

7-12-2013

## Minutes, 2013 July 12

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**DRAFT**

**SPECIAL MEETING OF THE EXECUTIVE COMMITTEE  
OF THE UNIVERSITY OF CONNECTICUT BOARD OF TRUSTEES**

**MINUTES**

University of Connecticut  
Albert Gurdon Gulley Hall  
President's Office Conference Room  
Storrs, Connecticut

July 12, 2013

**OPEN SESSION**

The meeting was called to order at 3:04 p.m. by Chairman Lawrence D. McHugh.

Executive Committee members who participated by telephone were: Trustee Francis X. Archambault, Jr., Trustee Marilda L. Gandara, Trustee Thomas E. Kruger, and Trustee Thomas D. Ritter.

The following University staff were present for the meeting: Executive Secretary to the Board Rubin, General Counsel Orr, Counsel Gelston, and Deputy Chief of Staff Kirk.

**EXECUTIVE SESSION**

1. Executive Session anticipated to discuss preliminary drafts and notes provided the public agency has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure.

On a motion by Mr. Kruger, seconded by Ms. Gandara, the Executive Committee voted unanimously to go into Executive Session at 3:05 p.m. to discuss:

- Preliminary drafts and notes that the University has determined that the public interest in withholding such documents clearly outweighs the public interest in disclosure.

Chairman McHugh noted that on the advice of counsel only staff members whose presence was necessary to provide their opinion would be permitted to attend Executive Session.

**OPEN SESSION**

Executive Session ended at 3:52 p.m. The Committee returned to Open Session at 3:53 p.m.

2. Consideration of creation of a Board of Trustees special committee.

On a motion by Dr. Archambault, seconded by Mr. Kruger, the Executive Committee voted to approve the creation of a Special Committee for Investigation. The Committee adopted the following resolution:

**RESOLUTION RE: THE SPECIAL COMMITTEE FOR INVESTIGATION  
July 12, 2013**

Whereas, the Board of Trustees of the University of Connecticut (the "Board") may appoint such special committees as may be necessary to make studies or preliminary investigations necessary for determining Board action; and

Whereas, the Executive Committee shall exercise all of the authority of the Board when delaying action until the full Board's next meeting could result in significant risk, expense, or disruption to the University or its operations; and

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Whereas, the Executive Committee has been informed of allegations of misconduct by Robert Miller, a faculty member in the School of Fine Arts ("Miller"); and

Whereas, the Executive Committee has been informed of more recent allegations of misconduct by Miller involving UConn students; and

Whereas, the Executive Committee has been informed that allegations of misconduct by Miller were brought to the attention of University employees between 2006 and 2011 but there are questions as to whether appropriate action was taken prior to the allegations being brought to the UConn Police Department and the University's current senior administration in 2013; and

Whereas, delay in investigating these matters could result in significant risk, expense, or disruption to the University,

**NOW THEREFORE BE IT RESOLVED** by the Executive Committee exercising the authority of the Board of Trustees as follows:

1. There is established a special committee of the Board which is the Special Committee for Investigation (the "Special Committee"). Trustee Lawrence McHugh is appointed as Chair of the Special Committee and he is authorized to appoint the members of Special Committee.
2. The Special Committee is charged with the responsibility to:
  - a. Oversee the investigation of the allegations of misconduct by Robert Miller for the purposes of meeting the obligations of the University under Title IX, to determine what personnel action, beyond that already taken, should be taken, and for such other purposes as are necessary or desirable.
  - b. Direct an independent retrospective Institutional Review of the University's response to the allegations of misconduct by Miller. The Institutional Review shall particularly address the actions of the institution and the action of individuals involved in responding to allegations received between 2006 and 2011. The Institutional Review shall also encompass the actions of the institution since the allegations were brought to the attention of the UConn Police Department and the University's current senior administration in 2013. The scope of the Institutional Review is to include:
    - i. Making determinations as to whether there was any violation of law or University policy, whether any employee breached a duty, and whether there was any omission or weakness in the University policies or procedures then in force;
    - ii. Reviewing current policies and procedures to determine whether any weakness which existed in the past has been corrected subsequently; and
    - iii. Making recommendations with regard to any issues that require Board action or further attention by the administration.
3. The Special Committee is authorized to utilize the services of a law firm to serve as Special Counsel and such other investigators, consultants or experts as the Special Committee determines are necessary or desirable to assist the Special Committee.
  - a. With regard to the Institutional Review, Special Counsel shall report directly to the Special Committee, and not through the University administration, in order to preserve its independence. Special Counsel and the Special Committee shall take appropriate steps to assure the independence of the Institutional Review.

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- b. With regard to the investigation of the allegations of misconduct by Miller, Special Counsel shall assist the administration in such investigation and shall provide legal advice and investigative resources as required.
  - c. Special Counsel will assist the Special Committee and the administration in coordinating and managing the various aspects of the investigation for the purpose of, among other things, avoiding any interference with possible criminal proceedings.
4. The General Counsel of the University is directed to serve the Special Committee as the liaison from the Special Committee to Special Counsel and any investigators, consultants or experts assisting the Special Committee. The General Counsel shall be accountable to the Board and the Special Committee rather than to the administration.

Pursuant to the resolution, Chairman McHugh, serving as Chair of the Special Committee, appointed the following Board members to the Special Committee for Investigation: Trustees Andrea Dennis-LaVigne, Marilda L. Gandara, Thomas E. Kruger, and Thomas D. Ritter.

3. Adjournment

There being no further business appearing, the Committee meeting adjourned at 3:56 p.m.

Respectfully submitted,

Rachel S. Rubin  
Executive Secretary to the Board