Minutes of the Stated Meeting of the Executive Committee of the Trustees of the University of Pennsylvania

15 April 1982

A stated meeting of the Executive Committee was held on Thursday, 15 April 1982. Trustees attending included: Samuel H. Ballam, Jr.; John Eckman; Sheldon Hackney; Carl Kaysen; John B. Neff; Sara S. Senior; Robert L. Trescher; and Jacqueline Wexler. Others present were Richard Clelland; Robin Davis; Thomas Ehrlich; Karen Gaines; Edward G. Jordan; Matthew Hall; Arthur Hirsch; Thomas Langlitt; Phoebe Leboy; Mark Levitan; Robert Lovernal; Lynn Manko; Anthony Marx; Edward McFall; Denise McGregor; Mary Ann Meyers; Bette Miller; William Owen; Frances Rozinski; Randy Schilling; James Spady; Edward Szczepkowski; and Victor Wolski.

I. Call to Order

In the absence of Chairman Paul F. Miller, Jr., Mr. Trescher called the meeting to order. He noted the presence of a quorum, and went on to say that this was the first meeting of the Executive Committee or the full board that Mr. Miller had missed in four years as chairman. "Such faithful attendance is a tremendous tribute to an extraordinarily busy man," the vice chairman observed. He then noted that because he had been outside the meeting room signing letters for the Development Office at the beginning of the 18 March meeting, a quorum had not been present when resolutions were adopted on the appointments of a director of the University Museum, dean of the Law School, and vice president for operational services. "These resolutions subsequently received the unanimous consent, in writing, of the Executive Committee," Mr. Trescher said, "and there is no further question about the validity of the three appointments." He then asked and received approval of the minutes of the 18 March 1982 meeting as written by the secretary.

II. Report of the Chairman

A. Mr. Trescher reported that subscriptions for the period 1 July 1981 to 9 April 1982 totaled more than $37 million and actual receipts were just under $30 million.

B. Action: A Resolution on the Authorization of a Celebration of the 100th Anniversary of the Founding of the University Museum was approved as follows:

Intention:

The University Museum traces its founding to the decision of the Trustees of the University of Pennsylvania on 6 December 1887 to send "an exploring expedition to Babylon" and to bring such finds as could be exported "to the City of Philadelphia...to become the property of the University of Pennsylvania provided the...University furnish suitable accommodation...in a fire-proof building." In this minute are woven a commitment to field research, exhibition, and education which has made the University Museum one of the great centers of archaeology and
anthropology in the world.

Since the first adventurous scholars journeyed to the ancient city of Nippur, Museum expeditions have resulted in a number of the most significant archaeological operations ever undertaken by any one institution and in the accumulation of immense collections of archaeological and anthropological artifacts. A large proportion of the Museum's holdings, now estimated to number over two million objects, are the by-products of organized, systematic research; and in this respect, the University Museum is unique among museums of the first rank.

With pride in the Museum's past and confidence in its future, the Trustees of the University of Pennsylvania are

RESOLVED, that the University Museum be authorized to celebrate the 100th anniversary of its founding in 1987 and to undertake all preparations necessary to a fitting observation of that centennial.

C. Action. A Resolution of Appreciation to Gerald L. Robinson was approved as follows:

Intention:

Gerald L. Robinson's record of service and dedication to the University of Pennsylvania beginning more than thirty years ago is truly a testament of loyalty worthy of emulation for both this and future generations of Pennsylvanians.

As an undergraduate he combined intellectual growth, physical prowess, and personal development in such a way as to epitomize the Ivy ideal of the scholar-athlete. As a talented varsity football player, an active member of a fraternity and as a concerned and involved member of the Class of 1954, he demonstrated the qualities of scholarship, leadership, and service which were recognized by his being awarded the coveted Spoon, elected to membership in the Friars Senior Society, and voted the president of his class.

Jerry's outstanding undergraduate career was a prologue to a distinguished post-graduate one. As a student he continued to an advanced degree in education. As a member of the administration, first in admissions then in student life, he served in positions of increasing responsibility with proficiency, diligence, and sensitivity. All who came to know him appreciated his fairness, candor, concern, and good humor. Over the past decade, as executive director of personnel relations, he brought his management skills, problem solving ability, and warm interest in other people to an area of growth, complexity, and challenge.

While he has done so much for so many he has never seemed to exhaust his reserves of energy. He has served the University as an active volunteer in countless ways. Whether in heading his alumni class, the Faculty Club Board of Governors, or the Friars Graduate Board, or in participating in the work of numerous committees, or by accompanying his undergraduate daughter to a campus event, or travelling to more distant destinations for a variety of programs, he has always been tireless in his commitment to serving the University of Pennsylvania. In all these varied roles, Jerry has been a valued counselor, educator, colleague, and friend.

RESOLVED, that the Trustees of the University of Pennsylvania on behalf of themselves, the students, the faculty, the alumni, the administration, and staff of the University express to Gerald L. Robinson appreciation for his service.

III. Report of the President

A. Dr. Hackney reported "the very heartening news" that nine University faculty members had been awarded Guggenheim Fellowships for the 1982-83 academic year. "Achievements of this sort have come to be expected here," he said. "They are another index of the quality of the faculty. Only two other institutions had more winners." The president went on to
note that alumnus David Bradley, who had spoken on campus just a year ago, was the recipient of the 1982 PEN/Faulkner Award for his novel, Chaneyville Incident. He then mentioned how much he had enjoyed the Annenberg Center's recent gala, featuring Grace Kelly movies and the Princess herself. Noting that it had produced a "few dollars" for the Center and "welcome publicity," as well as having strengthened the ties between the University and the City of Philadelphia, Dr. Hackney said, "I think we can take great pride in the work of Steve Goff, his staff, and the Annenberg Center Advisory Board." Turning to the University's continuing concern about the Federal budget, he reported that "it is still not clear how Congress intends to respond to the President's budget message, but a good deal of beyond-the-scenes maneuvering is going on in Washington." He said there is a reported agreement between the leadership of the House and Senate about an approach to the budget, but that he did not know whether Congress would consider the budget as a "package" or hold hearings on various separate parts of it. "We have a great deal at stake," the president continued, "and we are trying to keep very close tabs on the situation." Sen. Specter has been particularly helpful to me in sorting out the strategies at work on the Hill and trying to ensure that the University presents the best case possible for its position opposing cuts in student aid." Dr. Hackney concluded by noting that he and other administrators planned to have lunch with the Pennsylvania delegation.

B. Academic Report

Provost Ehrlich introduced the new chairman of the Undergraduate Assembly and the Graduate and Professional Students Association. He then noted that the administration was in the second round of its budget discussions with each of the 20 major budget units having an academic dimension. "Some schools will have to push extremely hard to come to closure," he said, "but we will get there." Mr. Ehrlich went on to observe that in talk about budgets, it is easy to ignore what budgets are for. "By visiting every department in the School of Arts and Sciences over the course of the spring," he said, "I have had the opportunity to see what a remarkable variety of talent is available in our faculty. They and their achievements are what this place is all about."

Turning to tenure appointments before the Executive Committee, the provost called attention to two mathematicians, Christopher Croke and Wolfgang Ziller. Both are scholars of differential geometry who were born in Germany. A graduate of Carnegie Mellon University, Professor Croke took his Ph.D. at the University of Chicago. Professor Ziller earned his doctorate at the University of Bonn. Dr. Kaysen noted that the "very important fields of differential geometry and geometric topology will be well covered by their appointments."

Action. A Resolution on Appointments, Promotions, and Leaves was approved as found on pages 1 through 13 of the meeting book.
C. Financial Report

Mr. Jordan observed that the University expects to end the fiscal year with a modest surplus. "The difficulties of the schools in meeting their budgets," he said, "are being fortuitously offset by interest earned on cash invested on a temporary basis."

IV. Reports of Trustee Committees

A. Budget and Finance

Mr. Eckman reported that the Budget and Finance Committee had met the previous day to hear the FY'82 budget tracked and that even with the forecast of a modest surplus, the balance had to be considered precarious. He further noted that William Hickey had assured committee members that gaps in the FY'83 budget were "narrowing regularly with each attempt to cut expenses to fit income."

In introducing a Resolution on the Department of Education Loan Agreement, the chairman observed that because the terms of the agreement did not call for repayment for 20 years and energy savings of $1 million could be effected in three years, the University would have the use of 3-percent money for 17 years.

**Action:** A Resolution on the Department of Education Loan Agreement was approved as follows:

**Intention:**

The administration has recommended the installation of mechanical operating controls to monitor and control energy consumption in six residences: High Rise North, Harnwell, Harrison, Stouffer, Graduate Towers, and Hill. It has also recommended the installation of gas water heaters in the Harnwell and Stouffer houses.

The United States Department of Education is indicating a willingness to enter into a loan agreement under which the University could borrow $1,057,000 to pay for the cost of installing the control system and the Budget and Finance Committee has approved the following resolution and recommends its adoption.

RESOLVED, that the Executive Committee authorize and approve the execution by the University of a loan agreement with the U.S. Department of Education under which the University would be permitted to borrow $1,057,000, at an interest rate of 3 percent to be repaid over a term of 20 years; and be it further

RESOLVED, that the Executive Vice President or other responsible officers of the University be authorized to sign the agreement and any other documentation necessary to effect the loan with the U.S. Department of Education.

Mr. Eckman then noted that the Resolution on the Settlement of the Sansom Street Committee Litigation and Redevelopment of Walnut Street Sites had been discussed with the chairman of the Trustee Committee on Facilities and Campus Planning as well as among members of the Budget and Finance Committee. "The dispute started in 1973," he said, "and it was settled on the courthouse steps. The University may now go ahead with development of the 34th and Walnut Street site. It will have the option to purchase residences on Sansom Street as they become available, and each time they do, until they become a part of the campus. But the
people who own the properties will be able to continue living on Sansom Street until they decide to put their properties on the market. The University will have some parking privileges it didn't have before."

Action. A Resolution on the Settlement of the Sansom Street Committee Litigation and Redevelopment of Walnut Street Sites was approved as follows:

Intention:

The University entered into a consent decree in Federal Court with the Redevelopment Authority and the Sansom Committee in December of 1980 and into a separate agreement with the Sansom Committee in January of 1981 regarding the rehabilitation of the properties along Sansom Street. These two agreements settled a long-standing lawsuit begun in 1973 by the Sansom Committee and had significant impact on other redevelopment parcels at the northwest corner of 34th and Walnut, 36th and Walnut, and the northeast corner of 34th and Chestnut Streets.

Subsequent to the signing of these agreements, the Sansom Committee requested changes, which required modifications to the Urban Renewal Plan, allowing for greater commercial space at La Terrasse Restaurant. The University would not agree to any modifications without a lessening of the restrictions on the vacant parcels and also without obtaining absolute long-term control over the Sansom Street properties.

The matter was brought into Federal District Court by the Sansom Committee on 23 March 1982 and the parties reached an out-of-court settlement during the proceedings. The terms of that settlement are contained in a new consent decree which provide the following:

1. Parcel 1A at 34th and Walnut may now be used for residential, institutional, or commercial purposes. The height limitations on this development have been extended to allow for a 200,000 square foot building envelope.

2. The Urban Renewal Plan will be modified to allow second-floor commercial use for La Terrasse Restaurant, although there will be no other commercial use above the first floor in any other property, and to ensure that no more than two properties may be combined for commercial use at the first floor and basement levels.

3. The University will provide off-site parking of up to two spaces per property on the same terms and conditions offered to others in the same parking lot. These spaces will be provided within 1,000 linear feet instead of 500 linear feet of the properties which permits parking to be provided at 32nd and Walnut, and relieves parking requirements at either the 36th and Walnut or 34th and Chestnut sites.

4. The University will buy rights of first refusal on each Sansom Street property for $1.00 each.

5. The University agrees to use the residential portions of the properties which it acquires for faculty, administration, and staff housing until it acquires all of the properties on the block.

RESOLVED, that the consent decree dated 7 April 1982 between the Sansom Committee, the Redevelopment Authority of the City of Philadelphia, and the Trustees of the University of Pennsylvania be approved in the form described.

C. Trustee Board of the Hospital of the University of Pennsylvania

Mr. Ballam reported that the Resolution on the Amendment of the HUP Bylaws, previously approved by the HUP Board, provided for a patient bill of rights as mandated by the Commonwealth.
Action. A Resolution on a Patient Bill of Rights was approved as follows:

Intention:

It is in the best interest of the Hospital and its patients to have an official statement of Patient Rights applicable to all Hospital patients. It is required by regulations governing hospitals of the Commonwealth of Pennsylvania that every hospital issue and implement a Patient Bill of Rights. The attached revised Patient Bill of Rights was approved by the Hospital Trustee Board on 15 March 1982 in order to comply with current regulations of the Commonwealth of Pennsylvania.

RESOLVED, that the Trustees of the University of Pennsylvania adopt the Patient Bill of Rights as approved by the Hospital Trustee Board on 15 March 1982 as its official statement of patient's rights, a full copy of which is attached hereto and made a part of this resolution.

PATIENT BILL OF RIGHTS

1. A patient has the right to respectful care given by competent personnel. A patient has the right to medical and nursing services without discrimination based upon race, color, religion, sex, sexual preference, national origin, or source of payment.

2. A patient has the right, upon request, to be given the name of his attending physician, the names of all other physicians directly participating in his care, and the names and functions of other health care persons having direct contact with the patient.

3. A patient has the right to every consideration of his privacy concerning his own medical care program. Case discussion, consultation, examination, and treatment are considered confidential and should be conducted discreetly. A patient has the right to have all records pertaining to his medical care treated as confidential except as otherwise provided by law or third party contractual arrangements. The hospital shall provide the patient, upon request, access to all information contained in his medical records, unless access is specifically restricted by the attending physician for medical reasons or is prohibited by law.

4. A patient has the right to know what hospital rules and regulations apply to his conduct as a patient. A patient has the right to be informed of his rights at the earliest possible moment in the course of his hospitalization.

5. The patient has the right to expect emergency procedure to be implemented without unnecessary delay. The patient has the right to good quality care and high professional standards that are continually maintained and reviewed.

6. The patient has the right to full information in layman's terms, concerning his diagnosis, treatment, and prognosis, including information about alternative treatments and possible complications. When it is not medically advisable to give such information to the patient, the information shall be given on his behalf to the patient's next of kin or other appropriate person. The patient who does not speak English should have access, where possible, to an interpreter.

7. Except for emergencies, the physician must obtain the necessary informed consent prior to the start of any procedure or treatment, or both. A patient or, in the event the patient is unable to give informed consent, a legally responsible party, has the right to be advised when a physician is considering the patient as a part of a medical care research program or donor program, and the patient, or legally responsible party, must give informed consent prior to actual participation in such a program. A patient, or legally responsible party, may, at any time, refuse to continue in any such program to which he has previously given informed consent.
8. The patient has the right to examine and receive a detailed explanation of his bill. The patient has a right to full information and counselling on the availability of known financial resources for his health care.

9. A patient has the right to refuse any drugs, treatment, or procedure offered by the hospital, to the extent permitted by law, and a physician shall inform the patient of the medical consequences of the patient's refusal of any drugs, treatment, or procedure.

10. A patient has the right to assistance in obtaining consultation with another physician at the patient's request and own expense.

11. The patient has the right to expect good management techniques to be implemented within the hospital considering effective use of the time of the patient and to avoid the personal discomfort of the patient.

12. A patient has the right to expect that the health care facility provide a mechanism whereby he is informed upon discharge of his continuing health care requirements following discharge and the means for meeting them. When medically permissible, a patient may be transferred to another facility only after he or his next of kin or other legally responsible representative has received complete information and an explanation concerning the needs for and alternatives to such a transfer. The institution to which the patient is to be transferred must first have accepted the patient for transfer.

13. A patient cannot be denied the right to access to an individual or agency who is authorized to act on his behalf to assert or protect the rights set out in this section.

D. Investment Board

Mr. Neff reported that the value of common stocks in the Associated Investment Fund had increased 1.2 percent between 31 December 1981 and 12 April 1982 as compared with a 3.2 percent decline in the Standard & Poor 500 Stock Average for the same period. "An edge of 4.6 percent is decent," he said, and went on to note that during these three and a half months the bond market had outperformed the stock market. "AIF bonds, with an average maturity of about 15 years, are up 7.5 percent," he said, "compared with a 7 percent increase in the Solomon Brothers Composite Index where the average maturity is about 28 years. The favorable performance of the bond index affected positively the unit value of the Fund, and it has increased 3.3 percent since year end." Mr. Neff observed that since 31 January 1979 the value of common stocks in the University's portfolio rose 46.8 percent whereas the S & P was up only 21.7 percent. In that two-year period, furthermore, the unit value of the AIF had increased 34 percent. Bonds are up 14.7 percent versus a more moderate 4.7 percent increase in the Solomon Brothers Index. All comparisons are on a total return basis, and income from AIF investments since 1979 has risen 44.3 percent per share. The chairman said some two-thirds of the portfolio was in equities and the rest in fixed-income securities. He noted that in recent weeks some food, insurance, electric, and utility stocks had been sold and the money reinvested in banks and the oil service and equipment area. "There is nothing wrong with the general marketplace that a decline in interest rates won't cure," he concluded. "And if we get some accommodation on the Federal budget, I think we'll see interest rates coming down. Real return on fixed-income securities is just too generous
relative to an inflation rate which has been ratcheted down to 6 or 7 percent, a 14-percent return on tax-exempt bonds, and 15.5 percent on corporate securities."

V. Overseers and Other Boards

A. Action. Following several comments upon the especial merit of the candidate, a Resolution of Appointment to the Board of Overseers of the Law School was approved as follows:

RESOLVED, that Harold M. Williams be appointed to the Board of Overseers of the School of Law for a three-year term, beginning 16 April 1982.

Adjourned.

Respectfully submitted,

Mary Ann Meyers
Secretary of the University