BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 19, 2018, to each and every member of said Board, said date being at least five days prior to this August 15, 2019 meeting. At the above-named place there were present the following members to wit: Dr. Steven Cunningham, Mr. Tom Duff, Dr. Ford Dye, Mr. Shane Hooper, Ms. Ann H. Lamar, Ms. Jeanne Carter Luckey, Mr. Bruce Martin, Dr. Alfred E. McNair, Jr., Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, and Dr. J. Walt Starr. The meeting was called to order by Hal Parker, President, with Trustee Starr providing the invocation.

ANNOUNCEMENTS

- President Hal Parker welcomed Dr. Felecia M. Nave, President of Alcorn State University, to her first IHL Board Meeting.
- On behalf of the IHL Board, President Parker wished Dr. Rodney Bennett, President of the University of Southern Mississippi, a happy birthday.

INTRODUCTION OF GUESTS

- President Parker welcomed the Student Government Association Officers: James Sturgis, SGA President at Alcorn State University; Kolby Woods, SGA President at Jackson State University; Jake Manning, SGA President at Mississippi State University; John Jacob Miller, SGA President at Mississippi University for Women; Jarvis Riley, SGA President at Mississippi Valley State University; Ben Rushing, SGA President at the University of Mississippi Medical Center, and Michael Matrick, SGA President at the University of Southern Mississippi.

APPROVAL OF THE MINUTES

On motion by Trustee McNair, seconded by Trustee Duff, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on June 20, 2019.

CONSENT AGENDAS

On motion by Trustee Starr, seconded by Trustee Duff, all Trustees legally present and participating voted unanimously to approve the following Consent Agendas.

FINANCE

1. **DSU** – Approved the request to amend the professional services agreement with Barnes and Noble College Booksellers, LLC (B&N) to operate and provide services for the bookstore at Delta State University. B&N is currently the institution's exclusive buyer and seller of all required, recommended, or suggested course materials and supplies, including
books, course packs, computer software, textbook rentals, and materials published or distributed electronically. This exclusive right includes all educational supplies, notebooks, stationery, desk and room accessories, etc. The term of the contract will not be amended. The current agreement will still expire on February 29, 2020. The amended contract will result in approximately $3,000 of additional revenue per fiscal year. The current agreement guarantees the following: 10.5% Commission of all sales up to $2,000,000; 12.5% Commission of all sales over $2,000,000; $10,000 a year toward renovation cost of the Student Union for contract years 3-8; $7,500 annual athletic sponsorship; 2% commission on all Okra Kard purchases; and $10,000 annual textbook scholarships. This amendment would add 7.0% of all Gross Sales of First Day and eTextbooks. This is a revenue generating contract. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

2. MSU – Approved the request to enter into a fire contract between the City of Starkville and the University for the City of Starkville’s Fire Department to provide fire protection services for the campus. Pursuant to Board Policy 707.03, Approval of Prepayment for Goods and Services, the Board approved prepayment for these services as outlined in the contract. The term of the contract is January 1, 2020 to December 31, 2020. The total estimated amount for 10 years is over $6,050,000. The breakdown of payments are as follows: 2020 $400,000; 2021 $500,000; 2022; $600,000; and 2023 $650,000. In years 2024 – 2029 of this Agreement, the annual fire protection fee shall be adjusted by an amount determined by multiplying the previous year’s annual fire protection fee by the most recent annual Consumer Price Index published by the United States Bureau of Labor Statistics (“CPI Annual Adjustment”). For example, the fire protection fee for the year 2024 would be determined by multiplying the $650,000 fee for year 2023 by the annual CPI and adding the result to the 2023 fee. Should the annual CPI rate drop from the previous year, the previous year’s fee shall apply. The CPI Annual Adjustment rate structure may be renegotiated by mutual consent of the parties in the event the University requests additional fire protection services from the City, additional fire protection services are required by applicable law, regulations, or ratings services, the University Fire District expands, or some other extraordinary circumstance currently unforeseen to the parties. It is the intent of the parties that the annual fire protection fee shall never be more than the actual cost incurred by the City in providing fire protection service to the University under this Agreement. The agreement will be funded by General funds. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

3. UM – Approved the request to enter into a contract with The Institute of Electrical and Electronics Engineers, Incorporated to secure access to electronic journal content and conference proceedings for an unlimited number of authorized users and to cap the rate of price increase on those publications at 3% for the term of the contract. Pursuant to Board Policy 707.03, Approval of Prepayment for Goods and Services, the Board approved prepayment for content. This contract will be in place from September 1, 2019 to August 31, 2022. If potential annual renewals are exercised, the total contract amount will be $432,161 with yearly amounts as follows: Sept 2019-Aug 2020 $139,817; Sept 2020-Aug
2021 $144,012; and Sept 2021-Aug 2022 $148,332. Prepayment will be made in August of each year for content that will be delivered in the contract year. Costs for this contract will be funded by the Library’s materials budget which is derived from educational and general funds and from specified endowments. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

4. UMMC – Approved the request for the Office of Mississippi Physician Workforce (OMPW) to enter into a New Program Development Agreement with Delta Regional Medical Center to provide financial support to develop an Accreditation Council on Graduate Medical Education (ACGME) accredited Family Medicine Physicians Training Program (GME Training Program). Pursuant to IHL Board Policy 707.03 Approval of Prepayment for Goods or Services, the Board approved prepayment of the program funding needed to develop the GME Training Program. The term of the agreement is ten (10) months, from September 1, 2019, through June 30, 2020. The total estimated cost over the ten (10) month term is $3,000,000. OMPW will provide the guaranteed amount of $2,090,270, as well as additional funding up to $909,730 on an as-needed basis. The Agreement will be funded by State funds. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

5. UMMC – Approved the request to enter into a GPO Product Agreement with Ortho-Clinical Diagnostics, Inc. (Ortho-Clinical). This agreement will allow for the placement of two (2) Vision Analyzers for the UMMC Jackson Blood Bank Lab and one (1) Vision Analyzer for the UMMC Grenada Blood Bank Lab, as well as the purchase of disposables for use on the instruments. This instrumentation will be utilized to perform blood type, antibody screens, antibody panels, antigen typings, and crossmatches for patients. This testing is required prior to a patient receiving blood products. The term of the agreement is five (5) years, from August 28, 2019, through August 27, 2024. The total estimated cost for the five (5) year term is $2,563,588.51. Beginning in the second year, UMMC has included a ten percent (10%) annual increase for potential volume growth and cost increases. The Agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

6. UMMC – Approved the request to enter into an In-Facility Repair Services Agreement (Agreement) with Stryker Sales Corporation (Stryker) for on-location repair of stainless instrumentation, case carts, rigid containers, instrumentation, and personnel to make the repairs. The Agreement includes: on-location repair which allows instruments to be repaired and returned to circulation within hours, decreasing the need to purchase additional instrumentation and immediate use sterilization services, thus avoiding delays due to a lack of instrumentation; the service required to repair case carts and rigid containers, which house instrumentation for transport to operating rooms and sterile processing; all equipment needed for instrument repair in the main hospital sterile processing department on the UMMC Jackson campus; and off location repair as required. The term of the Agreement is three (3) years, from September 1, 2019, through August 31, 2022. The total estimated cost of the Agreement over the three (3) year term is
$758,999.40, which includes the monthly charge of $19,416.65 for service. UMMC has also included an additional $60,000.00 to allow for incremental scope repair, as needed. The Agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

7. **UMMC** – Approved the request to enter into a Clinical Laboratory Services Agreement (Agreement) with Eurofins Viracor, Inc. (Viracor) for the provision of outside reference laboratory services. The testing that Viracor performs under this Agreement is primarily for immunology test on immunocompromised patients, such as bone marrow and HIV patients. These tests are used to help physicians identify the most effective regimen of medications to treat a particular patient. The term of the Agreement is three (3) years, from September 1, 2019, through August 31, 2022. The total estimated cost of the Agreement over three (3) years is $2,425,124.55. This includes a fifteen percent (15%) increase for potential volume and price increases beginning in year two (2) of the Agreement. The Agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

8. **USM** – Approved a contract amendment to the existing bookstore services agreement with Barnes & Noble College Booksellers, LLC, (Barnes & Noble). The amendment will extend the agreement. This amendment is a result of mutual agreement by USM and Barnes & Noble to extend the contract an additional three years, increase the sales-based commission percentage, and continue the textbook scholarship fund for the new term of the agreement. The amendment sets a new contractual termination date of June 30, 2022. The effective date of this amendment will be September 1, 2019 with a termination date of June 30, 2022. This is a revenue producing contract to USM. The schedule of projected revenues under the extension is included in the bound August 15, 2019 Board Working File. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

9. **USM** – Approved the request for the University of Southern Mississippi Research Foundation to engage the CPA firm of Wright, Ward, Hatten & Guel, PLLC to conduct the annual audit for calendar year 2019 as required by IHL Board Policy 301.0806 University Foundation/Affiliated Entity Activities Subsection D General Requirements of Affiliation Agreements #9.

**REAL ESTATE**

10. **UM** – Approved the initiation of **IHL 207-457, Track and Field Locker Rooms**, and the appointment of Weir Boerner Allin Architecture as the design professional. The scope of the project includes the construction of a new track and field locker room building on the north side of the existing track. The building is anticipated to be approximately 6,000 GSF and will be constructed using brick and cast stone under a pitched standing seam metal roof. Accommodations include lockers rooms, showers, a recovery room, laundry, mud room, and storage. The proposed project budget is $2.2 million. Funds are available from Internal R&R ($2,200,000).
11. **ASU** – Approved the request to increase the budget for **GS 101-313, Pre-Plan Eunice Powell Hall**, from $50,000 to $770,000, for an increase of $720,000 and to add SB 3065, Laws of 2019 as a funding source to allow for this increase. This is the first budget escalation request made for this project by the university. This project will allow the university to make improvements to the building envelope and mechanical systems which will ultimately improve the building appearance and operational/maintenance efficiency. Funds are available from SB 3065, Laws of 2019 ($720,000); and HB 1649, Laws of 2018 ($50,000).

12. **USM** – Approved the request to increase the budget for **IHL 208-337, Union Plaza Renovation**, from $150,000 to $2,400,000, for an increase of $2,250,000. This is the first budget escalation request made for this project by the university. The scope of the project includes new walkways, multilevel patios, a mini-amphitheater, new landscaping, electronic kiosk directories, and outdoor seating areas. Funds are available from Student Affairs Capital Improvement Fees ($2,400,000).

13. **MSU** – Approved the request to grant a right-of-way utility easement to the City of Starkville or its successors or assigns for underground electric power to service the new College View Apartment Complex located on MSU land adjacent to the main campus in Starkville. The property description is as follows: a parcel of land containing 0.35 acres more or less and being situated in the SE ¼ of Section 35, Township 19 North, Range 14 East, City of Starkville, Oktibbeha County, Mississippi. The easement grants a right-of-way easement for an underground electric power and/or communications facilities, or the removal thereof, now or in the future, including, but not limited to, manholes, handholds, vaults, conduits, switchgear, termination cabinets, cables, transformers, switches, and any and all other necessary equipment, structures, material and appurtenances, now or hereafter used, in connection therewith. The Attorney General’s Office has reviewed and approved this item.

14. **MSU** – Approved the request to grant a right-of-way utility easement to the City of Starkville or its successors or assigns for location of an underground water line to service the new College View Apartment Complex located on MSU land adjacent to the main campus in Starkville. The property description is as follows: a parcel of land containing 0.76 acres more or less and being situated in the SE ¼ of Section 35, Township 19 North, Range 14 East, City of Starkville, Oktibbeha County, Mississippi. The easement grants a right-of-way for an underground water line, together with a right of ingress and egress to the same. The Attorney General’s Office has reviewed and approved this item.

15. **USM** – Approved the request to delete from inventory and demolish Building #882 located on the Hattiesburg campus. The building has served as the Shafer Center but is now a vacant residential structure and is in complete disrepair. The approval letter has been received from the Mississippi Department of Archives and History stating Building #882 was not eligible for designation as a Mississippi Landmark. All legal documentation will be kept on file in the IHL Office of Real Estate and Facilities.

**LEGAL**

16. **ASU** – Approved Dr. Felecia M. Nave as one of the university’s legislative liaisons in accordance with Board Policy 201.0506 Political Activity.
17. **ASU** – Approved Marcus Ward as one of the university’s legislative liaisons in accordance with Board Policy 201.0506 Political Activity.

18. **MSU** – Approved the request to modify a contract with Conley Rose, P.C., to provide services necessary in assisting the University with various patent applications, specifically in the areas of software patents, analysis of intellectual property, prosecution of patent applications, trademark registration applications, copyright registration applications, preparing and negotiating agreements and other related intellectual property and commercialization issues. The initial contract had an effective date of August 17, 2018. This Modification will extend the contract term for one year, or through August 16, 2020. Section VI. Payment Terms will be modified as follows: “Hourly rates shall remain at $290 per hour for attorneys and $175 per hour for paralegals. To help manage per-project costs, University may also pay the Attorney/Law Firm on a flat-rate basis for preparing and filing patent applications. Flat-rate filings for provisional patent applications will not exceed $5,000 per filing and flat-rate filing for non-provisional patent applications will not exceed $15,000 per filing. These rates will be negotiated on a case-by-case basis and the most cost-efficient “rate basis” for the University will be determined and agreed upon.” The maximum amount payable under this contract term is $50,000. This firm carries professional liability insurance in the amount of $5,000,000 per claim with an annual aggregate of $5,000,000. All other provisions of the Agreement for Legal Services shall remain in effect. This request has been approved by the Attorney General.

19. **MSU** – Approved the request to modify a contract originally with the firm Watkins Ludlam Winter & Stennis P.A., now known as Jones Walker L.L.P., to provide services necessary in connection with the issuance of bonds for the financing of the construction and acquisition of buildings for Mississippi State University. The initial contract entered on August 25, 2010 was modified by Modifications 1-8. Proposed Modification #9 will extend the term until August 24, 2020. This firm carries professional liability insurance in the amount of $50,000,000 per claim with an annual aggregate of $100,000,000. All other provisions of the Agreement for Legal Services dated August 25, 2010, as amended, shall remain in effect. This request has been approved by the Attorney General.

**PERSONNEL REPORT**

20. **EMPLOYMENT**

**Mississippi University for Women**  
Laura Ball; *hired with tenure*; Professor of Speech Language Pathology; Department of Speech-Language Pathology in the College of Nursing and Health Sciences; salary $96,000 per annum, pro rata; E&G funds; 9-month contract; effective August 15, 2019

**Mississippi Valley State University**  
- Larry Chappell; *rehired retiree*; Professor of Social Sciences; salary $25,237 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019
• Bettye Farmer; rehired retiree; Assistant Professor of English & Foreign Languages; salary $22,000 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

• Edgar Holman, Jr.; rehired retiree; Instructor of Math, Computer and Information Science; salary $28,439 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

• Roy Hudson; retired retiree; Assistant Professor English & Foreign Languages; salary $25,000 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

• John Johnson; rehired retiree; Special Assistant to Director of Mass Transit; salary $37,380 per annum, pro rata; Grant Funds; 12-month contract; effective July 1, 2019

• Ronald Love; rehired retiree; Associate Professor of Social Sciences; salary $30,000 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

• Chresteen Seals; rehired retiree; Site Coordinator, Distance Education; salary $21,651 per annum, pro rata; E&G Funds; 10-month contract; effective August 1, 2019

• Willie Totten; rehired retiree; Assistant Football Coach, Department of Athletics; salary $30,000 per annum, pro rata; E&G Funds; 12-month contract; effective July 1, 2019

• Gwendolyn Vaughn; rehired retiree; Instructor of Health, Physical Education and Recreation; salary $30,000 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

• Vincent Venturini; rehired retiree; Part-time Visiting Professor, Department of Social Work; salary $22,473 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

• Harvey Wardell; rehired retiree; Assistant Professor of Health, Physical Education and Recreation; salary $22,500 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

• Raymond Williams; rehired retiree; Professor of Math, Computer and Information Science; salary $33,102 per annum, pro rata; E&G Funds; 9-month contract; effective August 19, 2019

University of Mississippi
Scott Richard MacKenzie; hired with tenure; Associate Professor of English; Department of English; salary $80,000 per annum, pro rata; E&G Funds; 9-month contract; effective July 1, 2019

21. CHANGE OF STATUS

Jackson State University
• Wilbur Walters; from Interim Dean and Associate Professor for College of Science, Engineering, and Technology; salary $131,250 per annum, pro rata; E&G Funds; 12-month contract; to Dean for College of Science, Engineering, and Technology; salary $165,000 per annum, pro rata; E&G Funds; 12-month contract; effective July 1, 2019
• Debra Mays-Jackson; from Vice President/Chief of Staff, Office of the President; salary $185,000 per annum, pro rata; E&G Funds; to Vice President for Student Success and Chief of Staff, Office of the President; salary $200,000 per annum, pro rata; E&G Funds; effective July 1, 2019

Mississippi State University
Julie B. Jordan; from Associate Vice President, International Programs & Executive Director, International Institute; Division of Research; salary $157,325 per annum, pro rata; E&G Funds; 12-month contract; to Interim Vice President for Research & Economic Development; Division of Research; salary $227,325 per annum, pro rata; E&G Funds; 12-month contract; effective July 1, 2019

22. TENURE

University of Mississippi
Graham Bodie; Professor of Integrated Marketing Communications; School of Journalism and New Media; effective August 15, 2019

ADMINISTRATION/POLICY
23. SYSTEM – Retroactively approved the resolution honoring Dr. Bettye Henderson Neely, a former IHL trustee. A copy of the resolution was presented to Dr. Neely at her retirement celebration in July. (See Exhibit 1.)

ACADEMIC AFFAIRS
Presented by Trustee Alfred McNair, Chair

On motion by Trustee McNair, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to approve items #1 and #2 as submitted on the Academic Affairs Agenda. On motion by Trustee McNair, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to approve items #3.

1. JSU – Approved the following new academic unit:
   College
   a. Incorporate existing organizational units in the School of Social Work and the School of Public Health into a newly named College of Health Sciences. Consolidation of two major schools under the College of Health Sciences will significantly enhance the academic and research prominence of both units. Students will benefit from complementary academic options and broader collaborative interactions between faculty. The proposed College of Health Sciences would increase JSU’s standing in the public health and social welfare landscape as well as higher education. It affords a more competitive platform for recruiting quality students, networking with industry professionals and creating partnerships and internships for Health Science and Health Services students. The cost of implementation will be minimal for signage as each of
MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
August 15, 2019

the existing units within the proposed College of Health Sciences currently have approved individual budgets.

2. **JSU** – Approved the following academic unit modification:
   a. Reorganize one existing school and two existing units: School of Social Work, Public Policy and Administration and Urban and Regional Planning. The School of Social Work will remain a stand-alone unit within the proposed College of Health Sciences. The new Head of the School of Public Health will serve as Dean of the new College. Public Policy and Administration will become a department within the College of Liberal Arts. Urban and Regional Planning will become a department within the College Science, Engineering, and Technology. This request is being made to provide efficiencies and allow disciplines to complement and reinforce each other with qualified faculty providing fundamental knowledge in each respective area or discipline. The anticipated cost of implementation is minimal for signage as each of the existing units currently have approved individual budgets.

3. **SYSTEM** – Approved new Board Policy 523 Applied Baccalaureate Degree and waived the requirement for a second reading as mandated by Board Policy 201.0302 Procedures for Changing Board Policies and Adopting New Policies. (See Exhibit 2.)

**FINANCE AGENDA**
Presented by Trustee Tom Duff, Chair

Trustee Gee Ogletree recused himself from voting on items #1 - #4 on the Finance Agenda by leaving the room before there was any discussion or vote regarding the same. On motion by Trustee Duff, seconded by Trustee Cunningham, with Trustee Ogletree absent and not voting, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Finance Agenda. On motion by Trustee Duff, seconded by Trustee Dye, with Trustee Ogletree absent and not voting, all Trustees legally present and participating voted unanimously to approve item #2. On motion by Trustee Duff, seconded by Trustee McNair, with Trustee Ogletree absent and not voting, all Trustees legally present and participating voted unanimously to approve item #3. On motion by Trustee Duff, seconded by Trustee Starr, with Trustee Ogletree absent and not voting, all Trustees legally present and participating voted unanimously to approve item #4. Trustee Ogletree returned to the room following the conclusion of the discussion and vote on items #1 - #4.

1. **UMMC** – Approved the request to issue through the Medical Center Educational Building Corporation (MCEBC) revenue bonds in one or more tax-exempt series to finance certain improvements and other capital expenditures, including but not limited to, upgrades to the HVAC system of the Medical Center, and to refund the outstanding Build America Bonds, Series 2010A (University of Mississippi Medical Center Facilities Expansion and Renovation Project – Direct Payment – Federally Taxable) of MCEBC (the “Series 2010A Bonds”). The Mississippi Hospital Equipment and Facilities Authority (“MHEFA”) is in the process of refinancing the MHEFA/Grenada Lake Medical Center debt on which UMMC’s lease payments to Grenada Lake Medical Center are primarily based. The combined savings from refunding the Series 2010A Build America Bonds and the lower
Grenada Lake Medical Center rent payments will cover the debt service on the up to $4,000,000 of bonds being issued to finance the 2019 capital expenditures. The Board approved the request to prepay the costs of issuance, sale and delivery of the bonds and approval of necessary bond documents. The Board also reviewed and approved the financial adviser’s report provided by Hilltop Securities. The following professionals have been engaged: Financial Advisor – Hilltop Securities, Bond Counsel – Jones Walker LLP, and Underwriters – JP Morgan, Wells Fargo, and Raymond James. The term of the new bonds will closely match the term of the existing debt which is being refinanced. MCEBC expects to issue up to $30,500,000 million par value in fixed rate bonds. Funds are available from Patient Revenues.

2. **UM** – Approved the request to contract with Aetna Student Health for the Graduate Assistant and International student health insurance plan. The purpose is to provide group health insurance coverage that complies with the federal Affordable Care Act and immigration law to students who are employed as graduate assistants and to international students. Both categories of student are required by UM to have health insurance – the graduate assistants because of their status as part-time employees and the international students because of federal immigration law requirements. The proposed coverage is optional and students may opt out of the program by showing evidence of other health insurance. Aetna will provide the insurance, to include standard medical coverage and pharmaceuticals, and UM will assist in transmitting rosters of student participants and collecting student payments. In addition, this program will ensure that students have access to health insurance at rates lower than the ones individual students could obtain on the open market. The length of the contract is one (1) year - August 15, 2019 through August 14, 2020, with options for mutually agreed upon annual renewals for up to three (3) years. The total premium paid is dependent on the number of student participants which is estimated to be 800 graduate assistants per year and approximately 500 international students (both graduate and undergraduate). Based on prior year participation rates and projected FY 2020 enrollment forecasts, the estimated FY 2020 net premiums paid are expected to be approximately $2.5 million. Approximately $1.7 million of this estimate pertains to graduate assistants, and $825,000 is estimated for international student premiums. The insurance program will be funded by several sources – institutional funds, direct billing of student accounts, payroll deductions to students and funds received on behalf of students from externally funded grants and contracts. Graduate assistant premiums are funded from a combination of all of the available sources while premiums for international students are completely covered by direct student billing. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

3. **UMMC** – Approved the request to enter into an Exactamix Compounder Lease and Abacus Software License Agreement with Baxter Healthcare Corporation to lease three (3) Exactamix 2400 Compounder equipment and to license the Exactamix Compounder and Abacus software that run the equipment. The Exactamix equipment is used to prepare total parental nutritional support solutions to adult and pediatric patients. These solutions deliver nutrition to patients that cannot eat by mouth or other enteral means such as tube feedings. The term of this agreement is five (5) years, from September 1, 2019 through
August 31, 2024. The total estimated cost over the five (5) year term is $155,911.20. The flat monthly cost of $2,598.52 includes two (2) pieces of live equipment, one (1) backup equipment, and the Abacus software license. The agreement will be funded by patient revenues. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

4. **UMMC** – Approved the request to enter into a Master Service Agreement (MSA) and Service Schedule No. 1-QEPTIY with Siemens Medical Solutions USA, Inc. (Siemens) to provide service and maintenance repair for imaging equipment currently owned by UMMC. The Schedule will allow for planned maintenance inspections as well as unscheduled repair services for the imaging equipment. The Schedule is needed to ensure that the equipment is maintained in safe working order according to the manufacturer’s recommendations and to maximize the uptime of the equipment. The Board approved the request to remove equipment covered by the Schedule as needed without requiring prior submission for Board approval whereas the total contract amount does not increase. The term of the MSA is five (5) years, from September 1, 2019, through August 31, 2024. However, the MSA will remain in effect and continue to apply to any future Service Schedule that extends beyond August 31, 2024. The term of the Service Schedule No. 1-QEPTIY is five (5) years, from September 1, 2019, through August 31, 2024. The total estimated cost of the Schedule over the five (5) year term is $5,436,487.51. The cost of service on the equipment is $4,727,380.44 to be paid in monthly installments over the term of the Schedule. The monthly installments vary based on the equipment in service and the potential for annual price increases. UMMC has also included an additional fifteen percent (15%), or $709,107.07, for variable fees for service required but not included in the service plan, such as afterhours coverage, special handling fees, and accessories. The Agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

**REAL ESTATE AGENDA**

Presented by Trustee Bruce Martin, Chair

Trustee Shane Hooper recused himself from voting on item #1 on the Real Estate Agenda by leaving the room before there was any discussion or vote regarding the same. On motion by Trustee Duff, seconded by Trustee Lamar, with Trustee Hooper absent and not voting, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Real Estate Agenda. Trustee Hooper returned to the room following the conclusion of the discussion and vote on item #1.

1. **UM** – Approved the initiation of **IHL 207-456, Brevard Hall – 3rd Floor BioMed Department**, and the appointment of McCarty Architects as the design professional. Brevard Hall (formerly Old Chemistry Building) is one of the buildings on campus that houses the School of Engineering (SOE). The project will renovate the third floor and will consist of minor renovations of some existing offices and major renovations to convert other existing spaces to new design labs, instrumentation spaces, and maker spaces. The
proposed project budget is $1.3 million. Funds are available from Internal R&R Funds ($1,300,000).

LEGAL AGENDA
Presented by Trustee Ann Lamar, Chair

On motion by Trustee McNair, seconded by Trustee Starr, all Trustees legally present and participating voted unanimously to move items #1 - #3 to the Executive Session Agenda. On motion by Trustee Lamar, seconded by Trustee Cunningham, all Trustees legally present and participating voted unanimously to approve item #4 as submitted on the Legal Agenda.

1. USM – Settlement of IHL Self-Insured Tort Claim No. 65-3105-1. (THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA FOR CONSIDERATION.)
2. UMMC – Settlement of Tort Claim No. 3258. (THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA FOR CONSIDERATION.)
3. UMMC – Settlement of IHL Self-Insured Workers’ Compensation Program Claim No. 55-39364-1. (THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA FOR CONSIDERATION.)
4. SYSTEM – Approved the final adoption of the revisions to Board Policy 301.0806 University Foundation/Affiliated Entity Activities. (See Exhibit 3.)

INFORMATION AGENDAS
Presented by Commissioner Alfred Rankins, Jr.

ACADEMIC AFFAIRS
1. SYSTEM – In accordance with Board Policy 403.0103 Post-Tenure Review, the post-tenure review report below is presented to the Board for information. In 2017–2018, 97% of full-time faculty received an annual evaluation. Fifty-two (52) faculty were triggered for a post tenure review. Six (6) faculty are participating in a faculty development plan.

<table>
<thead>
<tr>
<th>University</th>
<th>Number of Full-time Faculty</th>
<th>Number of Tenured Faculty</th>
<th>Number of Tenured Faculty Triggering Post Tenure Review Process</th>
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<th>Number of Tenured Faculty in Faculty Development Plan</th>
<th>Number of Tenured Faculty Completing Development Plan Successfully</th>
<th>Number of Tenured Faculty Completing Development Plan Unsuccessfully</th>
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**System Totals**  206  115  111  96%  119  70%

**Total percentage values based on total number values.**

3. **SYSTEM** – Per Board Policy 510 Awarding of Degrees, Commissioner Alfred Rankins, Jr., approved the report on the degrees to be conferred in August 2019 at the levels below, provided each candidate met all degree requirements.

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### Minutes of the Board of Trustees of State Institutions of Higher Learning

**August 15, 2019**

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</table>

**Total Undergraduate Degrees**

89

**Total Graduate Degrees**

99

**Total Degrees**

188

**Mississippi State University**

**College of Agriculture and Life Sciences**

- Bachelor of Science: 56
- Bachelor of Landscape Architecture: 1
- Master of Science: 26
- Doctor of Philosophy: 7

**College of Architecture, Art, and Design**

- Bachelor of Science: 20
- Bachelor of Fine Arts: 1

**College of Arts and Sciences**

- Bachelor of Arts: 34
- Bachelor of Science: 94
- Master of Arts: 7
- Master of Science: 69
- Master of Public Policy and Administration: 1
- Doctor of Philosophy: 10

**College of Business**

- Bachelor of Business Administration: 66
- Master of Business Administration: 9
- Doctor of Philosophy: 1
### Institution

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## Institution Degree to be Conferred | Number | Subtotal | Total
---|---|---|---
## University of Mississippi
### College of Liberal Arts
Bachelor of Arts | 132 | | |
Bachelor of Science | 8 | | |
Bachelor of Fine Arts | 1 | | |
### School of Engineering
Bachelor of Science in Chemical Engineering | 7 | | |
Bachelor of Science in Civil Engineering | 2 | | |
Bachelor of Science in Computer Science | 1 | | |
Bachelor of Science in Electrical Engineering | 1 | | |
Bachelor of Science in Mechanical Engineering | 9 | | |
Bachelor of Science in Geological Engineering | 16 | | |
Bachelor of Science in Engineering | 5 | | |
Bachelor of Science in Geology | 1 | | |
### School of Education
Bachelor of Arts in Education | 8 | | |
### School of Pharmacy
Pharmaceutical Sciences | 106 | | |
### School of Business
Bachelor of Business Administration | 254 | | |
### School of Accountancy
Bachelor of Accountancy | 158 | | |
### School of Applied Sciences
Bachelor of Science in Criminal Justice | 42 | | |
Bachelor of Science in Exercise Science | 41 | | |
Bachelor of Science | 67 | | |
Bachelor of Social Work | 58 | | |
Bachelor of Arts in Parks and Recreation Administration | 16 | | |
Bachelor of Science in Law Studies | 7 | | |
### School of Journalism and New Media
Bachelor of Arts in Journalism | 20 | | |
Bachelor of Science (IMC) | 104 | | |
### General Studies
Bachelor of General Studies | 74 | | |
Bachelor of University Studies | 13 | | |
### Institution

#### Graduate School

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#### Total Undergraduate Degrees

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<tr>
<td><strong>Total Undergraduate Degrees</strong></td>
<td>1151</td>
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#### Total Graduate/Professional Degrees

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<thead>
<tr>
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<th>Number</th>
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<tbody>
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#### Total Degrees

<table>
<thead>
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<tbody>
<tr>
<td><strong>Total Degrees</strong></td>
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### University of Mississippi Medical Center

#### Undergraduate

<table>
<thead>
<tr>
<th>Degree to be Conferred</th>
<th>Number</th>
<th>Subtotal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Bachelor of Science in Nursing</td>
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</table>

#### Graduate/Professional

<table>
<thead>
<tr>
<th>Degree to be Conferred</th>
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<th>Subtotal</th>
<th>Total</th>
</tr>
</thead>
<tbody>
<tr>
<td>Executive Master of Science in Population Health Management</td>
<td>3</td>
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</tr>
<tr>
<td>Master of Science in Biomedical Sciences</td>
<td>4</td>
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</tr>
<tr>
<td>Master of Health Sciences</td>
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<tr>
<td>Master of Science in Nursing</td>
<td>14</td>
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<tr>
<td>Master of Health in Informatics &amp; Information Management</td>
<td>7</td>
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<tr>
<td>Doctor of Dental Medicine</td>
<td>3</td>
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<tr>
<td>Doctor of Philosophy</td>
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</tr>
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<td>Doctor of Nursing Practice</td>
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#### Total Undergraduate Degrees

<table>
<thead>
<tr>
<th>Degree to be Conferred</th>
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<th>Total</th>
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<tr>
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#### Total Graduate/Professional Degrees

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<td><strong>Total Graduate/Professional Degrees</strong></td>
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#### Total Degrees

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<tbody>
<tr>
<td><strong>Total Degrees</strong></td>
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### University of Southern Mississippi

#### College of Arts and Sciences

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<tr>
<th>Degree to be Conferred</th>
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<tbody>
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<tr>
<td>Bachelor of Fine Arts</td>
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<td>Institution</td>
<td>Degree to be Conferred</td>
<td>Number</td>
<td>Subtotal</td>
</tr>
<tr>
<td>-------------------------------------------------</td>
<td>-------------------------------------------------</td>
<td>--------</td>
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</tr>
<tr>
<td></td>
<td>Bachelor of Science</td>
<td>25</td>
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<tr>
<td></td>
<td>Bachelor of University Studies</td>
<td>7</td>
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</tr>
<tr>
<td></td>
<td>Master of Arts</td>
<td>14</td>
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<tr>
<td></td>
<td>Master of Fine Arts</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td></td>
<td>Master of the Arts in Teaching of Language</td>
<td>4</td>
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</tr>
<tr>
<td></td>
<td>Master of Music</td>
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<tr>
<td></td>
<td>Master of Music Education</td>
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<tr>
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<tr>
<td></td>
<td>Doctor of Musical Arts</td>
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<tr>
<td></td>
<td>Doctor of Philosophy</td>
<td>29</td>
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<tr>
<td>College of Business and Economic Development</td>
<td>Bachelor of Science</td>
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</tr>
<tr>
<td></td>
<td>Bachelor of Science in Business Administration</td>
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<td>Master of Professional Accountancy</td>
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<tr>
<td></td>
<td>Master of Science</td>
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<tr>
<td>College of Education and Human Sciences</td>
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<tr>
<td></td>
<td>Master of Arts</td>
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<tr>
<td></td>
<td>Master of Arts in Teaching</td>
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<td>Master of Library and Information Science</td>
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<tr>
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<td>Master of Social Work</td>
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<td></td>
<td>Specialist in Education</td>
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<td></td>
<td>Doctor of Philosophy</td>
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<tr>
<td>College of Nursing and Health Professions</td>
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<tr>
<td></td>
<td>Bachelor of Science</td>
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<tr>
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<td></td>
<td>Master of Science</td>
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<td>Master of Science in Nursing</td>
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<td></td>
</tr>
<tr>
<td></td>
<td>Doctor of Nursing Practice</td>
<td>2</td>
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</tr>
</tbody>
</table>

| Total Undergraduate Degrees                       | 198                                             |        |         |       |
| Total Graduate Degrees                           | 234                                             |        |         |       |
| Total Degrees                                    | 432                                             |        |         |       |

System Total                                      | *3445                                           |        |         |       |

*The System total for August 2019 represents an increase of 27 graduates from August 2018. Summer 2018=3418.*
FINANCE

4. **UMMC** – The Mississippi Information Technology Services (MS-ITS) approved the request for The University of Mississippi Medical Center (UMMC) to enter into Amendment #2 to the Master Acute Client Agreement with Allscripts Healthcare, LLC to remove the remote hosting services and to rename Schedule B from “EPSi Embedded Analytics” to “EPSi Tableau” found in Amendment One (1). This agreement provides licenses to the EPSi software used in creating UMMC’s annual operating budget. The Attorney General’s staff assigned to the MS-ITS reviewed the amendment prior to execution. The Master Acute Client Agreement and related amendment are between Allscripts Healthcare, LLC and MS-ITS behalf of UMMC.

5. **UMMC** – The Mississippi Information Technology Services (MS-ITS) approved the request for The University of Mississippi Medical Center (UMMC) to enter into Amendments #10 and #11 to the Master Services and License Agreement with OptumInsight, Inc. to provide NCD, LCD and SLME custom files for use within Epic and to renew the Transaction Testing services purchased under Amendment Six (6). The service allows the testing of claims for compliance issues and errors for new code transaction and HIPPA compliance. The Master Services and License Agreement provides claims scrubbing and claims clearinghouse services. The Attorney General’s staff assigned to the MS-ITS reviewed the amendments prior to execution. The Master Services and License Agreement and related amendments are between OptumInsight, Inc. and MS-ITS behalf of UMMC.

6. **UMMC** – The Mississippi Information Technology Services (MS-ITS) approved the request for The University of Mississippi Medical Center (UMMC) to enter into Amendment #1 to the Support Renewal Amendment to the System and Service Agreement with Philips Healthcare to provide nine (9) eICU licenses, First Data license, and nine (9) Apache bed licenses for UMMC’s Grenada facility as well as implementation services related to the licenses. This System and Services Agreement provides the eCareManager System and related services. The Attorney General’s staff assigned to the MS-ITS reviewed the amendment prior to execution. The System and Service Agreement and related amendment are between Philips Healthcare and MS-ITS behalf of UMMC.

7. **UMMC** – The Mississippi Information Technology Services (MS-ITS) approved the request for The University of Mississippi Medical Center (UMMC) to enter into Amendment #1 to the Performance Suite Solutions Subscription Agreement with Premier Healthcare Solutions, Inc. to extend the term of the existing agreement to allow the continued use of the Clinical Surveillance Solution. The clinical surveillance is real time clinical surveillance that enables clinicians to proactively identify at risk patients, prioritize actions for improved patient care, and “get back time” to impact department and organizational initiatives through customizable tools. The Attorney General’s staff assigned to the MS-ITS reviewed the amendment prior to execution. The Performance Suite Solutions Subscription Agreement and related amendment are between Premier Healthcare Solutions, Inc. and MS-ITS behalf of UMMC.
REAL ESTATE
8. SYSTEM – The Board received the Real Estate items that were approved by the Board staff subsequent to the June 20, 2019 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 4.)

LEGAL
9. SYSTEM – The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 5.)
10. SYSTEM – Trustee Ann Lamar, as Board Legal Committee Chair, on behalf of the Board, approved the agency’s emergency request to amend its contract for legal services with Hand Arendall Harrison Sale, LLC to increase the maximum amount payable under that contract from $40,000 to $55,000. All other provisions of the contract remain unchanged. The circumstances of the matters being handled by the firm are such that those matters have required the expenditure of more time and effort than originally expected by all parties, and the system office determined that the additional effort and expense involved is reasonable and necessary in light of the nature and complexity of the matters at issue. The Attorney General has approved this contract amendment.
11. UM – Trustee Ann Lamar, as Board Legal Committee Chair, on behalf of the Board, has approved UM’s emergency request for the UM Educational Building Corporation to contract with Butler Snow LLP for legal services related to the issuance of new bonds in order to refund or refinance outstanding obligations. The approved rate is $1.90 per $1,000 dollars for the first $25,000,000 of bonds issued and $1.15 per $1,000 dollars of bonds issued over and above $25,000,000. This firm carries professional liability coverage in the amount of $50,000,000 per claim with an annual aggregate of $100,000,000. The approval of this request is contingent on approval by the Attorney General.
12. USM – Trustee Ann Lamar, as Board Legal Committee Chair, on behalf of the Board, has approved USM’s emergency request to contract with Dornan Law Offices, PLLC to provide legal services pertaining to the Point Cadet settlement. The term of the contract is one year beginning June 28, 2019 with hourly rates of $165 for partners, $135 for associates and $65 for paralegal services. The maximum amount payable under the contract is $40,000. This firm carries professional liability insurance coverage in the amount of $1,000,000 per claim with an annual aggregate of $1,000,000. The Attorney General has approved this contract.

ADMINISTRATION/POLICY
13. SYSTEM – The following items have been approved by the Commissioner on behalf of the Board and are available for inspection at the Board Office.
   a. JSU – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On June 12, 2019, Commissioner Alfred Rankins, Jr. approved the budget revision for one of the FY 2019 Ayers academic programs. Per IHL Ayers administrative guidelines, the institutions are required to either report these revisions to the IHL Executive Office (i.e., self-approved revisions) or
have certain proposed budgetary revisions pre-approved by the IHL Executive Office. This revision fits under the pre-approval by the IHL Executive Office policy section of the guidelines. The Provost’s Scholarship Pool program requested to transfer $13,475 from student aid to the salaries, wages and fringe benefits category. This request is consistent with the accounting treatment of the graduate assistants that were included in student aid for the original budget, but actual expenditures are coming out of salaries, wages and fringe benefits. The Executive Office financial and academic staff have reviewed and approved these revisions. These budget revisions contain no increases in total budget but rather reallocations among individual expense categories. A copy of the documents is on file at the Board Office.

b. MSU – On July 23, 2019, Commissioner Alfred Rankins, Jr. approved the Ground Lease Agreement between Mississippi State University and the Epsilon Eta Chapter of Alpha Delta Pi House Corporation for the lease of Lot #18, Sorority Hill Subdivision on the Mississippi State campus. The term of the lease is 50 years at a cost of $50.00. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts.

c. MVSU – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On July 24, 2019, Commissioner Alfred Rankins, Jr. approved the budget revisions for the FY 2019 Ayers academic programs after conducting a review. It appears that these revisions were necessary to align 2019 budgets to individual program needs as of the end of the year. Per IHL Ayers administrative guidelines, the institutions are required to either report these revisions to the IHL Executive Office (i.e., self-approved revisions) or have certain proposed budgetary revisions pre-approved by the IHL Executive Office. The revisions contain no increases to the total budgets but rather reallocations among individual expense categories. A copy of the document is on file at the Board Office.

d. MVSU - On July 24, 2019, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between Mississippi Valley State University and the City of Chula, Mississippi for office and parking space in The Robert G. Clark Municipal City Complex for use by the MVSU Mass Transit Program. The term of the lease is five years beginning July 1, 2019 at a cost of $375 per month payable in monthly installments in advance as set out in Paragraph 1. Terms and Rent of the agreement. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts and Board Policy 707.03 Approval of Prepayment for Goods or Services.

e. UM – On June 27, 2019, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between the University of Mississippi, Mississippi Mineral Resources Institute (MMRI) and Bobby Jordan for a building being used by the MMRI machine shop. The building has been under lease by MMRI for more than 10 years
with the most recent 5-year lease approved on June 12, 2014. The term of the subject lease will be one year beginning July 1, 2019, at a total cost of $10,800 payable in $900 monthly installments. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts.

f. UM – On July 18, 2019, Commissioner Alfred Rankins, Jr. approved the Lease Estoppel Agreement between the Mississippi Board of Trustees of State Institutions of Higher Learning/University of Mississippi (IHL/UM) and Delta Rho House Association of Kappa Kappa Gamma Fraternity (KKG) and Paragon Bank. IHL/UM has held a lease with KKG for the sorority lot since June 2011. KKG now seeks financing to renovate the sorority residential facility through Paragon Bank through a construction/term promissory note secured with a leasehold deed of trust. As a condition of the loan, Paragon requested UM/IHL and KKG to execute a Lease Estoppel Agreement specifying that the lease is valid and subject to no offsets, counterclaims and credits, that KKG’s use of the leased premises is consistent with all applicable law and lease terms, and that UM/IHL consents to the construction/term promissory note and leasehold deed of trust. Commissioner approval of this arrangement is required because the lease between IHL/UM and KKG provides that neither the premises nor the lease may be pledged as security for a loan without the prior written consent of the Lessor (IHL/UM). The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts as the last paragraph of the policy states, “Institutional Executive Officers and the Commissioner are authorized and empowered to approve and execute on behalf of their respective institutions all other land, personal property and service contracts. All such contracts shall be executed in accordance with state law and board policy.”

g. UM – On July 25, 2019, Commissioner Alfred Rankins, Jr. approved the Amended Lease between the Institutions of Higher Learning (University of Mississippi) and Delta Rho House Association of Kappa Kappa Gamma Fraternity for sorority lot no. 211 at the University of Mississippi’s Oxford campus. The original lease is being amended and extended to allow the Delta Rho House Association to seek financing through Paragon Bank for renovations to the sorority house (the KKG House). The lease term is being extended from a previous termination date of April 30, 2041 to May 31, 2049, as well as other necessary amendments. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property.

h. UMMC – On June 13, 2019, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between the University of Mississippi Medical Center and Journal, Inc. for approximately 5,924 square feet of clinic space in Tupelo, MS. The term of the agreement is one year beginning September 1, 2019 through August 31, 2020, at a cost of $7,780.18 per month payable in monthly installments in advance as set out in Paragraph 4.1 of the agreement. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land,
Property, and Service Contracts and Board Policy 707.03 Approval of Prepayment for Goods or Services.

i. **UMMC** – On June 18, 2019, Commissioner Alfred Rankins, Jr. approved the Equipment Rental Agreement between the University of Mississippi Medical Center and Getinge US Sales, LLC for an extracorporeal membrane oxygenation (ECMO) machine on an as-needed basis to supplement the six ECMO machines currently owned by UMMC. The term of the agreement is for one year from the date of execution, which is expected to be on or about June 15, 2019, at a maximum cost of $70,000. If a pump is needed, the rental is typically for one month at an approximate cost of $11,550 for the month. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts.

j. **USM** – On June 12, 2019, Commissioner Alfred Rankins, Jr. approved the renewal of the agreement with United Healthcare Insurance Company to provide health insurance to its graduate assistants, resident assistants, and international students. In May 2017, the IHL Board approved an agreement between the parties with a one-year policy term running from August 15, 2017 – August 14, 2018. Although this was a one-year term policy, according to the Agenda write-up, the parties have the option to enter into mutually agreed upon annual renewals. In August 2018, USM was granted Commissioner approval to renew the agreement for an additional one-year period. The renewal of the agreement is for the 2019-2020 Academic Year (AY). The annual premiums for students have increased from $2,129 for AY 2018/2019 to $2,293 for the upcoming academic year, a 7.7% increase from AY 2018/2019. Premiums are payable in advance. The total annual premiums paid for AY 2018/2019 was approximately $1.8 million with USM paying $724,924. The estimated premiums for AY 2019/2020 is $1.94 million with USM estimated to pay $786,842, an 8.7% increase over the previous year. This expected increase in premiums paid by USM does not exceed 110% of the total premiums paid by USM under the current policy. Legal Staff reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts and Board Policy 707.03 Approval of Prepayment for Goods or Services.

k. **USM** – On June 27, 2019, Commissioner Alfred Rankins, Jr. approved the renewal of the Agreement between the University of Southern Mississippi and Barnes & Noble College Booksellers which renews the current agreement by 3 months. The current agreement expires on June 30, 2019 but has an option to renew for up to 5-years subject to mutual agreement. The purpose of this extension is to allow additional time to review terms of a proposed 3-year extension of that agreement. All other terms of the current agreement remain unchanged during this 3-month extension period. The 3-year extension will be submitted for Board approval this fall. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts.
l. **USM** – On July 8, 2019, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between the University of Southern Mississippi and the University of Southern Mississippi Foundation (Foundation) for the lease of a certain parcel of land on USM’s Hattiesburg campus for the purpose of constructing a new center for veterans’ services (Center). The Foundation will construct the Center using privately donated funds. The lease will commence upon execution and will continue through December 31, 2022 or thirty (30) days subsequent to completion of the Center, whichever is earlier. Consideration for the lease during the lease term is one dollar ($1.00) per year, and the reversion of all rights in the premises to USM at the completion and acceptance of the Center. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts.

m. **USM** – In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, “the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board.” On July 16, 2019, Commissioner Alfred Rankins, Jr. approved the University of Southern Mississippi’s 2019-2020 Traffic and Parking Regulations. The IHL Associate Commissioner for Legal Affairs has reviewed and approved the documents.

n. **USM** – On August 1, 2019, Commissioner Alfred Rankins, Jr. approved the amended Lease Agreement between the University of Southern Mississippi and AITC Polymers, LLC. The original lease, dated February 15, 2018, is being amended to reduce the square footage of space being leased from 1,415 square feet to 456 square feet, reducing the annual lease amount from $24,000 to $13,680 per year for the lease and setting terms for lessor’s removal of all trade fixtures from space previously occupied. All other terms of the original lease remain in full force and effect. The IHL Associate Commissioner for Legal Affairs reviewed this item and found it compliant with Board Policy 707.01 Land, Property, and Service Contracts.

o. **SYSTEM** – On June 18, 2019, Commissioner Alfred Rankins, Jr. reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning January 1, 2019 and ending March 31, 2019. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations. The Executive Office financial staff has reviewed and approved the institutions’ submissions. A copy of these reports will be maintained in the IHL Department of Finance and Administration.

p. **SYSTEM** – In accordance with Board Policy 702.03 Approval of Tuition, Fees, and Other Student Charges, each institution is required to submit a report of their annual participation/optional fees to the Board through guidelines established by the Commissioner’s Office. Participation/Optional Fees are defined in Board Policy 702.02 Definitions as assessments for “supplies, activities, or services made available to students or as fines for misconduct, violation of institutional policy, or violation of contractual agreements”. On June 18, 2019, Commissioner Alfred
Rankins, Jr. reviewed and approved the FY 2019 Participation and Optional Fees Report. The fees became effective July 1, 2018 and remain in effect throughout the fiscal year ending June 30, 2019. The Executive Office financial staff has reviewed and approved the institutions’ submissions. A copy of this report will be maintained in the IHL Department of Finance and Administration.

q. SYSTEM - In accordance with Board Policy 613 Athletics subsection (c) Athletic Tickets, each institution is required to submit a summary of their most recent annual Complimentary Athletic Ticket activity. Each institution is obligated to keep accurate records of complimentary tickets distributed by number of tickets and category of recipients and shall file an annual report with the Commissioner. On June 18, 2019, Commissioner Alfred Rankins, Jr. reviewed and approved the Fiscal Year 2019 Complimentary Athletic Tickets Report. The IHL financial staff have reviewed and approved the institutions’ submissions. A copy of this report will be maintained in the IHL Department of Finance and Administration.

r. SYSTEM – In accordance with Board Policy 703.04 Institutional Scholarships, Tuition Waivers and Fellowships Subsection F Policy Guidelines, each institution is required to submit an annual summary of actual expended E&G Scholarships, Fellowships and Tuition Waivers for the past fiscal year. Included in this presentation would be a summary of the actual E&G student aid expenditures by financial aid category as well as the number of category award recipients. On June 18, 2019, Commissioner Alfred Rankins, Jr. reviewed and approved the FY 2018 presentation. The Executive Office financial staff has reviewed and approved the institutions’ submissions. A copy of these reports will be maintained in the IHL Department of Finance and Administration.

ANNOUNCEMENTS

- President Hal Parker invited the university presidents to report on current activities on their campuses.
- President Parker announced the annual Board Retreat will be September 18-20, 2019 at Old Waverly Golf Club in West Point, MS.

LEGAL COMMITTEE REPORT

Tuesday, June 25, 2019

The telephonic meeting was called to order by Chairman Ann Lamar at approximately 10:00 a.m. In accordance with Miss. Code Ann., §25-41-5, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The meeting was held to discuss the strategic business plans related to a public hospital.

1. Executive Session

On motion by Trustee Hooper, with Trustee Morgan absent and not voting, all Committee members legally present and participating voted unanimously to close the meeting to
determine whether to declare an Executive Session. On motion by Trustee Ogletree, seconded by Trustee Hooper, all Committee members legally present and participating voted unanimously to enter into Executive Session for the reason reported to the public and stated in these minutes, as follows:
Discussion of strategic business plans related to a public hospital.

During Executive Session, the following matter was discussed/voted upon:
On motion by Trustee Ogletree, seconded by Trustee Hooper, all Committee members legally present and participating voted unanimously to approve the Merit Madison Joint Venture due diligence memo as prepared by Mr. William Smith, legal counsel for the University of Mississippi Medical Center. The Board Legal Committee also received a report that Board outside counsel, Mr. Richard Cowart, has reviewed and approved the Tax Exempt Application on Form 1023 to be filed with the IRS on behalf of the Healthier Mississippi Collaborative, by the University of Mississippi Medical Center, and that a letter from Mr. Cowart confirming same would be forthcoming and would be attached to these minutes as an exhibit. (See Exhibit 6.)
On motion by Trustee Hooper, seconded by Trustee Morgan, all Committee members legally present and participating voted unanimously to return to open session.

The following Committee members participated: Ms. Ann Lamar (Chair), Mr. Shane Hooper, Mr. Chip Morgan, and Mr. Gee Ogletree.

HEALTH AFFAIRS
COMMITEE REPORT
Wednesday, August 14, 2019

The meeting was called to order by Chairman Walt Starr at approximately 2:00 p.m.
1. The Committee discussed the following items:
   a. Monthly financial summary;
   b. Status of requested metrics;
   c. Revenue and performance improvement report;
   d. Professional practices overview;
   e. Mission, vision, and strategic plan; and
   f. Quarterly clinical quality report.
No action was taken on items #1a - #1f.
2. By consensus, the Committee adjourned at approximately 4:20 p.m.
The following Committee members were present: Dr. Walt Starr (Chair), Dr. Ford Dye, Ms. Ann Lamar, Dr. Alfred McNair, Mr. Chip Morgan, and Mr. Gee Ogletree.
MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
August 15, 2019

FIRST EXECUTIVE SESSION

On motion by Trustee Ogletree, seconded by Trustee McNair, all Trustees legally present and participating voted unanimously to close the meeting to determine whether to declare an Executive Session. On motion by Trustee Dye, seconded by Trustee Duff, all Trustees legally present and participating voted unanimously to enter into Executive Session for the reasons reported to the public and stated in these minutes, as follows:

Discussion of a litigation matter at the University of Southern Mississippi;
Discussion of two litigation matters at the University of Mississippi Medical Center;
Discussion of a personnel matter at the University of Mississippi;
Discussion of a personnel matter at the Mississippi Valley State University; and
Discussion of a personnel matter at Jackson State University.

During Executive Session, the following matters were discussed and/or voted upon:

On motion by Trustee Hooper, seconded by Trustee McNair, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 65-3105-1, styled as Michael Gilbert v. the University of Southern Mississippi, et al., as recommended by counsel.

On motion by Trustee Hooper, seconded by Trustee McNair, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 3258, styled as Amari Shinnie v. the University of Mississippi Medical Center, et al., as recommended by counsel.

On motion by Trustee McNair, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to approve the settlement of IH L Self-Insured Workers’ Compensation Claim No. 55-39364-1, styled as Virginia Feller v. the University of Mississippi Medical Center, et al., as recommended by counsel.

On motion by Trustee Ogletree, seconded by Trustee Martin, all Trustees legally present and participating voted unanimously to increase the Mississippi Valley State University President Briggs’ state salary by $10,000 per year and to terminate the obligation of the MVSU Foundation to provide a $10,000 per year foundation salary supplement to MVSU; to amend Dr. Briggs’ employment contract to reflect same; and to authorize any payments made by MVSU to Dr. Briggs for any MVSU foundation salary supplement amounts not reimbursed by the MVSU Foundation to MVSU.

The Board discussed a personnel matter at Jackson State University. No action was taken.

On motion by Trustee McNair, seconded by Trustee Martin, all Trustees legally present and participating voted unanimously to return to Open Session.

The Board discussed various higher education issues. No action was taken.
SECOND EXECUTIVE SESSION

On motion by Trustee Dye, with Trustee Hooper absent and not voting, all Trustees legally present and participating voted unanimously to close the meeting to determine whether to declare an Executive Session. On motion by Trustee Dye, seconded by Trustee Martin, with Trustee Hooper absent and not voting, all Trustees legally present and participating voted unanimously to enter into Executive Session for the reason reported to the public and stated in these minutes, as follows: Discussion of a personnel matter at the University of Mississippi.

During Executive Session, the following matter was discussed:

The Board discussed a personnel matter at the University of Mississippi. No action was taken.

On motion by Trustee Morgan, seconded by Trustee Ogletree, with Trustee Hooper absent and not voting, all Trustees legally present and participating voted unanimously to return to Open Session.

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee McNair, seconded by Trustee Lamar, with Trustee Hooper absent and not voting, all Trustees legally present and participating voted unanimously to adjourn the meeting.

R. Hal Parker
President, Board of Trustees of State Institutions of Higher Learning

Alfred R. Winters Jr.
Commissioner, Board of Trustees of State Institutions of Higher Learning
EXHIBITS

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RESOLUTION

Honoring

Dr. Bettye Henderson Neely

WHEREAS, the Board of Trustees of State Institutions of Higher Learning (IHL), pays tribute and recognizes Dr. Bettye Henderson Neely, former member of the Mississippi Board of Trustees of State Institutions of Higher Learning, for the outstanding leadership she provided to the university system, the devotion to children she demonstrated as an educator with the Grenada School District and the tremendous difference she has made to students on all levels, from Pre-K through university graduate studies; and

WHEREAS, Dr. Neely served as a Member of the Board of Trustees from 2000 to 2012, including a term as Vice President and a term as President; and

WHEREAS, Dr. Neely played an integral role in many of the accomplishments of the Board of Trustees during this time, including adding more than 100 new undergraduate and graduate academic program offerings for students; settling the Ayers Case in 2001; awarding more than 168,000 degrees; managing more than 500 major building and renovation projects; and increasing student enrollment by more than 20 percent; and

WHEREAS, as President of the Board, Dr. Neely managed the selection of two university presidents and launched the search for another president; and watched university researchers chart the course for the country’s environmental future through research related to the BP Oil Spill Disaster; and

WHEREAS, Dr. Neely chaired numerous Board Committees, including Awards and Commendations; Ayers Management; Black History Month for three terms; Educational Policies and Procedures Committee for four terms; and Student Affairs for two terms; and served on numerous other committees; and

WHEREAS, Dr. Neely represented the Board of Trustees on the Educational Achievement Council, serving on the EAC Subcommittee on Articulation and Transfer; and the Board of Directors for the University Press of Mississippi; and

WHEREAS, Dr. Neely holds a bachelor’s degree from Mississippi Valley State University; a master’s degree from Jackson State University; a Specialist Degree from Delta State University; and a doctorate from Mississippi State University;

THEREFORE BE IT RESOLVED, that Dr. Neely will be remembered as an exceptional leader who made a positive impact on the lives of students on all levels of the educational spectrum, supported the university system faculty and staff; and helped lead the university system to levels of success of which the alumni can be proud; and

BE IT FURTHER RESOLVED that a copy of this resolution be spread upon the minutes of the Board and that a copy by presented to Dr. Bettye Neely with the affirmation that she will always be remembered for her love for and dedication to children, young people and all levels of the educational system of Mississippi.

DONE, this the 27th day of July, 2019

Hal Parker, President
Mississippi Board of Trustees of State Institutions of Higher Learning
523 APPLIED BACCALAUREATE DEGREE

The applied baccalaureate degree is specifically intended to serve the needs of adults who have completed a technical associate degree program, such as an Associate of Applied Science (AAS) from a SACSCOC accredited community college in the state of Mississippi or comparable regionally accredited community college from another state. The applied baccalaureate degree is an accelerated pathway designed to assist adult learners who need additional education to advance their careers. Building upon the AAS or other technical associate degree program, the applied baccalaureate degree prepares adult learners to assume leadership roles and make a greater contribution in the workplace.

The AAS degrees offered in Mississippi follow the 30/45/60 stackable credential model. At 30 hours, a career certificate is awarded. At 45 hours, a technical certificate is awarded. At 60 hours, an AAS degree is awarded. The AAS degree requires 15 credit hours of general education core courses. The general education core courses earned as part of the AAS may be accepted as satisfying half of the general education requirements for the applied baccalaureate degree. Provided the general education component of this degree program complies with SACSCOC, an IHL institution may exercise flexibility in determining the remaining general education core requirements for the applied baccalaureate degree based on specific needs of adult learners in the workplace.

The minimum number of hours required in the applied baccalaureate degree is 120 credit hours, which may include 60 hours of credit with a 2.0 GPA earned as part of the AAS degree. Credits earned through prior learning assessment and competency-based education may be included as part of the 120 hours. Credits may be earned online, using blended formats, or through courses taught in the evenings or weekends in order to accommodate working adult learners. Of the 120 credit hours, 30 shall be completed in residence at the degree-awarding institution and 30 shall be upper-division credit.

Each IHL institution may offer an applied baccalaureate degree as a new baccalaureate degree. In cases where applied baccalaureate degrees already exist, they may be redesigned to meet the criteria set forth in this policy. An IHL institution may choose to offer more than one applied baccalaureate degree.
301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES

A. Purpose of Foundations and Similar University Affiliated Entities:

This policy shall apply to the relationship between Mississippi public universities ("universities") and university development foundations, research foundations, athletics foundations, alumni associations and all other similar entities affiliated with any of the eight state universities (collectively referred to as the "Foundation/ Affiliated Entities” or "Entities").

The Board of Trustees (hereinafter “Board” or “IHL”) recognizes that such Entities have played and continue to play an important role in providing financial and other support for its institutions. This support has assisted the institutions in achieving a level of excellence not possible through state funding and tuition alone. While the Board of Trustees recognizes and appreciates the contributions made to higher education by such foundations and similar entities, the Board of Trustees reaffirms that the goal of the Entities is not to replace necessary support from the state.

The Board of Trustees also acknowledges that the independent nature of the Entities provides flexibility to state universities in fiscal management and responsiveness.

The primary purpose of the foundations and other entities affiliated with the state universities is to engage in raising and managing funds and/or other activities consistent with the mission and priorities of their respective affiliated institutions, as determined by the Institutional Executive Officer (the "IEO") of each. Each Entity is expected to have a mission statement relevant to this purpose and to adopt policies, plans, and budgets designed to achieve that mission.

The Board fully recognizes the importance to the universities and to the Entities of preserving the confidentiality of information related to donors or potential donors. Providing appropriate confidential treatment for information related to donors who have voluntarily provided funds to support the state universities is in the best interests of this state and its citizens. Thus, it is the policy of the Board that its oversight of the relationship between the foundations and the universities shall be accomplished in a manner that will effectively and appropriately preserve and protect the confidentiality of such information to the fullest extent possible which is consistent with the duty of the universities and the IHL to assure that assets intended to benefit the state universities are appropriately and effectively managed and utilized.
B. Relationship Between Board and Affiliated Entities

As provided in Miss. Const. Art. 8, Section 213-A and Section 31-101-1 of the Miss. Code Ann. of 1972, as amended (the "Miss Code"), the Board of Trustees has governing authority over the eight state universities. Under such authority, the Board of Trustees has responsibility for ensuring that the public interest is served by any individual or organization that is established to support one of the eight state universities.

The Board recognizes that the Entities are not state agencies. The Entities have their own governing authorities. The Board recognizes that it does not have the power to exercise governing control over the Entities.

While the Board of Trustees does not have the power or authority to exercise governing control over the Entities, the Board has the full authority to establish the terms under which state universities will contract with private organizations. That is particularly necessary with respect to these Entities, since they, or some of them, will solicit and manage funds on behalf of and for the benefit of the state universities, and may use the name, logo, or other insignia identified with the state universities. The Board has the authority to require that any organization that manages funds for any state university, or whose name is associated with a state university under the governance of the Board, must adhere to ethical standards appropriate for such organizations and must properly manage, utilize and account for funds contributed to or for the benefit of the universities.

To ensure the independence of the affiliated Entities, no member or employee of the Board of Trustees of State Institutions of Higher Learning shall hold a voting position on an institutionally affiliated Entity board. The Board of Trustees may allow exceptions to this restriction if needed to comply with NCAA requirements or other proper purposes. Senior administrators of the institution should only participate on the Foundation/Affiliated Entity's board in an ex-officio capacity.

C. Affiliation Agreements Required

Each university must enter into a formal contractual affiliation agreement (the “Affiliation Agreement”) with its development foundation(s), research foundation(s), athletics foundation(s), alumni association(s) and any other similar university affiliated Entity in a form submitted to and approved by this Board. The Affiliation Agreement shall be reviewed for approval by the Board of Trustees at least every five (5) years, or whenever the Affiliation Agreement is changed (other than changes for non-substantive, conforming or purely administrative matters). Affiliation agreements should be signed by the applicable institutional executive officer and by the affiliated entity’s board chair and chief executive.

Each university shall submit all existing or amended Affiliation Agreements to the Board for approval on or before June 30, 2010, in a form that the university believes will fully comply with the requirements of this policy as amended.
Universities are required to review and update affiliation agreements to comply with any changes to this Policy 301.0806. As stated above, substantive changes to affiliation agreements require IHL Board approval.

In order to appropriately conserve the resources of the universities and the IHL, and to expedite the Board’s review of the proposed Affiliation Agreements within the time period set forth above, the IEO’s of the universities are expected to direct the resources of their university to work in coordination with the other universities in developing and reviewing templates of proposed affiliation agreements to be used by all similar Entities and universities. Counsel for the Board will be directed to assist in that process. The universities are expected to use those templates insofar as practical, given the acknowledged differences between universities and the Entities, as the basis and pattern for preparing the proposed Affiliation Agreements which are required by this Policy.

D. General Requirements of Affiliation Agreements

The Affiliation Agreements for each Entity shall address and comply with the following general requirements and subjects:

1. Outlining the services and benefits the institution and the Entity are to provide to each other and the compensation or other requirements related thereto;
2. Describing the mechanisms by which the institution shall, through its IEO, keep the Entity apprised of the needs and priorities of the institution, and requiring that the Entity, in concert with donor intent or directives, if any, agree to consider and communicate to the university its ability and plans to fund university needs and priorities, as determined by the IEO;
3. Describing whether, and the terms under which, any institutional assets of the institution itself are to be managed by the Entity on behalf of the institution and providing for appropriate rights of inspection and auditing for such funds by the IHL and all appropriate state officials;
4. Delineation of the terms upon which the Entity is authorized to accept gifts, restricted and unrestricted, on behalf of or for the benefit of the institution;
5. Outlining the method under which all gifts, grants, endowments and other assets are accepted and accounted for by the Entity, the methods and procedures to be utilized in determining how the income related to those assets is to be computed and distributed to the universities, and the terms and conditions under which any portion of such assets or the income related thereto may be used for the operating or other expenses of the Entity;
5. Requiring that the Entity abides by a gift acceptance policy to be jointly endorsed by the university and affiliated entity and describing the method by which the entity will keep the University informed about endowment performance, endowment spending policy, and anticipated accumulation and distribution of funds;
6. Requiring that all gifts made to the university shall be accounted for and ownership maintained by that university, even though they may be managed by the Entity;
7. Requiring that the records of such Entity shall be maintained separately from the records of the respective affiliated institution;
8. Requiring maintenance of financial and accounting records, including thorough documentation of donor intent, in accordance with Generally Accepted Accounting Principles;
9. Requiring that the Entity must cause to be prepared annual financial statements of the condition of the Entity, which shall include such detail as the IHL Board may from time to time require; The Entity must also engage a Certified Public Accounting (CPA) firm to perform annual audits of the Entity’s annual financial statements; The Entity shall submit the audited financial statements, along with a list of Entity officers, directors or trustees, not later than five months following the completion of the Entity’s fiscal year, to the affiliated university’s IEO and to IHL; However, the annual audited financial statements of some of the Entities will be required for inclusion in the State of Mississippi’s Comprehensive Annual Financial Report (CAFR); Those Entities which will be required to submit annual audited financial statements for inclusion in the CAFR, as determined by the IHL Board’s Deputy Associate Commissioner of Finance and Administration and the external auditing firm hired to perform the annual IHL system audit, must submit annual audited financial statements to the affiliated university’s IEO and to the IHL, along with a list of Entity officers, directors or trustees, by October 15 of each year; The IHL Board’s Deputy Associate Commissioner of Finance and Administration shall notify each such Entity of the applicability of the October 15 deadline to such Entity as far in advance of the deadline as possible each year; The CPA firm to be utilized by the Entity must be approved by the IHL Board and all requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three months prior to the end of the Entity’s fiscal year for which the audit will be conducted; Unless approval is specifically granted for multiple years, approval of a firm by the IHL Board for one year does not constitute approval for other years, and requests for approval of the CPA firm must be submitted on an annual basis in good standing with the Mississippi State Board of Public Accountancy, have substantial experience in auditing like organizations, and must be approved by the IEO or his/her designee; However, at the request of the Entity, the IEO of a university, with the approval of the IHL Board, may grant a request of the Entity to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds, such as a showing that the assets of the Entity are so limited as to make the expense of engaging a CPA firm to perform an audit financially burdensome to the Entity and unnecessary; Such a waiver may be conditioned upon such other review of the financial records of the Entity in lieu of an audit as the University and the IHL may deem feasible; Such a request for a waiver must be accompanied by (a) the most recent annual audited financial statements of the Entity (if any such statements exist), (b) the financial statements of the most recently completed fiscal year, (c) a written description of how the Entity anticipates that the year-end financial statements for the current year will differ from the financial statements as of the end of the most recently completed fiscal year, and (d) a good faith estimate of the cost of engaging an auditor with respect to the statements; The granting of
any request to waive the requirement of an annual audit by a CPA firm approved by
the IHL is within the sole discretion of the university and the IHL Board; Any
waiver of the audit requirement will apply only for one year, and any request to
waive the requirement for the next year should be submitted as outlined above;

10. Requiring that the Entity only accept or solicit gifts for the benefit of the university
that are consistent with the university's mission, goals or objectives;

11. Requiring that the Entity manage all funds in its control in a fiscally sound and
prudent manner;

12. Requiring that the Entity establish and maintain a conflict-of-interest policy that
complies with all requirements of Miss. Code Ann. §79-11-269 (1972) as amended,
entitled "Conflict of interest Transaction", university conflict of interest policies,
and which addresses transactions with university or entity staff;

13. Requiring that no form of additional compensation for an IEO or any IHL system
office employee be underwritten or increased by the Entity without the prior
approval of the Board; The request for approval shall come through the
Commissioner to the IHL Board; As to other university employees, the Affiliation
Agreement will provide that no form of additional compensation may be provided
or paid by the Entity without the prior approval by the IEO; All such approvals by
the IEO must be reported to the Board of Trustees at its next official meeting; This
provision does not apply to transfers from the Entity to the supported university for
items such as professorships, chairs, and other programmatic support that are paid
directly to the university and included in its annual budget;

14. Requiring the Entity to submit to the IHL an annual report providing a detailed list
of supplemental compensation provided to administrators, faculty, athletic staff, and
other employees; provided however that the Affiliation Agreement may provide for
appropriate exceptions for such compensation made by the institution out of funds
routinely provided to the institution to be included in its budget; and,

15. Requiring compliance with all state and federal laws applicable to such
organizations.

16. Establishing appropriate maximum limits on the period of time for which the Entity
shall enter into contracts for professional, advisory, or other personal services.

17. Requiring that the provisions of the affiliation agreement shall apply to any and all
entities owned or controlled by the affiliated Entity, with the exception of a special
purpose entity created for the sole and specific purpose of utilization as a financing
vehicle for the private financing of university auxiliary facilities by a private
developer using the alternate dual-phase design-build privately financed
construction method, as specially authorized by Miss. Code Ann. Section 37-101-
41, et seq. (1972), as amended. If the use/purpose of any such special purpose entity
ever changes, the special purpose entity would then be required to comply with any
and all provisions of the affiliation agreement between the university and the Entity
which owns or controls the special purpose entity.

18. Affiliation agreements must address the reporting relationship of the chief executive
of the affiliated entity and the roles of the IEO and the affiliated entity board in
hiring, assessment, compensation and termination decisions related to the entity’s
chief executive.
19. Requiring that the entity abides by a gift acceptance policy to be jointly endorsed by the university and affiliated entity and describing the method by which the affiliated entity will keep the university informed about endowment performance, endowment spending policy, and anticipated accumulation and distribution of funds.

20. Requiring documentation of donor intent.

21. Requiring that the university ensure that gift funds distributed by the affiliated entity are used in a timely manner in compliance with donor intent and that the university provide affiliated entity staff and auditors access to records and accounts needed to monitor and verify use of gift funds.

E. Affiliation Agreements Shall Require Notice of Certain Events

In addition to the foregoing general requirements, the Affiliation Agreement shall contain provisions requiring that the IHL be notified of certain events or actions that may affect the operations, reputation, legal status, and assets of any entity or any university. The Affiliation Agreement shall require that the chief executive officer of the Entity and its other governing authorities will immediately notify the IEO and the IHL, in writing, if any of the following events (hereinafter "Reportable Events") occur:

1. The Entity has materially breached any of its contractual obligations under the Affiliation Agreement;

2. The Entity has materially failed to properly receive, apply, manage or disburse any funds or has materially failed to properly comply with any binding instructions from donors relating to those funds;

3. The Entity has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;

4. There has been a failure by the Entity or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing documents or procedures of the Entity;

5. Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the Entity or upon its status as a tax exempt organization; or

6. The Entity has contracted with or entered into any business or pecuniary relationship with any of its board members, other than a full time employee of the Entity, or any Entity controlled directly or indirectly by the board member, which would reasonably be expected to provide for payment or benefits to that person exceeding the value of $50,000 in any calendar year; The previous sentence creates a duty for the Entity to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.

The Affiliation Agreement shall require that the chief executive officer of the Entity shall submit to the IEO of the supported university and the IHL a signed certification statement annually, before January 31 of each year, which affirmatively states that the Entity has examined its donor records and business transactions occurring during its fiscal year.
ending within the prior calendar year, and that to the best of its knowledge, there is no evidence that any Reportable Events occurred, other than those which have been duly reported to the IEO and the IHL as required above. The chief executive officer of each Entity shall re-affirm that, in the event he/she becomes aware of any such Reportable Events, the chief executive officer will immediately notify, in writing, the IEO of the university.

F. Affiliation Agreements Must Require Entity to Provide Certain Additional Information to IEO upon Request

In addition to the foregoing general requirements, the Affiliation Agreement of each Entity will contain provisions requiring that the Entity furnish to the IEO of the corresponding university, or such person as the IEO may designate, any and all information relating to the operation or management of the Entity or any funds contributed to, received by, expended by, or managed by the Entity.

It is the policy of the Board that to the extent that information is inspected, reviewed or received by the IEO or his designees with respect to the identity of donors who have expressly stated they wish to remain anonymous, or with respect to any information relating to the identification, cultivation and solicitation of donors, or with respect to personal information relating to a donor or his/her family business, or trade secrets associated with donors or entity functions (collectively, “Confidential and Trade Secret Information”), such information shall be treated as confidential by the IEO and any designee who may acquire such information. The IEO is expected to take appropriate safeguards to assure that such information is utilized or disseminated only in a manner that is appropriate under the circumstances.

The IEO shall promptly notify the Board and Commissioner of Higher Education if the Entity refuses or fails to produce any information requested by the IEO.

G. Affiliation Agreement Must Provide for Right of Board to Require Information from Entity or to Examine Records of Entity

Ordinarily, the Board will not request information from any Entity and will allow the IEO to oversee the compliance by the Entity with the Affiliation Agreement and to determine that funds are being appropriately received, managed, and expended. In some circumstances, however, the Board may determine it to be necessary to secure additional information from the Entity or to review appropriate records of the Entity. The Entities hold funds that are intended to benefit the institutions of the state, and the Board has an interest in the proper administration of those funds. Thus, the Affiliation Agreement will provide that the Board may require the Entity to provide information or allow inspection of its records as required by the Board to determine that the Entity is in compliance with the Affiliation Agreement and that the funds held for the institution or for its benefit are appropriately utilized and protected. No such request for information will be made by individual Board members to any Entity or to any IEO.
As a matter of general policy, the Board will attempt, when appropriate, to resolve any issues or concerns about the activities of any Entity informally. Examples of such informal methods include responses by the Entities to requests from the auditors employed by the Board or a report from an accounting firm approved by the Board to review records related to the matters at issue. The decision of any entity as to whether and how to comply with such informal requests is within the discretion of the governing authorities of the entities. The Board anticipates that, normally, any questions related to the Entities can be resolved through such informal procedures.

The Affiliation Agreement shall provide, however, that the Board may determine by appropriate action, at a duly called meeting of the Board, that informal measures are or will be untimely, insufficient, or inappropriate to secure information necessary to allow the Board to determine that the Entity is appropriately complying with the Affiliation Agreement and that funds intended to be used for the benefit of the institution are appropriately maintained and expended. The Affiliation Agreement will provide that, if the Board makes such a finding, the Entity will permit an audit, inspection or review of the financial and other records of the entity by persons selected by the Board, which persons shall have the power to determine the appropriate scope of the investigation and the records to be examined, and that the Entity will fully cooperate with any such inquiries.

As noted above, it is the policy of the Board that it will not unnecessarily disclose or disseminate any Confidential and Trade Secret information relating to the Entities, and in particular, any information related to donors to the Entity or trade secrets associated with donors or entity functions. In some circumstances, however, such as those involving alleged misuse or misappropriation of funds, appropriately limited disclosure of information related to donors may be necessary in order to conduct the investigation and to recover the funds, or to allow prosecution with respect to any misappropriation of funds. Thus, the Affiliation Agreement must specifically recognize that the final determination as to the appropriate extent of any disclosure or other use of the information is in the discretion of the Board. Any decision to release any information that would identify any particular donor shall be made by the Board. No individual Board member or employee of the IHL will release such information without authorization from the Board.

H. Asset Distribution Upon Dissolution of Affiliated Entity and Required Termination Provisions to Be Included in Affiliation Agreement

The Affiliation Agreement will provide that the Affiliation Agreement may be terminated by the IEO, with the prior approval of the IHL, for cause with no notice or without cause upon thirty days notice. Upon termination, (1) the Entity shall cease to use and shall not assign or delegate the authority to use the respective university’s name or registered marks or logos to any person or entity without the written approval of the IEO, (2) the Entity shall remit any and all unrestricted funds held for the benefit of the university to
such entity as designated in writing by the IEO on behalf of the university, (3) the Entity shall work in concert with its donors, to the extent practicable and allowed by law, to move any restricted funds held for the benefit of the university to such entity as designated in writing by the IEO on behalf of the university, (4) the Entity shall work in concert with persons or entities with which it had contractual relations to the extent practical and allowed by law, to assign any contracts to such entity as designated by the university IEO; and (5) the Entity shall work in concert with the university to provide the university or its designee with records and materials of the Entity as are necessary to continue the business and/or wind up the affairs of the Entity.

Because an Entity may hold assets intended to benefit the universities, the Affiliation Agreement will provide that the Entity will have no right to terminate the Affiliation Agreement without the consent of the IEO and the Board.

Affiliation Agreements must require that governing documents of the affiliated entity, including but not limited to, articles of incorporation, bylaws, or articles of organization provide that upon dissolution of the entity all of its assets be transferred to the university for one or more public purposes exclusively for the use and benefit of the university or another entity identified by the IEO and approved by the IHL board or identified by the IHL board for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code provided such purposes are exclusively for the use and benefit of the university. Any exceptions to this requirement must be approved by the IHL board.

The Affiliation Agreement will provide that the Affiliation Agreement may be terminated by the IEO with the prior approval of the IHL Board, for specified material non-compliance with or breach of the Affiliation Agreement or applicable policies of the University or IHL. In such cases, the IEO must provide the affiliated entity ninety (90) days’ notice and work with the staff and board of the affiliated entity in that period to cure the breach in advance of termination. In the event of termination, the affiliated entity 1) will remit all unrestricted gift funds to the university for one or more public purposes exclusively for the use and benefit of the university or to another entity designated by the IEO for one or more exempt purposes within the meaning of section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code provided such purposes are exclusively for the use and benefit of the university, 2) cease to use the university’s name or registered marks or logos without the written approval of the IEO, and 3) provide the IHL, the university, or other entity designated by the IHL or IEO with any records, accounts, or other materials requested by the IEO or IHL subject to appropriate restrictions set forth in a confidentiality agreement as to protection of Confidential and Trade Secret Information.

I. Restructuring Relationship in Event of Irreconcilable Differences

The Board expects there to exist a cooperative relationship between the Entities and the universities. The Board is aware of situations in other states where foundations have
attempted to use the leverage provided by control of funds contributed for the benefit of the universities to require the university to take action desired by the foundation. Exercise of such power would interfere with the power of the IEO’s and, ultimately, the power of the Board. To provide for the eventuality in which it appears that the IEO and the Entity have irreconcilable differences that interfere with the Entity serving the purposes for which it is intended, the Affiliation Agreement must provide for some mechanism to allow a resumption of normal relationships to benefit the university. In such a case, it would be detrimental to the university to allow the Entity to simply terminate the relationship—since it may hold funds and other assets intended for the benefit of the university. Thus, the Affiliation Agreement shall provide for a mechanism to deal with that possibility that will effectively accomplish the purpose of insuring that the Entity’s goals remain appropriately aligned with those of the university.

The Affiliation Agreement must therefore provide for such a mechanism. The universities are expected to finalize the relationship with the Entities to accomplish the purpose on or before December 31, 2010.

Any university, after consultation with an affiliated Entity, may propose, on or before December 31, 2009, to include an appropriate plan to accomplish this purpose in the Affiliation Agreement for that Entity.

For example, a university may choose to propose a mechanism to allow the Entity to restructure its governing board. As an illustration of such a mechanism, such a plan might provide as follows:

In the event that the IEO notifies the IHL that the relationship between the IEO and the Entity’s governing authorities is detrimental to the wellbeing of the university, then IHL shall attempt to reconcile the parties. However, if the IHL determines that it is in the best interests of the university to substitute new governing authorities of the Entity, and unless the matters are resolved, the IHL Board may direct, in its sole discretion, that at the expiration of a 90 days notice period, the terms of office of the then existing board of directors of the affiliated Entity (or the persons serving that role in governance of the Entity, regardless of title) shall be deemed to have expired. Those persons shall be replaced by a nine member board selected by the following persons: 1) one member appointed by the mayor of the municipality in which the subject university is located or to which it is nearest, 2) one member appointed by the subject university’s IEO, 3) one member appointed by the subject university’s chief academic officer, 4) one member appointed by the president of the board of supervisors of the county in which the subject university is located, 5) one member appointed by the governor, 6) one member appointed by the Commissioner of Higher Education, 7) such other person, as the Affiliation Agreement may provide, who is affiliated with another Entity associated with the affected university, 8) one member appointed by the current president of the subject university’s student body, and 9) one member appointed by the most recent past president of the subject university’s student body.
However, each university and Entity may choose to agree upon some different arrangement which would accomplish the same end. Because of the differences in the various Entities, the types and amounts of assets held by the Entities, the debt obligations of some Entities, ongoing contractual obligations, and other similar factors, the Board will address such proposals on an individual basis to determine their effectiveness, feasibility and practicality. Any such proposal must be submitted with all of the information necessary to fully evaluate the proposal. The exact language of all documents required to implement such a proposal shall be included in the submission to the Board.

Any such proposals will be considered by the Board and acted upon before March 31, 2010. Failure to submit sufficient information to allow a full understanding as to the effectiveness and practicality of such a plan will prevent the Board from considering the proposal. In the absence of approval by the Board of some other alternative provisions to accomplish such purpose by March 31, 2010, or any extension granted by the Board, it is expected that each university will enter into a contract with all related Entities under terms similar to those in the illustration set out above.

If the Entity is a university research foundation formed pursuant to Miss. Code Ann. Section 37-147-15 (1972), as amended, the new board of directors shall be appointed by the subject university's IEO, in accordance with applicable state law.
SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE JUNE 20, 2019 BOARD MEETING SUBMISSION DEADLINE

NOTE: THE FOLLOWING ITEMS WERE APPROVED BY THE BOARD'S REAL ESTATE AND FACILITIES STAFF ACCORDING TO BOARD POLICY §904 (A) BOARD APPROVAL.

Change Order Approval Note: No change orders approved by Board staff, as reflected within any of the following informational agenda items, increase the Board approved total project budget. The total project budget as approved by the Board provides for a contingency fund, which allows for an increase in the construction budget of between five and ten percent. Any increase in the total project budget caused by a change order, would require Board approval and could not be approved by Board staff until the budget increase is approved by the Board.

ALCORN STATE UNIVERSITY

1. **ASU- GS 101-297 – Technology Classroom Building**
   - NOTE: This is a Bureau of Building project
   - Approval Request #1: Change Order #1
     - Board staff approved Change Order #1 in the credit amount of $91,986.66 and thirty-nine (39) additional days to the contract of Flagstar Construction Company.
     - Approval Status & Date: APPROVED, June 11, 2019
     - Change Order Description: Change Order #1 includes the following item: modified the sanitary sewer system design to include a new lift station; 390 ft. of 2”forced main, 65 ft. of 8”gravity main; 280 ft. of 6”gravity main; 320 ft. of 10”gravity main; 330 ft. of 12”gravity main; six (6) new sanitary sewer manholes; and thirty-nine (39) days to the contract.
     - Change Order Justification: These changes were necessary due to user/owner requested modifications to provide a more economical option for the site development while properly serving the adjacent houses that are served by the university system; and days for work as indicated herein.
     - Total Project Change Orders and Amount: One (1) change order for a total credit amount of $91,986.66.
     - Project Initiation Date: June 20, 2013
     - Design Professional: Allred Stolarski Architects
     - General Contractor: Flagstar Construction Company
     - Total Project Budget: $21,000,000.00

2. **ASU– GS 101-310 – New Faculty and Staff Housing**
   - NOTE: This is a Bureau of Building project
   - Approval Request #1: Change Order #1
     - Board staff approved Change Order #1 in the amount of $5,358.00 and zero (0) additional days to the contract of Ergon Construction Group, Inc.
     - Approval Status & Date: APPROVED, July 11, 2019
Change Order Description: Change Order #1 includes the following items: installed a black privacy screen attached to the construction fence and existing chain link fence; replaced an irrigation line and installed a ball valve to provide water shut-off capability.

Change Order Justification: These changes were necessary due to user/owner requested modifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of $5,358.00.

Project Initiation Date: April 20, 2017

Design Professional: Architecture South, P.A.

General Contractor: Ergon Construction Group, Inc.

Total Project Budget: $10,000,000.00

**DELTA STATE UNIVERSITY**

3. **DSU– GS 102-267 – Campus Roofing**

   Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Hal Parker, President of the Board of Trustees on July 31, 2019 to approve the budget increase on the Campus Roofing project from $1,500,000.00 to $1,515,000.00, for an increase of $15,000.00.

   Interim Approval Status & Date: APPROVED, July 31, 2019

   Project Initiation Date: January 17, 2019

   Design Professional: Burris/Wagnon Architects

   General Contractor: TBD

   Total Project Budget: $1,515,000.00

**JACKSON STATE UNIVERSITY**

4. **JSU– GS 103-283 – Campus Mechanical Improvements**

   NOTE: This is a Bureau of Building project

   Approval Request #1: Change Order #3

   Board staff approved Change Order #3 in the amount of $336,658.60 and sixty (60) additional days to the contract of McLain Plumbing & Electrical Service, Inc.

   Approval Status & Date: APPROVED, June 11, 2019

   Change Order Description: Change Order #3 includes the following items: replaced the failed main breaker; replaced the existing boiler, made piping taps for the boiler, removed the block wall & repaired the fire ceilings; repaired the existing Trane equipment in the ACC, Peoples and Library buildings; replaced the existing domestic water heater at the Liberal Arts Building; and sixty (60) days to the contract.

   Change Order Justification: These changes were necessary due to latent job site conditions; and days for work as indicated herein.

   Total Project Change Orders and Amount: Three (3) change orders for a total amount of $602,186.62.

   Project Initiation Date: August 21, 2014
5. **JSU- GS 103-286– Stewart Hall Renovations**

**NOTE:** This is a Bureau of Building project

**Approval Request #1: Change Order #1**

Board staff approved Change Order #1 in the amount of $15,504.00 and eight (8) additional days to the contract of Diversified Construction Services, Inc.

**Approval Status & Date:** APPROVED, June 24, 2019

**Change Order Description:** Change Order #1 includes the following items: remove and dispose asbestos containing material in five (5) community restrooms; and eight (8) days to the contract.

**Change Order Justification:** These changes were necessary due to changes in the requirement or recommendations by governmental agencies i.e. health regulations; latent job site conditions; and days for work as indicated herein.

**Total Project Change Orders and Amount:** One (1) change order for a total amount of $15,504.00.

**Project Initiation Date:** November 17, 2016

**Design Professional:** Foil Wyatt Architects & Planners

**General Contractor:** Diversified Construction Services, Inc.

**Total Project Budget:** $8,486,526.47


**Approval Request #1 (INTERIM):** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Bruce Martin, Chair of the Real Estate and Facilities Committee on July 24, 2019 to approve the budget increase on the Health and Performance Bathroom Demo from $750,000.00 to $1,500,000.00, for an increase of $750,000.00.

**Interim Approval Status & Date:** APPROVED, July 24, 2019

**Project Initiation Date:** April 20, 2017

**Design Professional:** Durrell Design Group, PLLC

**General Contractor:** TBD

**Total Project Budget:** $1,500,000.00

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**MISSISSIPPI STATE UNIVERSITY**

7. **MSU- GS 105-355– Engineering & Science Complex**

**Approval Request #1: Change Order #2**

Board staff approved Change Order #2 in the amount of $502,380.00 and zero (0) additional days to the contract of West Brothers Construction, Inc.

**Approval Status & Date:** APPROVED, July 8, 2019

**Change Order Description:** Change Order #2 includes the following items: reconciled the accepted building controls proposal with a specified amount.
Change Order Justification: This change was necessary due to the building controls cost exceeding the specified allowance amount and required reconciliation by adding the additional cost to the contract amount.

Approval Request #2: Change Order #3
Board staff approved Change Order #3 in the amount of $71,992.63 and three (3) additional days to the contract of West Brothers Construction, Inc.
Approval Status & Date: APPROVED, July 22, 2019
Change Order Description: Change Order #3 includes the following items: reroute the existing subsurface storm drain piping outside of the new building footprint; added roof drains and associated piping within the building; connect the roof drain piping to the subsurface storm water piping outside the building; connected the elevator pit French drain piping to the storm water piping outside the building; added gypsum board pipe chase wall furring at the north portions of the 2nd and 3rd floors; added chemical wast piping to the fume hoods in the general chemistry teaching labs; changed the light pole fixture model; provided additional fire alarm devices; added solar panels; and three (3) days to the contract.
Change Order Justification: These changes were due to changes in requirements or recommendations by governmental agencies; errors and omissions in the plans & specifications; latent job site conditions; user/owner requested modifications; and days for work as indicated herein.
Total Project Change Orders and Amount: Three (3) change orders for a total amount of $933,348.02.

Project Initiation Date: June 18, 2015
Design Professional: Eley Guild Hardy Architects – Jackson, P.A.
General Contractor: West Brothers Construction, Inc.
Total Project Budget: $34,000,000.00

8. MSU-GS 105-357 – Music Building
NOTE: This is a Bureau of Building project
Approval Request #1: Design Development Documents
Board staff approved the Design Development Documents as submitted by Allred Stolarski Architects.
Approval Status & Date: APPROVED, June 17, 2019
Project Initiation Date: May 18, 2017
Design Professional: Allred Stolarski Architects
General Contractor: TBD
Total Project Budget: $17,000,000.00

9. MSU-GS 113-141 – ADS & Poultry Complex, PH II
NOTE: This is a Bureau of Building project
Approval Request #1: Change Order #1
Board staff approved Change Order #1 in the amount of $104,311.20 and sixty-five (65) additional days to the contract of Amason & Associates.
Approval Status & Date: APPROVED, June 11, 2019
Change Order Description: Change Order #1 includes the following items: structural bracing done at the moment frames; replaced structural fill at the connector building pad-existing included old building rubble & unsuitable soils; replaced structural fill south of the east end of the poultry building; remobilized the construction fence; repaired the stone pilaster on the north face of the building; credit for unused HVAC allowance amount; added brick pavers; and sixty-five (65) weather-related days to the contract.

Change Order Justification: These changes were due to errors and omissions in the plans and specifications; latent job site conditions; user/owner requested modifications; and days for work as indicated herein.

Total Project Change Orders and Amount: One (1) change order for a total amount of $104,311.20.

Project Initiation Date: April 16, 2015
Design Professional: McCarty Architects, P.A.
General Contractor: Amason & Associates, Inc.
Phased Project Budget: $13,200,000.00
Total Project Budget: $27,500,000.00

10. MSU-IHL 205-279– Addition & Renovation to Dudy Noble Field

Approval Request #1: Change Order #16

Board staff approved Change Order #16 in the amount of $67,313.23 and zero (0) additional days to the contract of Jesco, Inc.

Approval Status & Date: APPROVED, June 11, 2019

Change Order Description: Change Order #16 includes the following items: heat tracing on pipe above the mezzanine on the concourse; electrical additions in the workshop; revisions made to miscellaneous door hardware; revision made to the suite door hardware; added hardware at the ornamental gate; installed a marble home plate donor plaque; electrical additions for the soda fountains; added a field access gate; revised the loft paving bollard; changed the loft paving thickness at the road north of the lofts; installed CSPS aisle strips; installed concession utility sinks; added a lounge railing chain link fence; landscaping done at the statue; and coordination at the existing site lighting location.

Change Order Justification: These changes were necessary due to errors and omissions in the plans & specifications; and user/owner requested modifications.

Total Project Change Orders and Amount: Sixteen (16) change orders for a total amount of $2,682,171.32.

Project Initiation Date: May 21, 2015
Design Professional: Wier Boerner Allin Architects, PLLC
General Contractor: Jesco, Inc.
Total Project Budget: $55,000,000.00

11. MSU–IHL 205-284 – Catalpa and Sand Creek Wastewater Lift Station Improvements

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, Interim Chair Approval was granted by Mr. Bruce Martin, Chair of the Real Estate and Facilities Committee on July 2, 2019 to approve the budget increase on the
Catalpa and Sand Creek Wastewater Lift Station Improvement project from $2,500,000.00 to $3,400,000.00, for an increase of $900,000.00.

Interim Approval Status & Date: APPROVED, July 2, 2019

Approval Request #2: Award of Construction Contract

Board staff approved the Award of Contract in the amount of $2,804,700.00 to the apparent low bidder, Hemphill Construction Company, Inc.

Approval Status & Date: July 22, 2019

Project Initiation Date: April 21, 2016

Design Professional: Clearwater Consultants, Inc.

General Contractor: TBD

Total Project Budget: $3,400,000.00

12. MSU–IHL 205-287 – Parking Garage North - REBID

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of $13,835,000.00 to the apparent low bidder, Amason & Associates, Inc.

Approval Status & Date: June 7, 2019

Project Initiation Date: August 19, 2010

Design Professional: McCarty Architects

General Contractor: Amason & Associates, Inc.

Total Project Budget: $16,000,000.00

13. MSU–IHL 205-295 – Critz Parking Lot

Approval Request #1: Award of Construction Contract

Board staff approved the Award of Contract in the amount of $904,697.00 to the apparent low bidder, Burns Dirt Construction, Inc.

Approval Status & Date: June 17, 2019

Project Initiation Date: April 2, 2019

Design Professional: Garver Engineering

General Contractor: Burns Dirt Construction, Inc.

Total Project Budget: $1,200,000.00

14. MSU – Demolition of House at 140 Magruder Street, Starkville, MS

Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, Interim Chair Approval was granted by Mr. Bruce Martin, Chair of the Real Estate and Facilities Committee on July 2, 2019 to approve the Demolition of a house at 140 Magruder Street, Starkville, Mississippi.

Interim Approval Status & Date: APPROVED, July 3, 2019

MISSISSIPPI UNIVERSITY FOR WOMEN

15. MUW- GS 104-187– Demonstration School Renovation

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #5
Board staff approved Change Order #5 in the amount of $954.00 and zero (0) additional days to the contract of Amason & Associates, Inc.

Approval Status & Date: APPROVED, June 11, 2019
Change Order Description: Change Order #5 includes the following items: added additional downspout boots.
Change Order Justification: These changes were necessary due to latent job site conditions; and user/owner requested modifications.
Total Project Change Orders and Amount: Five (5) change orders for a total amount of $153,298.14.
Project Initiation Date: June 18, 2015
Design Professional: Pryor and Morrow Architects
General Contractor: Amason and Associates, Inc.
Total Project Budget: $7,542,915.00

16. MUW– GS 104-193– Resident Hall Boiler Replacement
NOTE: This is a Bureau of Building project
Approval Request #1: Change Order #1
Board staff approved Change Order #1 in the amount of $13,791.60 and zero (0) additional days to the contract of Brislin,, Inc.
Approval Status & Date: APPROVED, July 26, 2019
Change Order Description: Change Order #1 includes the following items: relocated the existing 3” domestic water mains around the electrical panels in the mechanical rooms for Kincannon, Goen, and Jones Halls; and increased the controls allowance.
Change Order Justification: These changes were necessary due to changes in the requirements or recommendations by governmental agencies; and errors and omissions in the plans and specifications.
Total Project Change Orders and Amount: One (1) change order for a total amount of $13,791.60.
Project Initiation Date: March 2, 2018
Design Professional: Edmonds Engineering, Inc.
General Contractor: Brislin, Inc.
Total Project Budget: $685,000.00

UNIVERSITY OF MISSISSIPPI

17. UM– IHL 207-372 – South Campus Recreation Facility & Transportation Hub
Approval Request #1: Change Order #14
Board staff approved Change Order #14 in the amount of $91,722.20 and zero (0) additional days to the contract of Zellner Construction Services, Inc.
Approval Status & Date: APPROVED, June 11, 2019
Change Order Description: Change Order #14 includes the following items: repaired the basketball floor; and credit for the insurance deductible amount.
Change Order Justification: These changes were due to user/owner requested modifications concerning an insurance claim.
Approval Request #2: Change Order #15
Board staff approved Change Order #15 in the amount of $85,396.01 and zero (0) additional days to the contract of Zellner Construction Services, Inc.
Approval Status & Date: APPROVED, July 9, 2019
Change Order Description: Change Order #15 includes the following items: cut & removed portions of the track lighting at the climbing wall; added a hose bib to a mud room; extended the sprinkler system and notifier portion of the fire alarm system in the plywood diaphragms areas; added light shelves at the locker room corridors; reduced the asphalt top course; added shadow boxes around the day lockers; added solid surface sills at six (6) studio bench locations; replaced the east property line fence; installed gray column pads for two (2) concrete masonry unit columns at a climbing area; credit issued back for sky light dimmers not installed in the mind & body studio; and credit issued for not painting the acoustic grid and tile in the food service area.
Change Order Justification: These changes were necessary due to changes in the requirements or recommendations by governmental agencies; errors and omissions in the plans & specifications; and user/owner requested modifications.
Total Project Change Orders and Amount: Fifteen (15) change orders for a total amount of $2,665,580.05.
Project Initiation Date: June 20, 2013
Design Professional: JBHM Architects, P.A.
General Contractor: Zellner Construction Services, LLC
Phased Project Budget: $30,809,673.04
Total Project Budget: $33,250,000.00

18. UM-IHL 207-372.2 – South Campus Recreation Facility & Transportation Hub FIBER
Approval Request #1: Change Order #1
Board staff approved Change Order #1 in the amount of $64,126.62 and twenty-nine (29) additional days to the contract of Eubank Construction Co., Inc.
Approval Status & Date: APPROVED, July 8, 2019
Change Order Description: Change Order #1 includes the following items: repaired a storm drain line & backfilled with select material; replaced the top 12” of turf zone; and twenty-nine (29) days to the contract.
Change Order Justification: These changes were due to latent job site conditions; twenty-two (22) weather-related delays; and days for work as indicated herein.
Total Project Change Orders and Amount: One (1) change order for a total amount of $64,126.62.
Project Initiation Date: June 20, 2013
Design Professional: Daniels & Associates, Inc.
General Contractor: Eubank Construction Co., Inc.
Phased Project Budget: $891,205.97
Total Project Budget: $33,250,000.00
19. UM- IHL 207-408 – Natural Products Phase III
Approval Request #1: Change Order #3
Board staff approved Change Order #3 in the amount of $12,997.09 and one hundred twenty (120) additional days to the contract of Hill’s Construction, LLC.
Approval Status & Date: APPROVED, June 18, 2019
Change Order Description: Change Order #3 includes the following items: repaired the water-damaged drywall and acoustical ceiling tile in various rooms including the third floor connector between TCRC west and east, and the north penthouse stairway wall; provided conduit and wire for power to the humidifier in a room; added motion sensors at the loading dock; connected the existing eye wash in a laboratory to the adjacent sink drain; general daily and final cleanup.
Change Order Justification: These changes were necessary due to errors and omissions in the plans & specifications; latent job site conditions; and user/owner requested modifications.
Total Project Change Orders and Amount: Three (3) change orders for a total amount of $35,619.04.
Project Initiation Date: October 15, 2015
Design Professional: Cooke, Douglass, Farr, Lemons Architects & Engineers
General Contractor: Hill’s Construction, LLC
Total Project Budget: $1,600,000.00

20. UM– IHL 207-410 – Gertrude Ford Blvd. Retaining Wall
Approval Request #1: Award of Construction Contract
Board staff approved the Award of Contract in the amount of $943,934.00 to the apparent low bidder, AHS Construction Company, LLC.
Approval Status & Date: June 24, 2019
Project Initiation Date: October 15, 2015
Design Professional: Buchart Horn, Inc.
General Contractor: AHS Construction Company, LLC.
Total Project Budget: $1,600,000.00

21. UM- IHL 207-411.1 – O-U Stadium (Swayze Field) Addition & Renovation – PH II
Approval Request #1: Change Order #7
Board staff approved Change Order #7 in the amount of $108,805.21 and one hundred one (101) additional days to the contract of Century Construction & Realty, Inc.
Approval Status & Date: APPROVED, July 8, 2019
Change Order Description: Change Order #7 includes the following items: repaired latent under-ground site conditions with new under-ground utilities; provided through-wall flashing from the existing building to the roof of the new building; modified the concrete pile caps; purchased blender bases for the nutrition center; added lights to the mezzanine level; added electrical circuits to the A/V closet; changed the door swings for the double egress path; added access controls & exit signs; installed an owner-furnished water meter at the sports field irrigation system; added electrical circuits for equipment under a counter in the nutrition center; storm drain modifications at the east corner of the playing field; credit for the delay of the owner’s vendor, Daktronics & Design Display to
perform work coordinated with the contractor ‘s schedule; credit for owner clean-up expenditure; credit for killing large tree; moved fencing and added fencing; credit for additional professional services for new roof remediation; added a roof curb at a kitchen roof; added custom fabricated light cages; credit for a post and panel fence at the west entry; and one hundred one (101) days to the contract.

Change Order Justification: These changes were due to errors and omissions in the plans & specifications; latent job site conditions; and days for work as indicated herein.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of $533,795.86.

Project Initiation Date: April 16, 2015
Design Professional: Cooke Douglass Farr lemons Architects
General Contractor: Century Construction Realty, Inc.
Phased Project Budget: $18,525,517.59
Total Project Budget: $19,844,146.00

22. UM– IHL 207-442 – Manning Center Training Hydrotherapy Room Renovation

Approval Request #1: Change Order #4
Board staff approved Change Order #4 in the amount of $14,576.56 and zero (0) additional days to the contract of Baldwin and Shell Construction Company.

Approval Status & Date: APPROVED, July 8, 2019
Change Order Description: Change Order #4 includes the following items: extended the low wall in the Rehabilitation room; added a floor drain in the Hydrotherapy room; and installed a hot water line to the fill pool.

Change Order Justification: These changes were necessary due to errors and omissions in the plans & specifications; and user/owner requested modifications.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of $67,254.80.

Project Initiation Date: February 15, 2018
Design Professional: A2H, LLC
General Contractor: Baldwin and Shell Construction Company
Total Project Budget: $1,300,000.00

23. UM– IHL 207-453 – South Oxford Center – Film Studio

Approval Request #3: Contract Documents
Board staff approved Contract Documents as submitted by McCarty Architects, P.A.

Approval Status & Date: APPROVED, June 18, 2019

Approval Request #4: Advertise
Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, June 18, 2019
Project Initiation Date: May 16, 2019
Design Professional: McCarty Architects, P. A.
General Contractor: TBD
Total Project Budget: $1,250,000.00
24. **UMMC– IHL 209-555 – Children’s of Mississippi Expansion**  
   **Approval Request #1: Change Order #8**  
   Board staff approved Change Order #8 in the amount of $0.00 and zero (0) additional days to the contract of Brasfield & Gorrie, LLC.  
   **Approval Status & Date:** APPROVED, June 18, 2019  
   **Change Order Description:** Change Order #8 includes the following items: miscellaneous structural revisions were done, revised the beam sizes; added beams; revised the loading dock ramp & added beams at the elevators and stairs; revised the lighting in the operating room, catheter lab ceilings, neonatal and pediatric intensive care units; added BIM modeling efforts; changed the foundation of the mechanical yard slab to a structural slab without piers; changed neonatal & pediatric lights back to the original design; removed the patient vicinity grounding requirement at the patient headwalls; revised the cubicle curtains and tracks; revised the wood blocking at the exterior windows; and removed the sill channels and a portion of the window shades from the main atrium windows.  
   **Change Order Justification:** These changes were due to errors and omissions in the plans and specifications and user/owner requested modifications. The fee is a lump sum so there are no items to determine fees.  
   **Total Project Change Orders and Amount:** Eight (8) change orders for a total amount of $0.00.  
   **Project Initiation Date:** April 21, 2016  
   **Design Professional:** HDR Architecture, Inc.  
   **General Contractor:** Brasfield & Gorrie, LLC  
   **Total Project Budget:** $180,000,000.00

25. **UMMC– IHL 209-561 – Campus HVAC Upgrades FY18**  
   **Approval Request #1 (INTERIM):** In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Bruce Martin, Chair of the Real Estate and Facilities Committee on July 9, 2019 to approve the budget increase on the Campus HVAC Upgrades FY18 project from $5,577,000.00 to $7,800,000.00, for an increase of $2,223,000.00.  
   **Interim Approval Status & Date:** APPROVED, July 9, 2019  
   **Approval Request #2: Award of Construction Contract**  
   Board staff approved the Award of Contract in the amount of $6970,000.00 to the apparent low bidder, Fountain Construction Company, Inc.  
   **Approval Status & Date:** July 10, 2019  
   **Project Initiation Date:** October 19, 2017  
   **Design Professional:** Engineering Resource Group  
   **General Contractor:** Fountain Construction Company, Inc.  
   **Total Project Budget:** $7,800,000.00
26. **UMMC– IHL 209-570 – New Water Well**  
   **Approval Request #1: Schematic Design Documents**  
   Board staff approved the Schematic Design Documents as submitted by Neel-Schaffer, Inc.  
   Approval Status & Date: APPROVED, June 24, 2019  
   Project Initiation Date: October 18, 2018  
   Design Professional: Neel Schafer Inc.  
   General Contractor: TBD  
   Total Project Budget: $1,600,000.00

27. **USM- GS 108-285– Cook Library Renovation Phase 2**  
   NOTE: This is a Bureau of Building project  
   **Approval Request #1: Design Development Documents**  
   Board staff approved the Design Development Documents as submitted by Wier Boerner Allin Architecture.  
   Approval Status & Date: APPROVED, July 26, 2019  
   Project Initiation Date: January 18, 2018  
   Design Professional: Wier Boerner Allin Architecture  
   General Contractor: TBD  
   Phased Project Budget: $5,858,500.83  
   Total Project Budget: $8,132,980.00

28. **USM– IHL 208-337 – Union Plaza Renovation Preplan**  
   **Approval Request #1: Schematic Design Documents**  
   Board staff approved the Schematic Design Documents as submitted by Neel-Schaffer  
   Approval Status & Date: APPROVED, June 6, 2019  
   **Approval Request #2: Waiver of Design Development Documents**  
   Board staff approved the Waiver of Design Development Documents as submitted by Neel-Schaffer.  
   Approval Status & Date: APPROVED, June 6, 2019  
   Project Initiation Date: November 15, 2018  
   Design Professional: Neel Schafer, Inc.  
   General Contractor: TBD  
   Total Project Budget: $150,000.00 (For Design Fees Only)

29. **USM– IHL 208-338 – Pinehaven Apartments Demolition**  
   **Approval Request #3: Contract Documents**  
   Board staff approved Contract Documents as submitted by Perkins and Williamson Architecture, PLLC  
   Approval Status & Date: APPROVED, June 18, 2019  
   **Approval Request #4: Advertise**  
   Board staff approved request to advertise for receipt of bids.
Approval Status & Date: APPROVED, June 18, 2019
Project Initiation Date: February 21, 2019
Design Professional: Perkins & Williamson Architecture, PLLC
General Contractor: TBD
Total Project Budget: $1,415,000.00

30. **USM– IHL 208-339 – USM Baseball Turf Replacement Project**
   Approval Request #1 (INTERIM): In accordance with Board Policy §904 (B) Board Approval, *Interim Chair Approval* was granted by Mr. Bruce Martin, Chair of the Real Estate and Facilities Committee on July 2, 2019 to approve the Initiation of the USM Baseball Turf Replacement Project. The total project budget is $1,300,000.00.
   Interim Approval Status & Date: APPROVED, July 2, 2019
   Project Initiation Date: July 2, 2019
   Design Professional: TBD
   General Contractor: TBD
   Total Project Budget: $1,300,000.00
1. SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

Legal fees approved for payment to outside counsel in relation to litigation and other matters:

Payment of legal fees for professional services rendered by Baker Donelson Bearman Caldwell & Berkowitz, PC (statement dated 6/27/19) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (This statement, in the amount of $3,256.24, represents services and expenses in connection with general legal advice.)

TOTAL DUE.................................................................$ 3,256.24

Payment of legal fees for professional services rendered by Hand Arendall Harrison Sale LLC (statements dated 6/6/19 and 7/10/19) from the funds of the Mississippi Board of Trustees of State Institutions of Higher Learning. (These statements, in the amounts of $15,204.30 and $5,356.02, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.................................................................$ 20,560.32

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 4/1/19, 6/1/19, 6/1/19, 6/1/19 and 7/1/19) from the funds of Alcorn State University. (These statements, in the amounts of $30.92, $42.54, $91.85, $12.10, $529.00, and $55.56, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.................................................................$ 761.97

Payment of legal fees for professional services rendered by Armstrong Law (statements dated 11/7/18 and 7/2/19) from the funds of Jackson State University. (These statements, in the amounts of $2,710.00 and $2,710.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.................................................................$ 5,420.00

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 3/13/19, 7/1/19, 7/2/19, 7/2/19, 7/2/19 and 7/2/19) from the funds of Jackson State University. (These statements, in the amounts of $57.27, $4,000.00, $2,000.00, $460.00, $2,000.00 and $460.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE.................................................................$ 8,977.27
Payment of legal fees for professional services rendered by Brunini, PLLC (statement dated 6/14/19) from the funds of Mississippi State University. (This statement, in the amount of $2,312.50, represents services and expenses in connection with general legal advice.)

| TOTAL DUE | $ 2,312.50 |

Payment of legal fees for professional services rendered by the Winfield Law Firm (statements dated 5/2/19, 7/3/19 and 7/3/19) from the funds of Mississippi State University. (These statements, in the amounts of $528.00, $346.50 and $551.96, represent services and expenses in connection with legal advice.)

| TOTAL DUE | $ 1,426.46 |

Payment of legal fees for professional services rendered by Butler Snow (statements dated 3/27/19, 5/28/19, 5/28/19, 6/11/19, 6/18/19 and 6/30/19) from the funds of the University of Mississippi. (These statements, in the amounts of $6,025.50, $21,900.73, $16,254.50, $2,537.00, $767.00, and $1,327.50, respectively, represent services and expenses in connection with general legal advice.)

| TOTAL DUE | $ 48,812.23 |

Payment of legal fees for professional services rendered by Evans Petree, PC (statement dated 7/1/19) from the funds of the University of Mississippi. (This statement, in the amount of $2,717.50, represents services and expenses in connection with general legal advice.)

| TOTAL DUE | $ 2,717.50 |

Payment of legal fees for professional services rendered by Mayo|Mallette (statements dated 12/6/18, 12/6/18, 12/6/18, 6/10/19, 7/3/19, 7/3/19 and 7/3/9) from the funds of the University of Mississippi. (These statements, in the amounts of $4,347.50, $1,827.84, $1,584.00, $320.40, $831.40, $3,479.50 and $605.71, respectively, represent services and expenses in connection with general legal advice.)

| TOTAL DUE | $ 12,996.35 |

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 6/1/19, 6/1/19, 6/1/19, 7/1/19 and 7/1/19) from the funds of the University of Mississippi. (These statements, in the amounts of $500.00, $3,000.00, $523.00, $2,000.00 and $2,500.00, respectively, represent services and expenses in connection with immigration/labor certifications.)

| TOTAL DUE | $ 8,523.00 |
Payment of legal fees for professional services rendered by Baker Donelson (statement dated 6/6/19) from the funds of the University of Mississippi Medical Center. (This statement, in the amount $10,303.40, represents services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 10,303.40

Payment of legal fees for professional services rendered by Butler Snow LLP (statements dated 5/7/19, 5/17/19, 5/17/19, 5/31/19, 6/12/19, 6/12/19, 6/12/19, 6/12/19, 6/12/19, 6/13/19, 6/19/19 and 6/19/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts $2,823.10, $4,307.00, $975.00, $5,869.00, $16,617.20, $501.50, $6,640.40, $678.50, $9,526.75, $209.00, $2,230.50, $994.50 and $8,144.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 59,516.95

Payment of legal fees for professional services rendered by Currie Johnson & Myers, P.A. (statement dated 5/24/19) from the funds of the University of Mississippi Medical Center. (This statement, in the amount $2,029.50, represents services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 2,029.50

Payment of legal fees for professional services rendered by Gore Kilpatrick & Dambrino, PLLC (statements dated 5/31/19, 5/31/19, 5/31/19, 6/27/19 and 6/27/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $891.00, $1,221.00, $726.00, $49.50 and $1,848.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 4,735.50

Payment of legal fees for professional services rendered by Hagwood Adelman Tipton, PC (statements dated 3/14/19, 5/6/19, 5/23/19, 6/6/19, 6/6/19, 6/6/19, 6/6/19, 6/6/19, 6/6/19, 6/6/19 and 6/6/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $57.10, $3,895.50, $21,814.90, $12.00, $12.00, $9,195.50, $12.00, $138.50, $12.00, $8,349.99 and $444.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 43,943.49

Payment of legal fees for professional services rendered by Hogan|Lovells (statements dated 12/14/18, 5/30/19 and 6/12/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $4,659.00, $5,153.10 and $46,492.90, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE..............................................................$ 56,305.00
Payment of legal fees for professional services rendered by Page Kruger & Holland (statements dated 5/10/19, 6/7/19, 6/7/19, 5/7/19, 5/7/19 and 6/7/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $594.00, $49.50, $16.50, $297.00, $49.50 and $1,435.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………..$ 2,442.00

Payment of legal fees for professional services rendered by Scott, Sullivan, Streetman & Fox, P.C. (statements dated 5/16/19, 5/16/19, 5/16/19, 6/12/19, 6/12/19, 6/12/19 and 6/12/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $162.00, $324.00, $270.00, $49.50, $189.00, $27.00 and $162.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………..$ 1,183.50

Payment of legal fees for professional services rendered by Steen, Dalehite and Pace. (statements dated 12/31/18, 4/30/19, 5/1/19, 5/31/19, 6/10/19 and 6/10/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $1,056.00, $25,401.20, $5,329.10, $3,042.53, $8,893.50 and $2,872.30, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………..$ 46,594.63

Payment of legal fees for professional services rendered by Waller Lansden Dortch & Davis, LLP (statements dated 5/22/19 and 6/18/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $29.50 and $944.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………..$ 973.50

Payment of legal fees for professional services rendered by Watkins & Eager (statements dated 5/2/19, 5/9/19, 5/29/19, 5/29/19, 5/29/19, 5/29/19, 5/29/19, 6/3/19, 6/10/19, 6/14/19, 6/21/19, 6/21/19, 6/21/19, 6/21/19 and 7/2/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $792.00, $709.50, $429.00, $33.00, $3,458.35, $208.50, $625.50, $41,664.00, $444.18, $540.00, $2,912.07, $2,718.44, $3,057.25, $2,081.60 and $41,664.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………..$ 101,337.39
Payment of legal fees for professional services rendered by Whitfield Law Group (statements dated 5/31/19, 5/31/19, 5/31/19, 6/18/19, 6/18/19, 6/18/19, 6/18/19, and 6/18/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $5,479.70, $6,267.76, $8,730.60, $435.00, $627.00, $2,401.50, $6,601.50 and $6,086.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………………$ 36,629.56

Payment of legal fees for professional services rendered by Bryan, Nelson Schroeder, Castigliola & Banahan (statements dated 5/22/19, 6/7/19 and 7/10/19) from the funds of the University of Southern Mississippi. (These statements, in the amounts of $58.50, $1,111.50 and $312.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………………$ 1,482.00

Payment of legal fees for professional services rendered by Butler Snow (statements dated 6/6/19 and 7/10/19) from the funds of the University of Southern Mississippi. (These statements, in the amounts of $3,590.20 and $2,466.60, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE……………………………………………………………$ 6,056.80

Payment of legal fees for professional services rendered by Ware Immigration (statements dated 6/1/19, 6/1/19, 6/1/19, 6/1/19, 6/1/19, 6/1/19, 6/1/19, 7/1/19, 7/1/19, 7/1/19, 7/1/19 and 7/1/19) from the funds of the University of Southern Mississippi. (These statements, in the amounts of $42.54, $24.68, $28.67, $42.54, $2,412.54, $2,500.00, $2,000.00, $2,000.00, $7.80, $79.51, $64.94, $2,000.00, $87.20, $545.00 and $10.10, respectively, represent services and expenses in connection with immigration/labor certifications.)

TOTAL DUE……………………………………………………………$ 11,845.52

Legal fees approved for payment to outside counsel in relation to patent and other matters:

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statement dated 6/7/19) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: “Engineering the Production of a Conformational Variant of Occidiofungin that has Enhanced Inhibitory Activity Against Fungal Species” – $1,882.60)

TOTAL DUE……………………………………………………………$ 1,882.60
Payment of legal fees for professional services rendered by Butler|Snow (statement dated 2/15/19) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: “Cache Mapping Technology Matter” – $11,062.50.)

TOTAL DUE……………………………………………………$ 11,062.50

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 3/8/19, 3/9/19, 3/26/19, 4/12/19, 4/26/19, 5/3/19, 5/6/19, 5/22/19, 5/23/19, 5/31/19 and 6/1/19) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Biologically Active Cannabidiol” - $1,125.00; “Highly Selective Sigma Receptor Ligands and Radioligands as Probes in Nociceptive Processing and the Pathophysiological Study of Memory Deficits and Cognitive Disorders” - $2,305.00; “Biologically Active Cannabidiol” - $5,576.70; “Biologically Active Cannabidiol Analogs” - $9,895.00; “Natural Product Formulations with Improved Residual Insect Repellent/Deterrent Activity” - $4,653.25; “Novel Selective Inhibitors of Prolycar-Boxypeptidase” - $1,100.00; “Potent Immunostimulants from Microalgea” - $4,016.00; “Highly Selective Sigma Receptor Ligands and Radioligands as Probes in Nociceptive Processing and the Pathophysiological Study of Memory Deficits and Cognitive Disorders” - $1,447.00; “Biologically Active Cannabidiol Analogs” - $636.00; “Compositions Containing Delta-9-THC-Amino Acid Esters and Process of Preparation” – $666.00; and “Compositions for Prevention/Prophylactic Treatment of Poison Ivy Dermatitis”- $647.00, respectively.)

TOTAL DUE……………………………………………………$ 32,066.95

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/22/19, 3/22/19 3/22/19, 5/9/19, 5/9/19, 5/9/19, 5/20/19 and 5/20/19) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Stabilized Formulation of Triamcinolone Acetonide” - $95.00; “Novel Tools for Assessing the Skin Sensitization Potential of Chemicals” - $659.00; “Indolizine-Based Donors as Organic Sensitizer Components for Dye-Sensitized Solar Cells” - $2,222.50; “Novel Tools for Assessing the Skin Sensitization Potential of Chemicals” - $38.00; “Amphotericin Loaded Pegylated Lipid Nanoparticles for Human Veterinary Use” - $28.50; “Methods for Detecting Humans” - $563.00; “Indolizine-Based Donors as Organic Sensitizer Components for Dye-Sensitized Solar Cells” - $47.50; and “Stabilized Formulation of Triamcinolone Acetonide” - $2,534.00.)

TOTAL DUE……………………………………………………$ 6,187.50
EXHIBIT 5
August 15, 2019

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/9/19, 5/9/19, 5/20/19, 5/20/9, 5/20/19, 5/20/19, 5/20/19, 6/25/19, 6/25/19, 6/25/19, 6/25/19 and 6/25/19) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of $518.00, $936.00, $38.00, $57.00, $525.00, $645.00, $2,510.50, $1,142.00, $312.00, $480.00, $150.00 and $151.50, respectively, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE......................................................................................$  7,465.00
June 27, 2019

Mr. Van Gillespie
Assistant Commissioner for Legal Affairs
Mississippi Institutions of Higher Learning
3825 Ridgewood Road
Jackson, MS 39211

Re: Review of Form 1023 – Healthier Mississippi Collaborative (“HMC”)

Dear Van:

This correspondence will confirm that our firm reviewed the Tax Exemption Application on Form 1023 to be filed with the IRS on behalf of Healthier Mississippi Collaborative (“HMC”), by the University of Mississippi Medical Center (“UMMC”).

We discussed the content of the Form 1023 with the UMMC participants, who were William Smith, Stephanie Jones, Blair Jussely (Butler Snow), and Howard Silver (Hogan Lovells). After discussion, UMMC agreed to modify the narrative explanation of HMC’s activities attached to Form 1023 to describe in more detail the creation and funding of a taxable subsidiary of HMC, in order to facilitate direct taxable activities, including for profit joint venture structures. The use of a taxable nonprofit subsidiary will segregate this activity from the exempt function activities of HMC. The narrative of the HMC activities was also expanded to described in more detail HMC’s direct exempt function activity plans, including nonprofit joint venture structures, and to include the “lessening the burdens of government” argument based on the new statutory authority in Miss. Code Ann. 37-115-50.1.

After discussion of the subject and upon reflection, UMMC changed the proposed public charity classification of HMC to request Code Section 509(a)(1) status as a publicly supported organization, rather than as a Section 509(a)(3) supporting organization. We concur with this approach. If accepted by the IRS, this request serves two purposes. First, certain more restrictive provisions applicable to supporting organizations is not applicable. Second, as a publicly supported organization and as an affiliate of a governmental unit, HMC may request that it not be required to file Form 990 annual information returns. UMMC has included such a request in its revised Form 1023 application. If the
IRS does not grant Section 509(a)(1) status, then UMMC will request classification as a supporting organization.

After review, we believe the revised Form 1023 and related attachments to be in reasonable form for submission to the IRS.

Please let us know of any comments or questions you may have.

Sincerely,

BAKER, DONELSON, BEARMAN, CALDWELL & BERKOWITZ, PC

Richard G. Cowart

RGC:pc