26, 1997

The Board of Trustees met in regular session on March 26, 1997, at 9:00 a.m.

Present: Trustees Coors, Erisman, Joseph, Krug, Miller, Parcel and Student Trustee Jacobsen.

Absent: Trustee Mooney.

Also attending the meeting were President Ansell; Interim Vice President Trefny; Vice Presidents Chevront, Moore and Pougnet; Mr. Weiskopf, Executive Director of the CSM Foundation; Mr. Witkowsky, Executive Director of the Alumni Association; Dr. McNeil, President of the Faculty Senate; other staff members and visitors.

Trustee Miller presided.

Previous Minutes. The minutes of the February 14, 1997, meeting were approved.

Visiting Committee Members. Dr. Trefny provided background information on the candidates for appointment to the visiting committees for the Division of Economics and Business and for the Departments of Chemistry and Geochemistry, Geology and Geological Engineering and Physics.

The Board unanimously approved the appointment of the candidates to the visiting committees for the Division of Economics and Business and for the Departments of Chemistry and Geochemistry, Geology and Geological Engineering and Physics.

Trustee Coors asked about the status of the appointment of a visiting committee for the Athletic Department. Dr. Trefny said that the current goal is to have a meeting of that committee in the fall.

Performance Indicators. Dr. Middleton presented performance indicator descriptions and requested Board approval for submission to the CCHE.

The Board unanimously approved the submission of the performance indicators to the CCHE, but retains the right to review these in the event that related statewide indicators change substantially from their present form.

Faculty Hiring Actions. Dr. Trefny provided a list of faculty hiring actions.

Graduate School Admissions. Dr. Kidnay provided the report on graduate admissions for fall 1997, through February 28, 1997.

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Enrollment/Admissions. Mr. Goetz provided the March 1, 1997, Admissions Report for Fall 1997, and discussed goals for the year.

Retention Project Progress Report. Dr. Chevront provided an outline of the progress being made on the retention project, and made a presentation with input from Ms. Smith and Mr. Koester.

Sabbatical Report. Dr. Robert G. Underwood reported on his sabbatical taken in the fall semester of the 1995-96 academic year.

Sponsored Projects. Dr. Kidnay provided the reports on new research award volume for February 1997.

Monthly Financial Reports. Mr. Moore provided the following reports: Current Funds Revenues, Expenditures and Other Changes for the Eight Months Ended February 28, 1997; Auxiliary and Self-Funded Activities for the Eight Months Ended February 28, 1997; and Balance Sheet, Non Current Funds Only, for the Eight Months Ended February 28, 1997.

Mr. Moore stated that the School is operating within current funds available.

Environmental Health and Safety Report. Mr. MacPherson submitted the Environmental Health and Safety Report for the month of February 1997.

Institutional Advancement Report. Mr. Pougnet provided the Development Report Summary through February 28, 1997.

Residential Housing Proposal. Dr. Chevront provided an outline which highlighted the reasons for the project, benefits to students, summary of student needs, cost comparison to existing housing complexes in the Golden area, the building concept, financing approach, income and bond payment estimates and project time line, and he gave a presentation using the outline to explain the proposal.

Bond Resolution. Ms. Deits stated that representatives from A.G. Edwards, Hogan & Hartson and CSM met to discuss possible bond financing options for the proposed residential housing. She said that if the Board approves the residential housing proposal, the School will proceed with the issuance of tax-exempt revenue bonds on parity with the Series 1996 issue. These new bonds, Series 1997, will be issued by the end of the fiscal year, June 30, 1997.

Ms. Deits provided a copy of the Bond Resolution which is the first step in the process to secure bond financing for the proposed residential housing. She stated that approval of this Bond Resolution gives the School authority to proceed with the issuance of up to \$5.5 million of tax-exempt bonds and to reimburse itself for improvement costs incurred prior to the closing of the bonds.

Following extensive discussion, Trustee Erisman stated that he would prefer to spend another meeting or two discussing this proposal, but said that he would vote for approval since it appears to him that the proposal has been fairly well thought out.

The Board unanimously approved the Residential Housing Proposal and the Bond Resolution.

Curriculum Revision Update and BOT Conference. Dr. Trefny presented an update on the curriculum reform effort and discussed the status of the plans for the summer conference.

Policy for the Approval of Credit for Courses Using Alternative Delivery Methods. Dr. Trefny stated that the CCHE requires that each State institution of higher education have in place a board approved policy governing the approval of academic credit for courses using alternate delivery methods. He provided a draft CSM policy and recommended approval.

The Board unanimously approved the Policy for the Approval of Credit for Courses Using Alternative Delivery Methods.

Policy for the Approval of New Academic Programs. Dr. Trefny stated that the CCHE "Policy and Procedures for the Approval of New Academic Programs in State-Supported Institutions of Higher Education in Colorado" (approved November 7, 1996) requires that each governing board "adopt a degree approval policy that outlines the criteria used for new programs proposals and the process for ensuring that issues related to quality, capacity and cost-effectiveness are adequately addressed when the governing board considers any new proposal." He provided a draft CSM policy as well as the above-referenced parent policy, and recommended approval.

The Board unanimously approved the Policy for the Approval of New Academic Programs.

Draft Faculty Handbook. Dr. Trefny and other members of the Handbook Committee were present to discuss the Draft Faculty Handbook which was previously distributed to the Board members.

Extensive discussion ensued, following which Trustee Miller requested that a special meeting be scheduled to discuss the Handbook. President Ansell responded that a special meeting will be scheduled for April, at which the Board and the Faculty Handbook Committee can discuss the Handbook in more depth.

Draft FY 1997-98 Schedule of Tuition, Fees and Other Charges. Ms. Deits provided a draft schedule of Tuition, Fees and Other Charges for the 1997-98 fiscal year, and reviewed the proposed changes. She also provided a report regarding the impact of the technology fee on the campus. Ms. Deits stated that she will request approval at the May 8 Board meeting.

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Trustee Erisman commented that he is not pleased about the differential in resident and non-resident tuition. Trustee Miller asked for comparative tuition/fee information from other institutions, which Mr. Moore said he will provide.

Faculty Senate Report. Dr. McNeil presented the Faculty Senate Report.

Legislative Report. Ms. Carr presented the legislative report.

The meeting was adjourned at 12:05 p.m., and the Board commenced its executive session.

The Board reopened the meeting at 12:30 p.m., and approved the following candidates for emeritus status:

Dr. David E. Fletcher, Economics and Business
Dr. Gabriel M. Neunzert, Engineering
Mr. Robert W. Pearson, Physical Education and Athletics

The Board also approved the appointment of Dr. George Krauss as University Emeritus Professor.

The meeting was adjourned at 12:45 p.m.



March 26, 1997

MINUTES OF CSM BOARD OF TRUSTEES MEETING

Golden Colorado
April 16, 1997

The Board of Trustees of Colorado School of Mines met in special session in April 16, 1997, at 7:30 a.m. at the William K. Coors Board Room in Guggenheim Hall for the purpose of discussing the draft Twelfth Edition of the CSM Faculty Handbook. Trustee Erisman presided over the meeting.

Trustee Attendance. Trustees Erisman, Joseph, Krug, Miller, Mooney, and Parcel; Trustees Designate Evans and Powell; and Student Trustee Jacobsen attended the meeting. Trustee Coors was absent.

Other Meeting Attendees. The meeting was attended by President Ansell, Mr. Witkowsky, Executive Director of the CSM Alumni Association, and the following members of the Faculty Handbook Committee: Vice President Trefny, Chair; Dr. DePoorter, Associate Professor of Metallurgy and Materials Engineering; Dr. Golden, Professor of Chemical Engineering; Ms. Lane, Director of Human Resources; Dr. McNeil, Professor of Physics and President of the Faculty Senate; Dr. Moore, Head of the Department of Metallurgy and Materials Engineering; Dr. Romig, Head of the Department of Geophysics; and Mr. Liberatore, Director of Legal Services and an *ex officio* member of the Committee.

Preliminary Matters. Dr. Trefny explained the process utilized by the Committee to draft the Twelfth Edition of the Faculty Handbook. Dr. McNeil stated that the faculty did not have any major objections to sections 1 through 10 of the draft 12th Edition, but he indicated that there were some "contract issues" and "governance issues" contained in his memo to CSM faculty dated February 14, 1997, which required further discussion. Trustee Designate Evans inquired about the absence of certain material which appeared in the Eleventh Edition, but was omitted from the Twelfth Edition, eg. the Oath of Allegiance. A brief explanation of the rationale for inclusion and exclusion of material was provided.

Handbook Preface. Dr. McNeil stated his belief that despite the Attorney General's Opinion, the faculty should have the right to approve any modifications to the faculty handbook. The Board decided through consensus that a succinct statement should appear in the Preface making clear the fact that the Twelfth Edition supersedes all previous CSM faculty handbooks.

Handbook Section 1. The Board briefly discussed this section, but did not request any changes.

Handbook Section 3. Dr. McNeil suggested that direct submissions of handbook amendments to the Board should be permitted. Trustee Parcel wanted to clearly indicate that in the absence of exceptional circumstances the Board is committed to making handbook changes only through the designated modification process. The Board felt that the wording of Section 3 could use some fine tuning. The Board requested that the language of Section 3 be simplified and clarified.

Handbook Section 4. Trustees Krug and Joseph expressed curiosity about the requirements for achieving emeritus status at CSM and CSM's emeritus requirements compared to other universities. Vice President Trefny agreed to examine the emeritus requirements at other universities. Student Trustee Jacobsen expressed concern that students are not given enough input into the faculty hiring process. Dr. Trefny pointed out that students are invited to attend guest lectures given by faculty candidates. The Board decided by consensus that the word "faculty" should be deleted from numbered paragraph 5 of subparagraph 4.7.1.A to address Student Trustee Jacobsen's concern. Trustee Parcel suggested that another contract form be created for Acting Department Heads and that the contract form list contained paragraph 4.8.1 be modified eventually to accurately reflect the final version of Section 11.

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Handbook Section 5. Dr. McNeil expressed concern that the definition of academic freedom set forth in subsection 5.1 was too restrictive. Trustee Erisman expressed his belief that some limitation on the definition of academic freedom was needed. Following discussion, the Board agreed to leave the wording as is with the understanding that it can be considered for future modification. Trustee Miller requested that a new paragraph (to be numbered 5.4.10) be added to section 5 to address the granting of military leave at CSM. Trustee Erisman pointed out that paragraph 5.4.5 refers to a formal Board of Trustees Family Medical Leave Policy which does not yet exist. It was decided to remove the specific reference to the non-existent policy and retain a generic reference to the informal, unwritten CSM Family Medical Leave Policy. Trustee Erisman requested that the word "Board" be substituted for the word "CSM" in the eighth line of subsection 5.5.

Handbook Section 6. Trustee Krug suggested that the word "copyright" in numbered paragraph 10 of paragraph 6.1.3 be replaced with the words "intellectual property" to broaden the reference to include patent, copyright, and trademark laws.

Handbook Section 7. The Board briefly discussed this section, but did not request any changes.

Handbook Section 8. The Board requested that the first sentence in paragraph 8.1.2 be amended to make it clear that unless the probationary period for tenure-track faculty is extended for good cause, it may not exceed seven years. Trustee Erisman requested that the word "Board" be substituted for the word "CSM" in the last line of paragraph 8.2.1. After lengthy discussion, Trustee Joseph suggested that the words "directly and negatively" in the third line of item 8.3.4.A.1 be changed to the word "materially."

Handbook Section 9. The Board requested that the word "shall" be substituted for the word "may" in the second line of subparagraph 9.1.2.B. A Board discussion ensued regarding the definitions of "cause" set forth in paragraphs 9.2.1 and 9.3.1. Trustee Joseph opined that consistently substandard performance could be worse than an isolated instance of significantly substandard performance. The board requested that the third criterion for cause listed in paragraph 9.3.1 be changed to "consistently and significantly substandard performance." Mr. Liberatore pointed out that Board policies other than those mentioned in the fifth criterion for cause listed in paragraphs 9.2.1 and 9.3.1 can have termination consequences. The Board requested that all such policies be specifically enumerated. Trustee Joseph led a discussion on the subject of the phraseology used in the sixth criterion for cause listed in paragraphs 9.2.1 and 9.3.1. The discussion dealt generally with the legal meaning of the term "crime involving immoral or unethical conduct." Following the discussion, the Committee agreed to rephrase the language in accordance with Trustee Joseph's concerns. Trustee Designate Evans pointed out that statement #2 in subparagraph 9.4.9.D was mistakenly listed twice and requested that the duplication be corrected.

Vote of Approval. The Board voted unanimously to approve sections 1, 3, 4, 5, 6, 7, 8, 9, and 10 of the draft Twelfth Edition of the CSM Faculty Handbook, subject to execution of the modifications specified above and the eventual modification of paragraph 4.8.1 to conform to the final version of Section 11. Trustee Parcel congratulated the Committee on a job well done. Mr. Liberatore stated that the Trustee-specified modifications would be presented to the Board for approval at its May 8th meeting. Vice President Trefny explained the role of the Reconciliation Committee and reviewed the issues it was currently considering. The Board requested that the minutes of this meeting reflect its intention not to amend the handbook unilaterally in the future without input from the CSM community.

Minutes of CSM Board of Trustees Meeting
April 16, 1977
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Handbook Section 11. Since the Handbook Committee has been asked to continue to work on Section 11, Vice President Trefny requested guidance from the Board on its view of the unresolved "contract issues" mentioned earlier by Dr. McNeil. The unresolved issues involve matters such as employment benefits, the right to engage in additional professional work, remuneration for inventions, and other issues of a contractual nature. Dr. Trefny explained that the Committee feels somewhat powerless to resolve these matters since it does not possess contract negotiation authority on behalf of the Board. The Board briefly discussed the situation and concluded that although it does not intend to alter employment benefits arbitrarily in mid-year, it strongly preferred not to include those items in the employment contracts.

Executive Session. The Open Session was adjourned at 11:25 a.m. The Board then commenced its Executive Session.

Emeritus Vote. The Board re-convened its Open Session and voted to grant emeritus status to Dr. Maynard Slaughter, Professor of Chemistry and Geochemistry.

Adjournment. The meeting was adjourned at 12:10 p.m.

APPROVED:



Secretary of the CSM Board of Trustees

4-5-8-97

Date

RECORD OF PROCEEDINGS

Golden, Colorado
May 8, 1997

The Board of Trustees met in regular session on May 8, 1997, at 1:45 p.m.

Present: Trustees Erisman, Evans, Krug (via telephone), Mooney, Parcel, Powell, and Student Trustee Jacobsen.

Absent: Trustee Coors.

Also attending the meeting were President Ansell; Interim Vice President Trefny; Vice Presidents Chevront, Moore and Pougnet; Mr. Weiskopf, Executive Director of the CSM Foundation; Mr. Witkowsky, Executive Director of the Alumni Association; Dr. McNeil, President of the Faculty Senate; other staff members and visitors.

Trustee Erisman presided.

Oaths of Office. Ms. Lois Grant administered the oath of office to Trustees designate Evans and Powell.

Election of Officers. The following slate of officers was nominated and unanimously elected to serve a two-year term:

President: Frank Erisman
Vice President: Steve Mooney
Secretary: Joe Coors
Treasurer: Robert Moore

Previous Minutes. The minutes of the March 26, 1997, meeting were approved.

Candidates for Degrees. Lists of candidates for degrees recommended by the faculty were distributed to the Trustees.

Dr. Chevront stated that the Bachelor of Science lists need to be amended as follows: Darrien Reddick should be added to the list for Engineering for June 1997. Katherine Frances Cannon and Suk Man Lee should be deleted from the list for Chemical Engineering for August 1997.

Trustee Erisman recognized Dr. McNeil, who stated that the certification of candidates for degrees is a duty that the faculty takes very seriously, and said that it was his distinct honor and pleasure, on behalf of the faculty, to certify the undergraduate degree candidates whose names appear on the lists, as amended by Dr. Chevront, as possessing the qualifications entitling them to their respective diplomas subject to the satisfactory completion of all requirements and recommended that the Board of Trustees confer upon these candidates the appropriate diplomas at the appropriate commencement ceremony.

Names of those candidates not meeting all requirements for the appropriate commencement will be resubmitted to the faculty for certification if they subsequently reapply.

Dr. Kidnay presented the lists of candidates for the Master of Engineering, Master of Science and Doctor of Philosophy.

Dr. McNeil, on behalf of the faculty, certified that the graduate degree candidates whose names appear on the lists possess the qualifications entitling them to their respective diplomas subject to the satisfactory completion of all requirements and recommended that the Board of Trustees confer upon these candidates the appropriate diplomas at the appropriate commencement ceremony. Names of those candidates not meeting all requirements for the appropriate commencement will be resubmitted to the faculty for certification if they subsequently reapply.

Upon motion made, seconded, and unanimously passed, the candidates whose names appear on the lists were approved for degrees on the dates specified, subject to the completion of all academic requirements and continued compliance with school requirements and regulations.

Faculty Hiring Actions. Dr. Trefny stated that there were no faculty hiring actions to report.

Graduate School Admissions. Dr. Kidnay provided the report on graduate admissions for Fall 1997, through April 30, 1997.

Enrollment/Admissions. Mr. Young provided the April 15, 1997, Admissions Report for Fall 1997.

Sponsored Projects. Dr. Kidnay provided the reports on new research award volume for March and April 1997.

Monthly Financial Reports. Mr. Moore provided the following reports: Current Funds Revenues, Expenditures and Other Changes for the Ten Months Ended April 30, 1997; Auxiliary and Self-Funded Activities for the Ten Months Ended April 30, 1997; and Balance Sheet, Non Current Funds Only, for the Ten Months Ended April 30, 1997.

Environmental Health and Safety Report. Mr. MacPherson submitted the Environmental Health and Safety Reports for the months of March and April 1997.

Trustee Erisman requested information on the alleged rape which occurred in Weaver Towers. Dr. Chevront responded that the students involved were not from Mines and that charges have been pressed.

Institutional Advancement Report. Mr. Pougnet provided the Development Report Summary through April 30, 1997.

Mines Park. Trustee Erisman requested that Dr. Chevront report on the Mines Park situation, following which there was an extensive discussion.

Trustee Erisman then recognized Jonathan Richter, a resident of Mines Park, who gave a presentation regarding the concerns of the residents of Mines Park on the issue of razing Mines Park to build a new CSM student housing complex. The action requested is that the Board of Trustees require the administration to provide alternate construction options, including initial costs, rate of return, and consideration of present occupants.

Trustee Evans commented that he has reviewed the situation in depth, including visiting the site, and agrees with the Board's decision to raze Mines Park and build a new CSM student housing complex.

Trustees Evans and Krug agreed to serve on a Board subcommittee that will receive frequent status reports on the project.

Trustee Erisman thanked Mr. Richter for his presentation.

FY 1997-98 Budget and FY 1997-98 Schedule of Tuition, Fees, and Other Charges. Mr. Moore and Ms. Deits reviewed the proposed budget, which is recommended for Board approval by President Ansell and the CSM Budget Committee. Mr. Moore stated that the proposed budget reflects the priorities and recommendations which the Budget Committee established, based upon requests and recommendations received from the campus community.

The Schedule of Tuition, Fees, and Other Charges will be effective beginning in the 1997 fall semester. Ms. Deits stated that the only change in mandatory fees is a \$5 increase in the Associated Students fee, which funds many student activities and programs. The Residence Hall and Housing rates increase by four to five percent, and the Outdoor Recreation Center charges are included for the first time.

Discussion ensued, following which the Board unanimously approved the FY 1997-98 Budget and the FY 1997-98 Schedule of Tuition, Fees, and Other Charges.

It was the consensus of the Trustees that a special meeting be scheduled so that Mr. Moore and Ms. Deits could conduct a "budget tutorial."

Board of Trustees Conference. Dr. Trefny presented the preliminary agenda for the upcoming Trustees Conference.

Research Conflict of Interest Policy. Mr. Liberatore presented the draft policy for discussion only. A final version of the policy will be presented to the Board for approval at its June 12, 1997, meeting.

Sabbatical Report. Professor Graham Mustoe presented a report on his sabbatical activities during the 1995-96 academic year.

Faculty Handbook. Trustee Erisman asked for comments on the minutes of the special Board meeting held on April 16, 1997. Dr. McNeil stated that he would like to amend the third underlined paragraph to include the phrase “contained in his memo to CSM faculty dated February 14, 1997” following the words “governance issues.” He has no further objections other than those contained in the above-mentioned memorandum.

The Board unanimously approved the minutes of the special meeting held on April 16, 1997, as amended.

Dr. Trefny called the Board’s attention to his memorandum of May 2, 1997, in which he forwarded the following recommendations to the Board:

Section 9.2.1: Insert word “serious” in part (5) to read:

“(5) a serious violation of...”

Dr. Trefny stated that this suggestion passed on a Committee vote of 3 to 2, but is opposed by President Ansell and Mr. Liberatore. He said that it is intended to avoid concerns that minor infractions of the Research Integrity Policy or the Research Conflict of Interest Policy could lead to tenure revocation.

Preface: Insert the following as the second sentence in the third paragraph:

Furthermore, except in special cases requiring prompt action, the Board intends to consider adopting amendments to the Handbook only during the spring semester of each academic year and to specify that such amendments will become effective at the conclusion of the academic year.

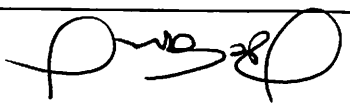
The Board unanimously rejected the recommendation that the word “serious” be inserted in Section 9.2.1 (5). and unanimously approved the recommendation that the above sentence be inserted in the Preface to the Faculty Handbook.

The Board unanimously ratified the Faculty Handbook as presented.

Faculty Senate Report. Dr. McNeil presented the Faculty Senate Report. On behalf of the Faculty Senate, he welcomed the new Trustees and expressed appreciation to the Trustees for permitting him to introduce the graduating class.

Legislative Report. President Ansell presented the legislative report.

May 8, 1997

A handwritten signature in cursive script, appearing to read "D. G. ...", is positioned below a horizontal line.

The meeting was adjourned at 5:00 p.m., and the Board commenced its executive session.

RECORD OF PROCEEDINGS

Estes Park, Colorado
June 12, 1997

The Board of Trustees met in regular session on June 12, 1997, at 7:00 p.m., at the Aspen Lodge.

Present: Trustees Coors, Erisman, Evans, Krug, Parcel, Powell, Student Trustee Jacobsen, and Student Trustee designate Shannon Miller.

Absent: Trustee Mooney.

Also attending the meeting were President Ansell; Interim Vice President Trefny; Vice Presidents Chevront and Moore; Dr. McNeil, President of the Faculty Senate; other staff members and visitors.

Trustee Erisman presided.

Previous Minutes. In the minutes of the meeting held on May 8, 1997, under the Mines Park discussion, Trustee Erisman requested that the following paragraph be inserted between paragraphs 3 and 5:

None among the Board decided to review the Board's approval of the Mines Park dormitory project.

The Board unanimously approved the minutes of the May 8, 1997, meeting, as amended.

Research Conflict of Interest Policy. The Board unanimously approved the Research Conflict of Interest Policy.

Visiting Committee Members. Dr. Trefny provided brief descriptions of the nominees for the Mining and Athletic Departments Visiting Committees.

The Board unanimously approved the nominees for the Mining and Athletic Departments Visiting Committees.

Faculty Hiring Actions. Dr. Trefny provided a list of faculty hiring actions, pointing out that two of the appointments have tenure - Raghu Krishnapuram and Philippe Ross.

Trustee Krug expressed concern that there are only two women out twelve on the list of hiring actions. She does not believe that this reflects the percentage of women students. She believes it would help in the recruitment of women students to have more women faculty.

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Graduate School Admissions. Dr. Kidnay provided the report on graduate admissions for Fall 1997, through May 31, 1997.

Enrollment/Admissions. Mr. Young provided the June 1, 1997, Admissions Report for Fall 1997.

Sponsored Projects. Dr. Kidnay provided the reports on new research award volume for May 1997.

Monthly Financial Reports. Mr. Moore provided the following reports: Current Funds Revenues, Expenditures and Other Changes for the Eleven Months Ended May 31, 1997; Auxiliary and Self-Funded Activities for the Eleven Months Ended May 31, 1997; and Balance Sheet, Non Current Funds Only, for the Eleven Months Ended May 31, 1997.

Environmental Health and Safety Report. Mr. MacPherson submitted the Environmental Health and Safety Report for the month of May 1997.

Institutional Advancement Report. Mr. Pougnet provided the Development Report Summary through May 31, 1997, which President Ansell reviewed in Mr. Pougnet's absence.

Administrative Faculty Salaries for Fiscal Year 1997-98. President Ansell reviewed the salaries, stating that the increases are based on a four percent pool.

The Board was also provided with a list of the 1997-98 salaries for the CSM Foundation employees.

Pilot Courses for New Curriculum. Dr. Trefny reviewed the proposed pilot courses to be offered during 1997-98 as part of the curriculum reform program.

It was the consensus of the Board that the administration should proceed with the proposed pilot courses.

Visiting Committee Response. The Board unanimously approved the response to the Visiting Committee report for the Division of Liberal Arts and International Studies.

Trustee Erisman stated that he would like to meet with some of the visiting committees to review their reports. President Ansell said that this could be arranged.

Faculty Handbook, Section XI (*Employment Contract Forms*). In President Ansell's memorandum of June 10, 1997, he stated that the Reconciliation Committee had discussed several contract issues raised in the context of recent Faculty Handbook discussions. Based upon the results of those discussions, he is presenting the following three items for consideration by the Board:

1. The most serious concern involves signing contracts which bind the faculty to unknown future changes which can be enacted unilaterally by the Board of Trustees. The draft contract forms refer to a specific edition of the Faculty Handbook but they also contain the statement: "Any employment policies and procedures promulgated by the Board in subsequent editions of the Handbook shall likewise be binding upon the Employee" (*ibid.*). The Reconciliation Committee was unable to reconcile fully the concerns of the faculty on this point, but wanted the matter brought to the Board's attention. President Ansell recommended that the contract forms remain unchanged on this point.

The Board unanimously approved the President's recommendation.

2. The Reconciliation Committee discussed the second sentence of the "Employment Contract Procedure" paragraph at some length, which says that "CSM reserves the right to supersede this Contract with a new form contract at any time." This is meant to read "CSM reserves the right to supersede this contract form with a new contract form at any time." President Ansell recommended approval of this change.

The Board unanimously approved the President's recommendation.

3. Faculty members are concerned that, if employment benefits are susceptible to unilateral change by the Board of Trustees, unexpected changes may occur during the salary renewal period. This appears to be principally a matter of "timely notification" and can be handled administratively through appropriate communications in the annual salary letter and/or by specific notifications as needed.

It was the consensus of the Board that timely notification of benefit changes should be handled administratively.

Faculty Handbook, Section XII (University Committees). Mr. Liberatore recommended that "Student Council" should be replaced with "Associated Students of CSM"

The Board unanimously approved Section XII (*University Committees*), as amended.

Program Plan for Proposed New Classroom Building. Mr. Moore told the Board that the amount of funds available for state-funded capital construction projects has increased significantly in the past several years, and it now appears as if this higher level of funding may continue for another few years. The recent increase in undergraduate enrollment has made it extremely difficult to find adequate classroom space during the prime undergraduate classtime hours. There is increasing demand for additional computer availability for CSM students. He said that these three factors have combined to encourage the formation of a request for state funding of a new classroom building.

Mr. Moore reviewed the Program Plan and recommended approval of submission of the Plan for the Center for Technology and Learning Media with direction to reconsider the exact location of the proposed building on the site.

RECORD OF PROCEEDINGS

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The Board unanimously approves submission of the Program Plan for the Center for Technology and Learning Media with direction to reconsider the exact location of the proposed building on the site.

Faculty Senate Report. Dr. McNeil presented the Faculty Senate Report. He emphasized that there is still significant faculty concern over the legal uncertainty surrounding the proposed Faculty Handbook and contracts. Dr. McNeil stated that the committee on evaluations has compiled the administrator evaluations.

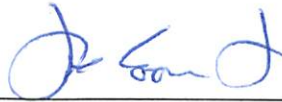
Legislative Report. Ms. Carr presented the legislative report.

Mines Park. Dr. Chevront gave the Board a status report on the project.

Recognition of Mr. Jacobsen. Trustee Erisman presented a silver Certificate of Appreciation to student Trustee Jacobsen. The Certificate reads:

In recognition of his
loyal and meritorious service as
a member of the Board of Trustees,
this certificate is presented to
DAVID JACOBSEN
by the Board of Trustees upon the
occasion of expiration of the term
June thirtieth, one thousand/^{ONE}hundred and ninety-seven.

The meeting was adjourned at 9:05 p.m., and the Board commenced its executive session.



June 12, 1997

CSM
BOARD OF TRUSTEES
AGENDA ITEM

Date of Meeting 5/8/97
Item Number III-c
Presented by Liberator

Subject: Research Conflict of Interest Policy

Background Information:

The draft policy is presented for discussion only. A final version of the policy will be presented to the Board for approval at its June 12 meeting.

Action Motion Requested:

COLORADO SCHOOL OF MINES RESEARCH CONFLICT OF INTEREST POLICY

Promulgated by the CSM Board of Trustees on _____, 1997.

I. STATEMENT OF AUTHORITY AND PURPOSE

This policy is promulgated pursuant to the authority conferred by §23-41-104(1), C.R.S. (1995 Repl. Vol.) in order to regulate the disclosure and resolution of potential conflicts of interest affecting individuals performing research at Colorado School of Mines, hereinafter "CSM." This policy shall supersede any previously promulgated CSM policy which is in conflict herewith.

II. PREFACE

This policy addresses two distinct categories of conflict of interest which may affect individuals performing research at CSM. The first type, covered by Part A below, involves the performance of sponsored research by an employee having a significant financial interest in the subject matter of the research. Such a situation must be carefully regulated, or the objectivity of the researcher may be questioned and public confidence in the research results may be diminished. The second type, addressed in Part B below, involves the use of CSM research facilities or equipment by an employee in projects funded outside of official CSM channels, in connection with private consulting work, or in the performance of research advancing the employee's own private interests. This type of activity, while of some potential benefit to CSM, must be carefully monitored to avoid the expenditure of State resources for private purposes.

PART A - DISCLOSURE OF FINANCIAL INTERESTS IN SPONSORED RESEARCH

1. POLICY STATEMENT

Each investigator who intends to engage in research funded by external sponsors through official CSM channels shall disclose, in accordance with appropriate provisions of section 3 of this Part A, all significant financial interests he or she may possess, including those of his or her spouse and dependent children, which a reasonable person may perceive to be affected by the research he or she intends to perform. If an Investigator has no significant financial interests in an intended research project, he or she shall execute an appropriate document so stating. All financial disclosures of this nature shall be evaluated and dealt with by representatives of CSM in accordance with the provisions outlined below in Part A of this policy. The failure of an investigator to disclose a significant conflict of interest or the violation of other significant provisions of this policy shall constitute grounds for imposition of sanctions upon the violator.

2. DEFINITIONS

For the purposes of this Part A, the following definitions shall apply:

- a. The term *Investigator* shall mean the principal investigator of a research project, each co-principal investigator of a research project, as well as any other employee or student who is responsible for designing, conducting, or reporting the research at issue.
- b. *Official CSM Channels* shall mean the established research contract review and approval process at CSM involving the Office of Research Services, hereinafter the "ORS," and other authorized representatives of CSM.

c. The term *Significant Financial Interest* shall mean anything of monetary value, including, but not limited to: (i) salary or other payments for services, such as consulting fees or honoraria; (ii) equity interests, such as stocks, stock options, or other ownership interests; and (iii) intellectual property rights, such as patents, copyrights, and royalties from such rights. The term *Significant Financial Interest* shall not include: (i) salary, royalties, or other remuneration from CSM; (ii) income from seminars, lectures, or teaching engagements sponsored by public or non-profit entities; (iii) income from service on advisory committees or review panels for public or non-profit entities; (iv) equity interests that, when aggregated for the investigator, the investigator's spouse, and the investigator's dependent children, do not exceed \$10,000 in value as determined through reference to public prices or other reasonable measures of fair market value and do not represent more than a 5% ownership interest in any single entity; or (v) salary, royalties, or other payments that, when aggregated for the investigator, the investigator's spouse, and the investigator's dependent children, have not exceeded \$10,000 during the preceding twelve month-period and are not expected to exceed \$10,000 during the coming twelve-month period.

3. DISCLOSURE AND EVALUATION PROCEDURE

a. **Investigator Disclosure Obligation.** Each investigator shall complete, execute, and submit a Financial Interest Disclosure Form to CSM at the proposal formulation stage of each sponsored research project in which he or she intends to participate. The investigator shall be obligated to update the information set forth in the Financial Interest Disclosure Form if such information has changed significantly during any stage of a covered research project.

b. **ORS Responsibilities.** The ORS shall collect and review completed Financial Interest Disclosure Forms and forward those forms indicating a potential conflict of interest to the Conflict of Interest Review Committee for further action.

c. **Conflict of Interest Review Committee.** The Conflict of Interest Review Committee, hereinafter the "Committee," shall consist of the Dean of Graduate Studies and Research, who shall serve as chair of the Committee, the Vice President for Business Affairs, and the Director of Legal Services. The Committee shall review potential conflicts of interest and perform other related duties which have been assigned to it under both Part A and Part B of this policy.

d. **Committee Responsibilities.** The Committee shall review each Financial Interest Disclosure Form which has been forwarded to it to determine whether a conflict of interest exists and what conditions or restrictions, if any, can be imposed by CSM to manage, reduce, or limit such conflict of interest. A conflict of interest exists when the Committee reasonably determines that a significant financial interest could directly and significantly affect the design, conduct, or reporting of research. Examples of conditions or restrictions which might be imposed to manage, reduce, or eliminate conflicts of interest include, but are not limited to: (i) public disclosure of significant financial interests; (ii) monitoring of research by independent reviewers; (iii) modification of research plans; (iv) disqualification from participation in portions of research which could be affected by significant financial interests; (v) divestiture of significant financial interests; or (vi) severance of relationships which create conflicts of interest. As part of its deliberations performed pursuant to this Part A, the Committee may interview the investigator and other participants in the research project, discuss the situation with appropriate CSM personnel or outside experts, and request production of any relevant documents for their review. If the Committee determines that imposing conditions or restrictions

CSM Research Conflict of Interest Policy
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would be either ineffective or inequitable, and the potential negative consequences which might arise from the conflict of interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, the Committee may recommend that the research be permitted to go forward without the imposition of any conditions or restrictions. Unless a shorter time frame has been requested by the investigator and approved by the Committee, or an extension of time is requested by the Committee and granted by the Vice President for Academic Affairs, hereinafter the "VPAA," the Committee shall conclude its deliberations and forward a written report including a recommended course of action, a justification therefor, and the entire document file upon which it has based its recommendation to the VPAA for decision within thirty days from the initiation of its deliberations.

- e. **VPAA Decision.** The VPAA shall review the document file and the recommendation of the Committee; interview the investigator, the Committee, and others, if deemed appropriate; and issue a decision resolving the matter within a reasonable time after delivery of the Committee's recommendation and supporting documentation. Unless unusual circumstances exist, a reasonable time for the VPAA to prepare and issue a decision should not exceed fifteen days.
- f. **Appeals.** Any investigator who is dissatisfied with the decision of the VPAA rendered pursuant to subsection 3.e. immediately above, may file a written appeal to the President within ten days of his or her receipt of the VPAA's decision.
- g. **Final Decision of CSM.** The President shall review the document file, the recommendation of the Committee, and the decision of the VPAA; interview the investigator, the Committee, and others, if deemed appropriate; and issue a decision resolving the matter within a reasonable time after receipt of the appeal. Unless unusual circumstances exist, a reasonable time for the President to prepare and issue a decision should not exceed fifteen days. Decisions of the VPAA which have not been appealed and all decisions of the President shall constitute final decisions of CSM under this policy.
- h. **Policy Enforcement and Sanctions.** Each investigator is required to comply with the financial disclosure requirements set forth in this policy as well as all other obligations imposed hereunder. Members of the CSM community are encouraged to report violations of this policy, which shall be investigated pursuant to the Faculty Misconduct Investigation Procedure contained in the CSM Faculty Handbook. Violators of Part A of this policy may be subjected to sanctions, which may include, but are not limited to, reprimand, suspension of research privileges, revocation of tenure, and termination for cause.
- i. **Notification of Funding Agency.** If CSM has found that a conflict of interest exists, but decides to allow proposed research to proceed without imposing conditions or restrictions on the basis that such conditions would be either ineffective or inequitable and that the potential negative consequences which might arise from the conflict of interest are outweighed by interests of scientific progress, technology transfer, or the public health and welfare, it shall inform appropriate representatives of the external funding agency of its determination and the basis therefor.
- j. **Record Keeping.** CSM shall maintain copies of all financial disclosures and records of all actions taken to resolve or manage conflicts of interest for at least three years beyond the termination or completion dates of the research projects to which they relate, or until final resolution of any administrative or legal action involving the records, whichever period is longer.

PART B - USE OF CSM PROPERTY FOR PRIVATE PURPOSES

1. POLICY STATEMENT

An employee who desires to utilize any CSM-owned facility, or any CSM-owned equipment or supplies, in projects funded outside of official CSM channels, in connection with private consulting work, or in the performance of research advancing his or her own private interests, shall, prior to such use, request permission from CSM in accordance with subsection 3.a. of this Part B. All requests of this nature shall be evaluated and resolved by the designated representatives of CSM in accordance with appropriate provisions of section 3 below. This policy does not cover research endeavors falling within the scope of an individual's employment as such term is defined in CSM's Patent Policy. The use by an employee of any CSM-owned research facility or any CSM-owned equipment or supplies in projects funded outside of official CSM channels, in connection with private consulting work, or in the performance of research advancing the employee's own private interests without first requesting and obtaining permission pursuant to this policy shall constitute grounds for imposition of sanctions upon the violator.

2. DEFINITIONS

For the purposes of this Part B, the following definitions shall apply:

- a. *CSM-Owned Research Facility* shall mean any office, classroom, laboratory, or other facility used for scientific testing, measurement, or experimentation which is owned or leased by CSM, or by the State of Colorado for the benefit of CSM, whether or not such facility is located on the CSM campus.
- b. *CSM-Owned Equipment or Supplies* means any personal property or fixture of greater than nominal value which has been acquired by CSM, or by the State of Colorado for the benefit of CSM, whether such property was acquired by lease, purchase, donation, gift, or in conjunction with a sponsored research project.
- c. *Official CSM Channels* shall mean the established research contract review and approval process at CSM involving the ORS and other authorized representatives of CSM.

3. APPROVAL PROCEDURE

- a. **Request for Permission.** Any employee desiring to utilize any CSM-owned facility or any CSM-owned equipment or supplies in projects funded outside of official CSM channels, in connection with private consulting work, or in the performance of research advancing his or her own private interests shall request permission from CSM prior to such use. An employee shall request permission by completing, executing, and submitting a Facilities & Equipment Utilization Form through his or her department head or division director. In cases in which the requesting party does not report to a department head or the department head is the requesting party, the employee shall submit the completed form to his or her immediate supervisor.
- b. **Supervisor Responsibilities.** CSM supervisors shall review all completed Facilities & Equipment Utilization Forms received, indicate their written approval or disapproval of each request, and promptly forward all forms to the Committee for further action. [The membership of the Committee is defined in section 3.c. of Part A above.]

CSM Research Conflict of Interest Policy
Page Five

- c. Committee Responsibilities.** The Committee shall review each Facilities & Equipment Utilization Form to determine whether sufficient CSM interest exists to justify the proposed usage, whether any laws, regulations, other CSM policies, or CSM contractual obligations prohibit or restrict the proposed usage, and the fees, if any, to be charged for the proposed usage, if permitted. As part of its deliberations performed pursuant to this Part B, the Committee may interview the individual requesting permission and other participants in the proposed project, discuss the situation with appropriate CSM personnel or outside experts, and request production of any relevant documents for their review. The Committee shall conclude its deliberations and forward a written report including a recommended course of action, a justification therefor, and the entire document file upon which it has based its recommendation to the VPAA for decision within a reasonable time after the initiation of its deliberations.
- d. VPAA Decision.** The VPAA shall review the document file and the recommendation of the Committee; interview the requesting party, the Committee, and others, if deemed appropriate; and issue a decision resolving the matter within a reasonable time after delivery of the Committee's recommendation and supporting documentation.
- e. Appeals.** A requesting party who is dissatisfied with the decision of the VPAA rendered pursuant to subsection 3.d. immediately above, may file a written appeal to the President within ten days of his or her receipt of the VPAA's decision.
- f. Final Decision of CSM.** The President shall review the document file, the recommendation of the Committee, and the decision of the VPAA; interview the requesting party, the Committee, and others, if deemed appropriate; and issue a decision resolving the matter within a reasonable time after receipt of the appeal. Decisions of the VPAA which have not been appealed and all decisions of the President shall constitute final decisions of CSM under this policy.
- g. Policy Enforcement and Sanctions.** All employees are expected to comply with the requirements of this policy and all obligations imposed hereunder. Members of the CSM community are encouraged to report violations of this policy, which shall be investigated pursuant to the Faculty Misconduct Investigation Procedure contained in the CSM Faculty Handbook. Violators of Part B of this policy may be subjected to sanctions, which may include, but are not limited to, reprimand, suspension of research privileges, revocation of tenure, and termination for cause.

RECORD OF PROCEEDINGS

Golden, Colorado
August 15, 1997

The Board of Trustees met in special session on August 15, 1997, at 9:00 a.m.

Present: Trustees Coors, Erisman, Evans, Krug, Mooney, Parcel, Powell, and student Trustee designate Shannon Miller.

Also attending the meeting were President Ansell; Vice Presidents Trefny, Chevront and Moore; other staff members and visitors.

Trustee Erisman presided.

Bond Issue Resolution. Dr. Chevront recognized those who have been instrumental in getting the Mines Park project to this point: Trustees Evans and Krug, Tim Cake, Linda Deits, Bob Francisco, Paul Leef, and Robert Moore. He stated that Alliance Construction Solutions has been selected for the project. Dr. Chevront distributed outlines of the Mines Park Project Budget and Design Highlights, and said that he believes that the concerns of the community have been addressed.

Trustee Evans expressed concern about completing the project within the time set. Dr. Chevront said that he believes it will be completed on schedule.

Mr. Moore said that the project has been approved by the Colorado Commission on Higher Education and the Joint Budget Committee.

Trustee Erisman thanked Trustees Evans and Krug and the staff for the fine work which they performed on this project.

Ms. Deits introduced David Scott of Hogan & Hartson, who explained that the process is in compliance with Senate Bill 28. The Preliminary Official Statement dated August 5, 1997, was distributed on Wednesday, August 13, and the Official Statement will be prepared after this meeting. The closing is set for August 27, 1997. She also introduced Kristin Stewart and Ron Kaiser of A.G. Edwards & Sons, Inc., who reviewed the financing.

Ms. Deits requested approval of the Authorizing Resolutions (Series 1997A and Series 1997B Bonds).

The Board unanimously approved the Authorizing Resolutions (Series 1997A and Series 1997B Bonds).

Colorado Highway Department Easement. Mr. Cake stated that the Colorado Department of Transportation plans to begin work this fall to replace the Sixth Avenue bridge over Clear Creek with a four-lane bridge and to construct a four-lane highway south

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from the bridge to the top of the hill. As a part of this project, the Department of Transportation has requested a temporary easement to three small separate parcels of CSM property located near the construction area. Upon completion of the project, the easement would expire and the property would be returned to CSM in its original condition. He recommended approval of the temporary easement to the Department of Transportation.

The Board unanimously approved the temporary easement to the Department of Transportation.

Trustees' Teacher's Award. Trustee Erisman stated that Trustees Krug and Powell will work with Drs. Trefny and Middleton on how to create such an award.

Presidential Search.

Budget. Trustee Erisman tentatively proposed a budget of \$200,000.00, \$75,000.00 to come out of School reserves and \$125,000.00 to come from the CSM Foundation. President Ansell stated that it is difficult to determine what the total cost will be. He cautioned that sufficient funds need to be allocated to hire an external search firm, in addition to the costs associated with staffing the search. President Ansell proposed that a special account be set up by the CSM Foundation for the purpose of paying expenses associated with the search.

President Ansell left the meeting at this time.

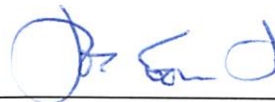
Trustee Evans reviewed the budget which he had prepared, and said that he had come up with a total of \$235,000.00.

Search Advertisement and Presidential Position Description. Ms. Lane and Mr. Liberatore will prepare drafts of the search advertisement and the presidential position description by August 25, 1997.

Compensation. Trustees Mooney, Parcel, and Powell will work with the external search firm on this issue. The issue of tenure will also be explored.

Alumni Relations Committee. Trustees Evans, Krug, and Miller will serve on this committee.

The meeting was adjourned at 10:30 a.m., and the Board commenced its executive session.



August 15, 1997

RECORD OF PROCEEDINGS

Golden, Colorado
September 12, 1997

The Board of Trustees met in regular session on September 12, 1997, at 9:15 a.m.

Present: Trustees Erisman, Evans, Krug, Mooney, Parcel, Powell, and Student Trustee Shannon Miller.

Absent: Trustee Coors.

Also attending the meeting were President Ansell; Vice Presidents Trefny, Chevront, Moore, and Pougnet; Mr. Weiskopf, Executive Director of the CSM Foundation; Dr. McNeil, President of the Faculty Senate; other staff members and visitors.

Trustee Erisman presided.

Oath of office. Ms. Debby Page Lane administered the oath of office to Student Trustee designate Shannon Miller.

Previous Minutes. The minutes of the June 12, 1997, meeting were unanimously approved.

On Page 2 of the minutes of the special session held on August 15, 1997, under the section which reads **Alumni Relations Committee**, Student Trustee Miller's name should be added to the committee. The section which reads **Alumni Coordination Effort** should be eliminated.

The minutes of the August 15, 1997/^{meeting}were unanimously approved as amended.

Sabbatical Request. Dr. Trefny provided information on the sabbatical request of Dr. Alexander Kaufman, Professor of Geophysics, for the spring semester of the 1997-98 academic year. He explained that the request is being made now because the opportunity to which Professor Kaufman wishes to respond did not materialize until after the Board's decisions for the AY 1997-98 requests were made last Spring. Dr. Trefny recommended approval of Dr. Kaufman's request.

Trustee Erisman stated that he would prefer wording which indicates that the request is in conformity with the requirements of both the statute and the Colorado Commission on Higher Education.

The Board unanimously approved the sabbatical request of Dr. Alexander Kaufman for the spring semester of the 1997-98 academic year.

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Faculty Hiring Actions. Dr. Trefny provided a list of faculty hiring actions, pointing out that Dr. Hussein Amery is an Assistant Professor, not a Professor.

Graduate School Admissions. Dr. Kidnay provided the report on graduate admissions for Fall 1997, through August 31, 1997.

Enrollment/Admissions. Mr. Young provided the September 1, 1997, Admissions Report for Fall 1997. Ms. Smith provided the Fall 1997-98 Enrollment Statistics.

Sponsored Projects. Dr. Kidnay provided the reports on new research award volume for June, July, and August 1997.

Monthly Financial Reports. Mr. Moore provided the June 30, 1997, board report in an alternate format. He stated that it consolidates the activity of all CSM funds using the basic form of a "Statement of Changes in Fund Balance." However, revenue and expenditure detail are presented in nontraditional groupings intended to simplify and facilitate the Board's review of CSM's financial position.

Discussion ensued regarding the proposed reporting format.

Environmental Health and Safety Report. Mr. MacPherson submitted the Environmental Health and Safety Reports for the months of June, July, and August 1997.

Institutional Advancement Report. Mr. Pougnet provided the Development Report Summary through July 31, 1997.

Geology Visiting Committee Schedule. Inasmuch as the Board has expressed an interest in attending the exit meetings of the School's visiting committees, Dr. Tefny provided the schedule for the Geology Visiting Committee, which will visit campus on September 22 and 23, 1997. Specifically, the exit meeting is scheduled for September 23, at 3:00 p.m., in the Student Center.

CSM Exempt Faculty Employment Contract-PERA Retiree Appointment. Mr. Liberatore stated that over the summer, in preparing the contracts, it became necessary to develop a new form which had not existed but was a variation of the existing forms. It is not commonly used, but it has been used once and will probably be used in the future.

The Board unanimously approved the CSM Exempt Faculty Employment Contract-PERA Retiree Appointment.

Visiting Committee Responses. Dr. Trefny provided copies of proposed responses to the visiting committee reports for Mathematical and Computer Sciences, Physics, and the Library. Trustee Erisman discussed the concerns expressed by the Library Visiting Committee.

The Board unanimously approved the responses to the visiting committee reports for Mathematical and Computer Sciences, Physics, and the Library.

CSM Master Plan Revision. Mr. Moore discussed the rationale for requesting the revision to the CSM Master Plan and recommended approval.

The Board unanimously adopted the following Resolution:

WHEREAS, the Board of Trustees, hereinafter the "Board," is aware that the recently acquired parcel of real property situated on the southeast corner of the CSM campus, formerly known as the Jefferson County courthouse and its appurtenant property, hereinafter the "Property," was originally acquired by CSM with the intention of using it for auxiliary enterprises; and

WHEREAS, the Board recognizes that the need for space for classrooms and other academic activities on the CSM campus has grown rapidly in the last few years; and

WHEREAS, the Board has previously approved the temporary use by CSM of a portion of the Property for academic purposes and has received formal State approval of its decision.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD THAT:

The Board hereby approves the permanent use by CSM of a portion of the Property for academic purposes and directs the administration to seek appropriate State approval of this decision.

Temporary Easement on CSM Property. Mr. Moore requested that the Board grant a temporary easement to the City for construction of water lines in the Mines Park area. The actual alignment of the lines has not been established, so the proposed easement is for a general area. After the exact location of the lines is identified (either during or after the construction phase), the Board will be asked to grant a permanent easement for the water lines.

The Board unanimously approved Mr. Moore's recommendation to grant a temporary easement to the City of Golden for a water line at Mines Park.

Faculty Senate Report. Dr. McNeil presented the Faculty Senate Report. He said that the two dates proposed for campus visits by the Board of Trustees are October 13 and November 18.


Legislative Report. Ms. Carr presented the legislative report.

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Presidential Advisory Search Committee. Trustee Erisman announced the following appointments to the Presidential Advisory Search Committee: Drs. David Matlock and Sam Romberger will represent the faculty; Derek Wilson will represent the administrative faculty; and Barbara Pratt-Johnson will represent the classified employees.

The meeting was adjourned at 10:42 a.m., and the Board commenced its executive session.



September 12, 1997

RECORD OF PROCEEDINGS

Golden, Colorado
October 10, 1997

The Board of Trustees met in regular session on October 10, 1997, at 9:20 a.m.

Present: Trustees Coors, Erisman, Evans, Mooney, Parcel, Powell, and Student Trustee Shannon Miller.

Absent: Trustee Krug.

Also attending the meeting were President Ansell; Vice Presidents Trefny, Chevront, Moore, and Pougnet; Mr. Weiskopf, Executive Director of the CSM Foundation; Dr. McNeil, President of the Faculty Senate; other staff members and visitors.

Trustee Erisman presided.

Previous Minutes. Trustee Erisman requested that paragraph 1 on page 4 of the September 12, 1997, minutes be amended as follows:

Presidential Advisory Search Committee. After extensive discussion, it was the consensus of the Board that the following individuals be appointed to serve on the Presidential Advisory Search Committee: Drs. David Matlock and Sam Romberger will represent the faculty; Derek Wilson will represent the administrative faculty; and Barbara Pratt-Johnson will represent the classified employees.

The minutes of the September 12, 1997, meeting were unanimously approved as amended.

Temporary Easement on CSM Property. Mr. Moore stated that last year, CSM gave the City of Golden a one-year easement for construction of the white water course. Since that easement has expired, the City is requesting another temporary easement for construction of the course. Mr. Moore recommends approval.

The Board unanimously approved the motion to grant a temporary easement to the City of Golden for construction of the white water course in Clear Creek.

Faculty Hiring Actions. Dr. Trefny provided a list of faculty hiring actions (adjuncts, instructors, lecturers, visiting faculty, and coaches).

Graduate School Admissions. Dr. Kidnay provided the final report on graduate admissions for fall 1997. He also provided spring 1998 graduate admissions figures.

Enrollment/Admissions. Ms. Smith provided the Registrar's Report for Fall 1997.

Sponsored Projects. Dr. Kidnay provided the report on new research award volume for September 1997.

Monthly Financial Reports. Mr. Moore provided the following reports: Current Funds Revenues, Expenditures, and Other Changes for the Two Months Ended August 31, 1997; Auxiliary and Self-Funded Activities for the Two Months Ended August 31, 1997; Statement of Changes in Fund Balances for the Two Months Ended August 31, 1997; and Balance Sheet, Noncurrent Funds Only for the Two Months Ended August 31, 1997.

Environmental Health and Safety Report. Mr. MacPherson submitted the Environmental Health and Safety Report for the month of September 1997.

Institutional Advancement Report. Mr. Pougnet provided the Development Report Summary through September 30, 1997.

Chemistry/Geochemistry Visiting Committee Schedule. The exit meeting of the Chemistry/Geochemistry Visiting Committee will take place on Tuesday, October 28, 1997, at 1:00 p.m., in the Boardroom in Guggenheim Hall.

Optional Retirement Plans Report. Mr. Weiskopf stated that the report requires some changes, and that when the report is finalized it will be given to the Trustees.

Proposed Sale of SuperNet, Inc. Trustee Erisman excused himself from the discussion.

President Ansell presented the issues surrounding the proposed sale of SuperNet, Inc. (SNI) by NewSuperNet (NSN), its non-profit parent. Since CSM is a participating member of the NSN Board, the sale must be ratified by the CSM Board of Trustees.

President Ansell introduced Mr. Derek Wilson, Director of the CSM Computing Center, and a current NewSuperNet board member, who responded to questions.

Extensive discussion ensued, following which the Board unanimously approved Resolutions of Stock Purchase Ratification (Exhibit 1), and Amendment to NewSuperNet Articles of Incorporation (Exhibit 2), both of which are appended hereto.

Board of Trustees' Outstanding Faculty Award (BOTOFA). Trustee Powell reviewed the draft Board of Trustees' Faculty Award and memorandum prepared by Trustee Krug. Trustee Erisman stated he has some concerns about this item and would like it tabled. Trustee Powell agreed that it should be deferred.

Program Discontinuance Policy. Dr. Trefny provided a draft document entitled "Policy and Procedures for the Discontinuance of Academic Degrees With Low Demand." He also provided a copy of the CCHE parent policy which was approved by the Commission in

May 1997. At that time, the governing boards were requested to develop and approve institutional policies by October 15, 1997. Dr. Trefny recommended Board approval of the draft document.

The Board unanimously approved the document entitled "Policy and Procedures for the Discontinuance of Academic Degrees with Low Demand."

Faculty Senate Report. Dr. McNeil presented the Faculty Senate Report. He thanked the Board for meeting with the faculty regarding the presidential search. Dr. McNeil stated that three Board members will be visiting the campus on the morning of November 18. The visit will conclude with lunch.

Dr. McNeil encouraged continuing discussion regarding the contract disagreement. He repeated his request to leave the contractual status of the involved faculty in limbo while allowing the Handbook Committee the time it needs to address this critical issue. Trustee Erisman responded that it is the consensus of the Board not to revisit the tenure contract issue. He believes that there is a process in place to revisit the issue of the language of the contracts and hopes that this will be resolved within that process.

Trustee Erisman thanked Dr. McNeil for making the Senate available for the meeting regarding the presidential search.

Legislative Report. President Ansell presented the legislative report. He stated that October 16th is the day scheduled for the annual meeting with the Joint budget Committee. Questions and answers will be provided to Trustee Erisman, who will be appearing before the Joint Budget Committee.

Curriculum Revision Update. Dr. Trefny provided an update on the curriculum revision process.

Sabbatical Report. Dr. Robert M. Baldwin, Professor and Head of the Chemical Engineering and Petroleum Refining Department, furnished a written report on his sabbatical activities which took place during the spring semester of 1997. He will make an oral presentation at a later time.

Presidential Search. Trustee Erisman presented the following items for discussion and approval: Criteria for Successful Candidate for Position of the President of the Colorado School of Mines, Presidential Advisory Search Committee Charter, and a draft copy of the advertisement.

The Board proposed several changes, and unanimously approved the above-named documents as amended.

RECORD OF PROCEEDINGS

Golden, Colorado
December 19, 1997

The Board of Trustees met in regular session on December 19, 1997, at 9:20 a.m.

Present: Trustees Coors, Erisman, Evans, Krug, Parcel, Powell, and Student Trustee Shannon Miller.

Absent: Trustee Mooney.

Also attending the meeting were President Ansell; Vice Presidents Trefny, Chevront, Moore, and Pougnet; Mr. Weiskopf, Executive Director of the CSM Foundation; Dr. McNeil, President of the Faculty Senate; other staff members and visitors.

Trustee Erisman presided.

Previous Minutes. The minutes of the October 10, 1997, meeting were unanimously approved.

Candidates for Degrees. Lists of candidates for degrees recommended by the faculty were distributed to the Trustees.

Trustee Erisman recognized Dr. McNeil, who stated that the lists of graduate and undergraduate degree candidates were certified by the faculty at its December 10 meeting as having the qualifications entitling them to their respective diplomas subject to the completion of all remaining requirements. Names of those candidates not meeting all requirements for the December 19 commencement will be resubmitted to the faculty for certification if they subsequently reapply. Drs. Chevront and Kidnay concurred.

Dr. McNeil stated that one of the students was placed on the graduation list by an action of the Faculty Senate despite having a GPA of 1.984 (below the 2,000 standard) upon the recommendation of the faculty of the Metallurgical and Materials Engineering Department.

Upon motion made, seconded, and unanimously passed, the candidates whose names appear on the lists were approved for degrees on the dates specified, subject to the completion of all academic requirements and continued compliance with school requirements and regulations.

Faculty Hiring Actions. Dr. Trefny updated the Board on recent faculty hiring actions.

Graduate School Admissions. Dr. Kidnay provided the monthly report on graduate admissions for spring 1998, through November 30, 1997.

Enrollment/Admissions. Mr. Young provided the December 1, 1997, Admissions Report for Spring 1998.

RECORD OF PROCEEDINGS

Ms. Smith presented the Graduation and Persistence Report for Fall 1997.

Sponsored Projects. Dr. Kidnay provided the reports on new research award volume for October and November 1997.

Monthly Financial Reports. Mr. Moore provided the following reports: Current Funds Revenues, Expenditures, and Other Changes for the Four Months Ended October 31, 1997; Auxiliary and Self-Funded Activities for the Four Months Ended October 31, 1997; Statement of Changes in Fund Balances for the Four Months Ended October 31, 1997; and Balance Sheet, Noncurrent Funds Only for the Four Months Ended October 31, 1997.

Environmental Health and Safety Report. Mr. MacPherson submitted the Environmental Health and Safety Reports for the months of October and November 1997, which Mr. Moore reviewed in Mr. MacPherson's absence.

Institutional Advancement Report. Mr. Pougnet provided the Development Report Summary through November 30, 1997.

Optional Retirement Plans Report. Mr. Weiskopf reviewed the report. Trustee Erisman said that he wants to have a Board committee work with the ORP Committee so that a decision can be reached. Trustee Coors stated that he would be very reluctant to vote on the report at this time.

It was the consensus of the Board to continue the status quo and to table this item.

Proposed Rates for Mines Park, 1998-99. Ms. Deits reviewed the proposed rental rates for the new facilities. The rates will be effective August 1, 1998, and will generate sufficient revenue to pay the annual debt service requirements. Dr. Chevront said that this will allow them to set aside \$75,000.00 per year for maintenance, etc., and will leave a surplus of \$122,000.00 after everything is paid.

Discussion ensued, following which the Board unanimously approved the proposed rental rates for Mines Park for 1998-99.

Mines Park Progress Report. Trustee Evans distributed the routine Design/Build Team Meeting Agenda and discussed the status of the project.

Placement Report. Mr. Brummett presented the Placement Report.

Geophysics Visiting Committee Report response. Dr. Trefny reviewed the proposed response. Trustee Erisman stated that he is very impressed with the report, but emphasized that there should be more communication among the departments. He said that the Board takes these reports very seriously.

The Board unanimously approved the response to the Geophysics Visiting Committee report.

Sabbatical Reports. Drs. Baldwin and Macalady presented sabbatical reports. Copies of their written reports were also provided.

1998 BOT Conference suggested topic. President Ansell said that the suggested topic for the Conference is status and issues of the institution: a prelude to the incoming President's planning effort.

Alumni Matters. Trustee Evans reported that a decision regarding the appointment of a consultant to evaluate the Alumni Association has not yet been made. He said that a decision will be made soon regarding the appointment of an Executive Director for the Alumni Association.

Faculty Senate Report. Dr. McNeil presented the report and stated that this is his last meeting as Faculty Senate President. In addition to endorsing the candidates for degrees, he discussed the BOT campus visits of Trustees Erisman, Evans, and Parcel. Also contained in his report was a discussion of PERA v. ORP.

Dr. McNeil stated that the faculty has concerns about the curriculum reform in terms of implementation, timing, resources, etc. He also has a personal concern regarding the weakness of faculty governance. He said that there is a problem getting people to run for the Faculty Senate. He feels that for the Faculty Senate President, a monetary reward might help as well as release time. He believes that it would be wise for the administration to consider these concerns in the future.

Trustee Erisman thanked Dr. McNeil for keeping issues in front of the Board and for encouraging the Board members to participate in campus visits. He also thanked him for his hard work.

Legislative Report. Dr. Carr presented the legislative report.

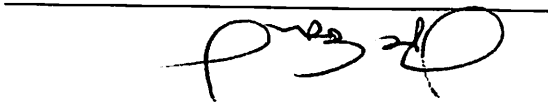
Curriculum Revision Update. Dr. Trefny provided an update on the curriculum revision process.

Low Enrollment Programs. Dr. Trefny furnished a written report.

Program Review Reports. As required by the Academic Program Review Policy of the CCHE, Dr. Trefny provided reports from Chemical Engineering and Petroleum Refining, Environmental Science and Engineering, Petroleum Engineering, and Physics. The degree programs in these units were scheduled for review this year, as part of the six-year cycle of review for all degree programs at CSM.

Environmental Science and Engineering Review. Dr. Trefny stated that new degree programs are subject to a comprehensive review by the Board of Trustees and by the CCHE in their fifth year. The Ph.D program in Environmental Science and Engineering is subject to such a review this year. Dr. Trefny presented this item based upon the Division's report, which was presented under Program Review Reports above.

December 19, 1997



A handwritten signature, likely "Dr. Sand", written in black ink above a horizontal line.

Electronic Mail Policy. Mr. Liberatore provided a copy of the draft policy, which will be reviewed at the February Board meeting.

The meeting was adjourned at 12:10 p.m., and the Board commenced its executive session.

COLORADO SCHOOL OF MINES
BOARD OF TRUSTEES RESOLUTION

WHEREAS, the Board of Trustees acknowledges that the duties assigned to the President of Colorado School of Mines require the President to engage in extensive out-of-town travel for fund raising and other important CSM business. The Board also acknowledges that the duties assigned to the President require the President to host or attend many academic ceremonies, official functions, and social events within the State of Colorado; and

WHEREAS, the Board understands that the assignments listed above necessitate that the President devote substantially more time to the performance of his or her official duties than is contemplated by a traditional forty hour work week, upon which CSM leave allowances are based. The Board also understands that requiring the President to keep accurate personal leave records would impose a difficult administrative burden upon the President; and

WHEREAS, the Board is aware that: (1) upon an exempt employee's severance from CSM, he or she is compensated for the full monetary value of his or her accrued annual leave; (2) if at the time of such severance, the employee is eligible to receive a full or reduced annuity pursuant to PERA guidelines, he or she is also compensated for the monetary value of twenty-five percent of his or her accrued sick leave; and (3) all monetary compensation paid to an employee in exchange for his or her accrued leave is considered to be income earned by the employee prior to termination.

NOW, THEREFORE, BE IT HEREBY RESOLVED BY THE BOARD THAT:

Henceforth, unless special circumstances arise and the Board specifically directs to the contrary, the President of CSM, upon his or her severance or retirement, shall be entitled to claim the maximum accumulation of annual and sick leave based upon his or her total length of presidential service. These leave balances shall be calculated according to the appropriate administrative faculty leave formulas contained in the CSM Faculty Handbook, subject to any maximum carryover limitations contained therein.

DONE AND SIGNED in an open meeting of the Board of Trustees of Colorado School of Mines in Golden, Colorado on this 10th day of October, 1997.



Frank Erisman
President of the Board of Trustees
Colorado School of Mines

COLORADO SCHOOL OF MINES
BOARD OF TRUSTEES RESOLUTION

Amendment to Newsupernet Articles of Incorporation

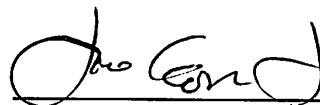
WHEREAS, on October 6, 1997, the Board of Directors of Newsupernet, has adopted amendments to the Articles of Incorporation of Newsupernet as set forth on the Proposed Amendments to Articles of Incorporation presented to this meeting (the "Proposed Amendments"), [a copy of which shall be attached to the minutes of this meeting as Exhibit 2]; and

WHEREAS, Article V, Section 3, and Article IX of the Articles of Incorporation of Newsupernet require the written consent and ratification to the Proposed Amendments by the Colorado Board of Agriculture, the Board of Regents of the University of Colorado, the Board of Trustees of the Colorado School of Mines, and the Commission of the Colorado Advanced Technology Institute, and the Board of Directors of Newsupernet has recommended that the Trustees of the Colorado School of Mines consent to and ratify the Proposed Amendments; and

WHEREAS, the Board of Trustees of the Colorado School of Mines has considered the proposed amendments to the Articles of Incorporation and have determined that the Proposed Amendments are in the best interest of Newsupernet;

IT IS THEREFORE RESOLVED, that the Board of Trustees of the Colorado School of Mines hereby consents to and ratifies the Proposed Amendments as presented to this meeting; and

FURTHER RESOLVED, that the Board of Trustees of the Colorado School of Mines hereby authorizes and directs that the Secretary execute and deliver to the officers of Newsupernet the Trustees' express written consent and ratification of the Proposed Amendments to the Articles of Incorporation.



Joe Coors, Jr.
Secretary of the Board of Trustees
Colorado School of Mines

COLORADO SCHOOL OF MINES

BOARD OF TRUSTEES RESOLUTION

Stock Purchase Ratification

WHEREAS, on September 29, 1997, the Board of Directors of Newsupernet adopted resolutions authorizing and directing the sale of the shares of Common Stock of Supernet, Inc. ("Supernet"), owned by Newsupernet to Qwest Communications Corporation ("Qwest"), pursuant to a Stock Purchase Agreement in the form presented at this meeting, [a copy of which shall be attached to the minutes of this meeting as Exhibit 1]; and

WHEREAS, pursuant to Article V, Section E of the Articles of Incorporation of Newsupernet, a sale of assets of Newsupernet must first be ratified by the Colorado State Board of Agriculture, the Board of Regents of the University of Colorado, the Board of Trustees of the Colorado School of Mines and the Commission of the Colorado Advanced Technology Institute; and

WHEREAS, the Board of Trustees of the Colorado School of Mines has determined that it is in the best interest of Newsupernet that the Common Stock of Supernet be sold pursuant to the Stock Purchase Agreement;

IT IS THEREFORE RESOLVED, that the Board of Trustees of the Colorado School of Mines hereby expressly ratifies the action of the Board of Directors of Newsupernet in approving and authorizing the execution, delivery and performance of the Stock Purchase Agreement, and the sale by Newsupernet pursuant to the Stock Purchase Agreement of the Common Stock of Supernet; and

FURTHER RESOLVED, that the Board of Trustees of the Colorado School of Mines hereby authorizes and directs that the Secretary execute and deliver to the officers of Newsupernet the Trustees' express written ratification of the Stock Purchase Agreement and the sale of stock of Supernet pursuant to said Stock Purchase Agreement.



Joe Coors, Jr.
Secretary of the Board of Trustees
Colorado School of Mines

Edward R. Liberatore
Director

COLORADO SCHOOL OF MINES
GOLDEN, COLORADO 80401-1887

Office of Legal Services
303/273-3325
FAX: 303/273-3040
e-mail: eliberat@mines.edu

October 23, 1997

Mr. Joe Coors, Jr.
ACX Technologies
16000 Table Mountain Parkway
Golden, Colorado 80403

RE: Execution of Certificate Evidencing Board of Trustees Approval of Sale of Supernet, Inc.

Dear Joe:

The enclosed document, which we are requesting that you sign and return to us, is a Certificate prepared by the attorney for Newsupernet to evidence the fact that the CSM Board of Trustees approved the proposed sale of Supernet, Inc. stock and the amendments to Newsupernet's Articles of Incorporation at its recent meeting held on October 10, 1997. The secretary of each of the involved governing boards and commissions is being asked to sign a similar Certificate. These documents are needed by the attorneys to consummate the sale of Supernet, Inc. to Qwest Communications Corporation.

For your information, the recent controversy concerning CATT's reluctance to approve both Newsupernet resolutions in a form identical to the resolutions approved by our Board on October 10th has been resolved to our satisfaction. To facilitate settlement of this dispute, CSM, CSU, and CU have agreed (in a non-binding fashion) to spend their respective shares of the Supernet, Inc. sale proceeds in the fields of science and technology. George did not feel that this stipulation would substantially limit our discretion in putting these funds to use at CSM. I have enclosed a copy of the Statement of Intention agreed to by CSM, CSU, CU, and CATT, which has been signed by John Trefny in George's absence. If you have any questions about this matter, please feel free to call me.

Sincerely,



Edward R. Liberatore

cc: George S. Ansell

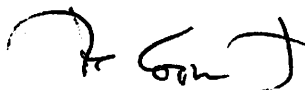
Enclosures

Handwritten notes:
G.S.A.
10/23/97



CERTIFICATE

The undersigned hereby certifies that [he]~~[she]~~ is the duly elected, qualified and acting secretary of the Board of Trustees of the Colorado School of Mines and that the Board has expressly ratified the proposed sale by Newsupernet of all of the outstanding shares of common stock of Supernet, Inc., to Qwest Communications Corporation pursuant to a Stock Purchase Agreement dated September 30, 1997, and amendments to the Articles of Incorporation of Newsupernet as adopted by the Board of Directors of Newsupernet on October 6, 1997.



Secretary

Joe Coors, Jr.

[Print Name]

STATEMENT OF INTENTION

In 1987, the University of Colorado ("CU"), Colorado State University ("CSU"), Colorado Schools of Mines ("CSM") and Denver University ("DU") (together, the "Universities"), along with the Colorado Advanced Technology Institute ("CATI"), caused Colorado SuperNet, Inc. ("CSN"), to be formed as a Colorado non-profit corporation, for the purpose of developing certain computer technology for the benefit of the Institutions and the State of Colorado. In 1993, the technology developed by CSN was transferred to SuperNet, Inc. and in 1995, Newsupernet ("NSN") was formed, as a successor to CSN. NSN now owns all the outstanding stock of Supernet, Inc., which NSN has agreed, pursuant to a Stock Purchase Agreement dated September 30, 1997, to sell to Qwest Communications Corporation.

It is anticipated that NSN will realize approximately \$14,900,000, after expenses of sale, from such transaction. That sum will be retained pursuant to the terms of the Agreement until certain obligations of NSN under the Agreement have been satisfied or expire. Thereafter, the remaining proceeds could be distributed by NSN to the Universities and CATI. The CATI Commission has requested that the Universities and CATI state their intentions as to the use of any funds received, if such distribution is made.

The undersigned, on behalf of their respective Universities and CATI, hereby state their mutual intentions that, if funds are distributed to the Universities and CATI as described above, such funds will be used to support research in fields of science and technology or to support other activities which promote the development and application of science and technology for the benefit of the people of the State of Colorado.

UNIVERSITY OF COLORADO

By: _____
Title: _____

COLORADO SCHOOL OF MINES

By: John W. Long
Title: Vice President for Academic Affairs
and Dean of Faculty

COLORADO STATE UNIVERSITY

By: _____
Title: _____

COLORADO SEMINARY (UNIVERSITY OF DENVER)

By: _____
Title: _____

COLORADO ADVANCED TECHNOLOGY INSTITUTE

By: _____
Title: _____