

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
June 20, 2013**

**BE IT REMEMBERED**, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session in the Fine Arts Center of the Mississippi University for Women in Columbus, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 27, 2012, to each and every member of said Board, said date being at least five days prior to this June 20, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen L. Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson (by phone), Dr. Douglas Rouse, and Mr. C.D. Smith. The meeting was called to order by Mr. Bob Owens, President, and opened with prayer by Trustee Christy Pickering.

**ANNOUNCEMENT**

President Owens thanked Dr. Jim Borsig, President of the Mississippi University for Women, for hosting the June Board meeting.

**OTHER BUSINESS**

Commissioner Bounds requested the addition of three items to the Administration/Policy Regular Agenda: 1) procure graduate student health insurance at the University of Mississippi; 2) housing for 200 international students admitted into and participating in the University of Mississippi Intensive English and International Exchange Student Programs; and 3) RFP and contract for appropriate software licensing and maintenance for the PeopleSoft modules which is the primary Enterprise Resource Planning system at the University of Southern Mississippi. On motion by Trustee Pickering, seconded by Trustee Parker, with Trustee Robinson participating by phone, all Trustees legally present and participating, voted unanimously to approve the addition of the three items.

**INTRODUCTION OF GUESTS**

- President Owens also welcomed the Student Government Association officers: Timothy Mbogo, President at the Mississippi University for Women; Nicolas Wright, Vice President at the Mississippi University for Women; Gregory Alston, President of the University of Mississippi; and Ann Marie Chilicutt, President of the University of Southern Mississippi.
- Trustee Blakeslee announced that both Mr. Jim Washburn, Chief Financial Officer at Mississippi Valley State University; Mr. Greg Redlin, Chief Financial Officer at Delta State University; and Dr. Andy Mullins, Chief of Staff to the Chancellor, Associate Professor, and Co-Director of Mississippi Teacher Corps at the University of Mississippi, will retire this year.

**PRESENTATION**

Dr. David Rock, Dean of the School of Education at the University of Mississippi, and Dr. Sue Jolly, Dean of the College of Education & Human Sciences at the Mississippi University for Women, gave presentations in response to the Teacher Preparation Study by the National Council on Teacher Quality.

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**APPROVAL OF THE MINUTES**

On motion by Trustee Pickering, seconded by Trustee Cummins, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on May 16, 2013.

**CONSENT AGENDA**

On motion by Trustee Patterson, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

**FINANCE**

1. **MSU** - Approved the request to enter into an agreement with AirTran Airways, AirTran Holdings, Inc. to provide charter air transportation for the MSU football team during the 2013 football season. The agreement includes four round-trip flights during the season. A list of the flights is included in the bound *June 20, 2013 Board Working File*. The agreement will begin upon execution by both parties which is expected to occur in late June or early July 2013. The agreement will end on November 24, 2013. The total cost of the agreement is estimated to be \$311,190.00. AirTran Airways will apply a fuel surcharge in the amount by which the cost of fuel exceeds \$3.70 per US gallon and bill MSU separately. However, no such surcharges will accrue after MSU has made its final payment on October 22, 2013. A list of charter fees and payment dates is included in the bound *June 20, 2013 Board Working File*. Funds are available from athletic revenues (Auxiliary Funds). The agreement which has been reviewed and approved by the Attorney General's Office, is on file at the Board Office.
2. **MSU** - Approved the request to enter into an agreement with Lewko Properties, LLC to lease an 8,256 square foot building located at 800 Louisville Street, Suite A, Starkville, MS. for use as a storage facility for library materials. These materials require storage in a secure, climate-controlled location. The primary term of the agreement is three years – July 1, 2013 to June 30, 2016. At the end of the primary term, the agreement can be renewed for an additional three years upon the written agreement of both parties. Such a renewal will be at an annual rental rate agreed to by both parties and will not be more than 3% of the annual rental rate of the last year of the primary term. Any such renewal will come before the Board for approval. The total cost of the agreement is not expected to exceed \$117,084.00. The monthly rental rate for the first year of the agreement will be \$3,096.00. For the subsequent two years of the agreement, the monthly rental rate will be \$3,268.00. In addition, MSU will have an HVAC liability of \$1,500.00 over the term of the agreement as well as a utility liability when costs for such exceed \$250.00 per month. Funds are available from general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
3. **MVSU** - Approved the request to escalate the Auxiliary budget. The university intends to use the increase 1) to fund a student housing marketing study to determine the demand for additional student housing at the Itta Bena campus, and 2) to purchase books for the campus bookstore. The escalation is funded by reserves.

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Categories	Original FY 2013 Operating Budget	Revisions/ Escalations	Revised FY 2013 Operating Budget
Total Salaries & Fringe Benefits	\$1,658,502	-	\$1,658,502
Travel & Subsistence	8,625	-	8,625
Contractual Services	3,320,651	33,600	3,354,251
Commodities	1,793,108	75,000	1,868,108
Capital Outlay			
Equipment	65,704	-	65,704
Total Capital Outlay	65,704	-	65,704
Mandatory Transfers			
Debt Service	1,020,425	-	1,020,425
Total Mandatory Transfers	1,020,425	-	1,020,425
Non-Mandatory Transfers			
Other	506,241	-	506,241
Total Non-Mandatory Transfers	506,241	-	506,241
Increase in Fund Balance		-	
<b>Total Uses of Funding</b>	<b>\$ 8,373,256</b>	<b>\$ 108,600</b>	<b>\$ 8,481,856</b>

4. **UM** - Approved the request to enter into a contract with Labyrinth Solutions, Inc. dba LSI Consulting for external consulting expertise required for the implementation of SAP's Grants Management module. The module will provide enterprise level support to all post award financial based processes in the life of a research grant. Processes included in this module are related to budgeting, invoicing/billing, reporting, and facilities and administrative (F&A) processes. Currently the majority of these processes are maintained manually outside of university's ERP system in a paper-driven process. The agreement will become effective upon signature and will continue through project acceptance by the university, which is anticipated to be July 1, 2014 for the SAP Grants Management component and January 1, 2015 for the SAP Effort Reporting component. Post go-live support is considered part of this agreement and will end no later than January 31, 2015. The contract amount includes approximately 3,650 hours of consulting service. Total costs should not exceed \$804,100 over the life of the agreement. This cost includes all vendor travel and out of pocket expense. Funds are available from self-generated indirect cost recoveries. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
5. **UM** - Approved the request to enter into four agreements with TouchNet Information Systems, Inc. to implement a comprehensive e-commerce management system for the university. The four agreements are: 1) Hosting Services Agreement to transfer software from UM equipment to TouchNet equipment; 2) Application Subscription Program Agreement to license additional software; 3) Addendum for Convenience Fee Services to allow tuition payment by credit/debit cards bearing the service marks MasterCard, American Express, and Discover; and 4) Modification Agreement to allow tuition payment by credit/debit cards bearing the service mark Visa. This system will allow the university to achieve more secure and more efficient operations by providing a unified framework within which to administer electronic payments and related transactions. In addition, this system will allow the university to save approximately \$1 million per year in credit card discount fees. The term of each agreement is five (5) years. Each agreement will begin upon execution by both parties which is expected to occur in late June or early July 2013 and will end in

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late June or early July 2018. The total cost for the agreement is not expected to exceed \$450,063.57. The cost for the first year of the agreement will be \$113,857.00 and will include \$48,000.00 in one-time costs associated with the relocation of the TouchNet Payment Gateway software to the TouchNet DataCenter as well as the setup/implementation of the additional licensed software. Costs for each of the remaining years of the agreement will consist of the annual Hosting Services Fee and the annual Application Subscription Program Fee. TouchNet reserves the right to increase these annual fees by not more than ten (10) percent per year over the annual fees for the preceding year. Costs for each year of the agreement are provided in the bound *June 20, 2013 Board Working File*. Funds are available from self-generated indirect cost recoveries. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

6. **UMMC** - Approved the request to enter into an agreement with Biosense Webster, Inc. for the purchase of supplies used in association with the CARTO 3 Electrophysiology Mapping System which is currently owned by UMMC. Biosense will provide supplies based on the specific needs of a patient requiring cardiac mapping and ablation. The term of the agreement is for a one (1) year period, July 1, 2013 through June 30, 2014. The total estimated cost of the agreement is \$551,152. This amount is based on the number of products purchased from Biosense in previous years. UMMC estimates that it will perform 98 procedures during the one-year contract term at an average cost per procedure of \$5,624. The estimated contract cost is a discounted price that is contingent upon UMMC's purchase of at least \$300,000 of products from Biosense during the one (1) year contract term. The agreement will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
7. **UMMC** - Approved the request to enter into an agreement with Microsoft Corporation for maintenance and support for UMMC's Microsoft network and desktop/laptop applications. Microsoft will provide unlimited access to Microsoft's online website; support assistance for Microsoft applications, email, and messaging; and, account management. This agreement is a State and Local Government – Microsoft Premier Support Services Description agreement which is governed by a 2005 agreement between Microsoft and ITS. The term of the agreement is for one (1) year - July 1, 2013 through June 30, 2014. The total cost for the one (1) year contract term is \$278,924. The agreement will be funded by patient revenues. The agreement will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
8. **UMMC** - Approved the request to enter into an agreement with Kurt Salmon US, Inc. for consulting services related to the initial preplanning for Phase I of the Batson Children's Hospital Master Planning project. Kurt Salmon was approved by the Board in April 2009 as a project professional for IHL 209-522, Campus Master Plan. The objective of Phase I is to establish the main goals of the Children's Hospital and then to determine what the first project will be in the context of the Master Development Plan. It is expected that at the end of Phase I, UMMC will have a detailed roadmap identifying the capital and facility needs for Children's Services at the hospital. The term of the agreement is for one (1) year, July 1, 2013 through June 30, 2014. The total estimated contract cost for the one-year contract term is \$136,506.78. The overall cost includes fees, out of pocket expenses for Kurt Salmon personnel as well as other project related costs. UMMC estimates the following breakdown of fees for the one-year term: 1) Agency Fees - \$107,910.50; 2) Out of pocket expenses such as travel, meals, etc.– maximum cost of \$21,582.10; and 3) Additional project expenses such as communications, printing costs, research and analysis, etc. – maximum cost of \$7,014.18. While the estimated costs associated with the proposed agreement fall under the

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\$250,000 threshold requiring Board approval, UMMC anticipates entering into a second phase of the consulting project which would cause UMMC to spend in aggregate, more than \$250,000. The agreement will be funded by patient revenues. The agreement which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.

9. **USM** - Approved the request to engage the following CPA firms to conduct annual audits for fiscal/calendar year 2013 as required by Board Policy 301.0806 University Foundation/Affiliated Entities, D. General Requirements of Affiliation Agreements Subsection 9.

University Affiliated Entity	CPA Firm
University of Southern Mississippi Foundation	KPMG, LLP
University of Southern Mississippi Alumni Association	Grantham, Poole, Randall, Reltano, Arrington and Cunningham, PLLC

10. **USM** - Approved the amendment to the agreement with IMG College, LLC for the operations of the athletic properties. This amendment will clarify items that were unclear in the original agreement and previous amendments. It is estimated that the clarification will result in additional revenues of \$1,113,184 retroactively effective as of July 1, 2012 and then going forward through the remainder of the agreement. The original scope of work remains materially unchanged, although some sections defining revenue expectations will be clarified. Key changes to the agreement, all resulting in additional revenue for the university, are listed in the bound *June 20, 2013 Board Working File*. The amendment retroactively begins on July 1, 2012. The contractual expiration date of June 30, 2020 will not be changed. Beginning with the 2012-2013 year, estimates are that the athletic program will annually receive approximately \$129,000 in additional contract revenue. Over the remaining eight years of the agreement, USM could receive additional revenues of \$1,113,184. Should the athletic program realize these projections, total revenues received under the agreement would equal more than \$17.71 million through June 30, 2020. A schedule of the revenue estimates are included in the bound *June 20, 2013 Board Working File*. The amendment which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.

11. **System** - Approved the amendment to the IHL System’s existing agreement for annual external audit services with KPMG, LLP. The IHL System will early implement professional accounting Standard 65, *Items Previously Reported as Assets and Liabilities* as promulgated by the Governmental Accounting Standards Board (GASB). This decision was made by the Mississippi Department of Finance and Administration (DFA) on behalf of all state agencies. IHL is considered a significant component unit to the State of Mississippi’s annual financial statement (CAFR), and as such is also compelled to early implement this standard. GASB Standard 65 will require additional audit work from KPMG as this work is considered outside of the original scope of services agreed upon by both parties. The terms of the amendment will begin immediately upon full execution of the document. The amendment will end when all contract deliverables are completed by the vendor. The current KPMG audit contract fee will be increased by \$20,000. This will be paid during the course of the 2013 fiscal audit. This amendment increases the current audit contract fees to now equal \$1,377,575. The added costs will be shared among the universities and the Executive Office based upon each’s proportionate share of the audit hours performed at each institution. General funds (E&G) will be the primary source of funding for these services. The amendment which has been reviewed and approved by the Attorney General’s Office is on file at the Board Office.

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12. **IHL Executive Office - MS Office of Financial Aid** - Approved the escalation of the FY 2013 budget for the purpose of meeting increased demand for scholarships and grants. During the 2013 Legislative Session, the Legislature approved spending authority for additional funds. The escalation is funded by collections and reserves of the Office of Student Financial Aid.

Category	Original FY 2013 Budget	Revisions	Revised FY 2013 Budget
Salaries & Fringe Benefits	\$ 546,941		\$ 546,941
Travel and Subsistence	11,000		11,000
Contractual Services	453,000		453,000
Equipment	16,000		16,000
Total Operating Budget	1,026,941	-	1,026,941
Scholarships, Loans, & Grants	32,391,867	2,000,000	34,391,867
Total Uses	\$ 33,418,808	\$ 2,000,000	\$ 35,418,808

**REAL ESTATE**

13. **ASU - Approved the initiation of GS 101-295 Technology Classroom Building (Pre-Planning)**, and the appointment of the design professional through the Request for Qualifications (RFP) process. The project will include the design of a new classroom facility. The building will provide technology labs, classrooms, trading room simulation, a lecture hall, and outdoor instructional facilities. The Campus Master Plan's space utilization study showed an academic space deficit of 98,500 assignable square feet. The construction of this new technology classroom building would be the first step the university is taking to reduce that deficit. The proposed project budget is \$400,000. Funds are available from SB 2913, Laws of 2013 (\$400,000).
14. **ASU - Approved the initiation of GS 101-296 Campus Union (Pre-Planning)**, and the appointment of LPK Architects as the design professional. A university selection committee interviewed architectural firms to plan and design a student union project. After review of each firm's qualifications and on campus interviews, the committee recommended that the university partner with LPK Architects for pre-planning and design services. The university has outgrown the current student union and the facility no longer provides the functional space of a modern union that the university needs. The proposed project budget is \$150,000. Funds are available from ASU Educational Building Corporation (EBC) Funds (\$150,000) – pending approval from ASU Bond Counsel.
15. **MUW - Approved the initiation of GS 104-182 Fant Library Renovation Phase II**, and the appointment of Burris/Wagnon Architects, P.A. as the design professional. The existing building, which is 46,600 square feet, was built in 1969. The project encompasses significant renovation (20,000 GSF) of the existing facility to improve interior functionality and appearance, to upgrade mechanical systems, and to achieve spatial integration with the new construction. Phase I of the project (104-178) began on Sept. 4, 2012 and renovated the exterior of the existing building along with the construction of the shell of the new addition. Other work included site utilities, fire protection, temporary HVAC, temporary lighting, sitework, courtyards, drainage and associated work to make the building accessible. The proposed project budget is \$5.1 million. Funds are available from SB 2913, Laws of 2013 (\$5.1 million).

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16. **UM** - Approved the initiation of **IHL 207-372 South Campus Recreation Facility and Transportation Hub**, and the appointment of the design professional through the Request for Qualifications (RFP) process. The university acquired a 500,000 square foot manufacturing plant on a 68 acre site adjacent to the southwest edge of campus. The building is strategically important because of its location and the opportunity for re-purposing. The proposed project budget is \$1 million. Funds are available from Internal R&R (\$1 million).
17. **USM** - Approved the request to increase the project budget from \$1.4 million to \$3.5 million for an increase of \$2.1 million and the appointment of Allred Architectural Group as the design professional for **IHL 210-245 Toxicology Building, Cedar Point**. The funding source will remain as FEMA funds. The project is for the replacement of the Toxicology Building that was located on the Halstead Road site prior to Hurricane Katrina. The original facility was completely destroyed by the hurricane. Due to the location of the original site being in a Velocity Zone, the university plans to build a new facility at the Cedar Point site in Ocean Springs, Mississippi. The replacement facility will be approximately 11,000 square feet and will include offices and laboratories.
18. **JSU** - Approved the request to increase the project budget from \$1,879,448.59 to \$3,065,842.00 for an increase of \$1,186,393.41 for **GS 103-268 Capitol Centre Improvements Phase IV**. The additional funds will come from an existing funding source in SB 2957, Laws of 2012. The project is currently in the design phase. This is the second budget escalation request made by the university. The scope of the project includes the completion of the interior renovations; relocation of selected interior partitions and doors; relocation of selected mechanical and electrical systems; construction of new spaces and doors; new finishes; additional light fixtures; additional toilet facilities required for increased occupancy; security system; insuring life safety systems such as fire alarm, emergency lighting systems are operable and other improvements required to satisfy the program as directed by the Owner. Funds are available from SB 3100, Laws of 2011 (\$1,250,000); SB 2957, Laws of 2012 (\$629,448.59) with an additional (\$1,186,393.41) from SB 2957, Laws of 2012.
19. **MSU** - Approved the request to increase the project budget for **GS 105-348 Energy Monitoring and Control System (EMC) Implementation**, from \$1,275,000 to \$1,525,000 for an increase of \$250,000. The additional funds will come from an existing funding source of 2011 Bureau of Building Energy Discretionary Funds. The project is currently in the design phase. This is the first budget escalation request made for this project by the university. A meeting was held between the university, the design professional and the Bureau of Buildings to discuss the scope of the project in relation to the expectations of the Mississippi Development Authority (MDA), Energy and Natural Resources Division. The Bureau of Building wants to ensure that the project is adequately funded to meet MDA metering requirements; therefore the Bureau of Building notified the university that the Mississippi Department of Finance and Administration needed to add an additional \$250,000 dollars to the project budget. The Bureau of Building is expecting that the university's top 100 energy using facilities which comprise 95% of the campus energy consumption will be automatically metered to report electricity, gas, and hot and chilled water consumption. Funds are available from 2011 Bureau of Building Energy Discretionary Funds (\$1,525,000).
20. **UM** - Approved the request to increase the budget for **IHL 207-366 Music Hall Mechanical Upgrade & West Wing Renovation**, from \$4 million to \$4,650,000 for an increase of \$650,000. The Board also approved the request to change the funding source from Internal R&R funds to S.B. 2913, Laws of 2013 to allow for the use of bond funds as stated in the current bond bill. As a result of the change in funding source from self-generated funds to state bond funds, the project number will change from IHL #207-366 to Bureau of Building #107-311. The project is currently in the

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design phase. This is the first budget escalation request made for this project by the university. After assessing the building, developing the Schematic Design, and producing a more detailed cost estimates it became apparent that inflation and the continued deterioration of the building had caused the Design Development estimate to increase above the original \$4,000,000 budget. The scope of the work has changed only slightly since project initiation. The project involves providing a new mechanical system, a pitched roof, and an upgrade of the interior and exterior finishes.

21. **MSU** - Approved the exterior design of the proposed Phi Mu Sorority House. A rendering of the building is included in the bound *June 20, 2013 Board Working File*. The project is currently in the design phase and will be constructed by Phi Mu Sorority on leased land from the university. The new sorority house will consist of approximately 32,000 square feet.
22. **MSU** - Approved the exterior design of the Alpha Delta Sorority House. A rendering of the building is included in the bound *June 20, 2013 Board Working File*. The project is currently in the design phase and will be constructed by Alpha Delta Pi Sorority on leased land from the university. The new sorority house will consist of approximately 24,000 square feet.
23. **MSU** - Approved the request to delete Building #1532 from inventory and demolish it. This building is located on the Stoneville Experiment Station. Building #1532 is in very poor condition and no longer serves the mission of the Experiment Station. The original building was built in 1930 and is not economically feasible to renovate. The new Verner Hurt Building (Stoneville Office Building IHL #213-139) was constructed to replace this building. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
24. **MUW** - Approved the request to delete from inventory and demolish a residential property located at 1314 5<sup>th</sup> Ave. South, Columbus, MS. The wood-frame structure constructed in 1922 was formerly used to house the administration offices for Mississippi School for Math and Science. The residential property was last renovated in 1988. The structure is old and has deteriorated to the point that the university hasn't used it in six (6) years and has no future use for it. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
25. **UM** - Approved the request to apply a utility easement to a part of the railroad bed adjacent to land known locally as the Whirlpool Trails. The perpetual utility easement will be granted to the City of Oxford and a temporary construction easement to Faulkner Flats, LLC. A property description is included in the bound *June 20, 2013 Board Working File*. The university was recently asked by a local developer and representatives of the City of Oxford to grant an easement along 4,400 linear feet of the railroad bed belonging to the university. The purpose is to bury an 8" diameter forced main sewage line parallel with the bed. The developer is constructing residential buildings on the west side of Old Taylor Road. The west boundary of the development adjoins the railroad bed. The sewage line connects the new development with a small treatment facility located on the edge of the Lee Loop Subdivision. By and through this easement the university intends to grant the City of Oxford the perpetual and permanent easement to lay, construct, maintain, operate, and repair sewer lines, pipes, facilities, and any appurtenances thereto, all over, under, across, and through the property described below. The university also grants to the City of Oxford, its servants, agents, employees, and assigns the right of ingress and egress at all times across and on all the property described while constructing said sewer and in the continued maintenance of the property, including, without limitation to making repairs and/or inspection thereof. The university also assigns, conveys, and transfers to the City of Oxford any and all rights it has or may have in the future to the sewer



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line being constructed and installed in the described property by Faulkner Flats, LLC. The City of Oxford agrees to maintain the sewer lines to be constructed. It is also intended to grant to Faulkner Flats, LLC the temporary right of easement to lay, construct sewer lines, pipes, facilities, and any appurtenances thereto, all over, under, across, and through the property described below. Faulkner Flats agrees to construct the sewer lines and agrees to restore any disturbed areas to their same general condition as existed prior to installation and/or repairs of said sewer line. The Attorney General's Office has reviewed and approved the temporary construction easement for sewer lines of ingress and egress from UM to Faulkner Flats, LL and the utility easement for sewer lines of ingress and egress from UM to the City of Oxford pending the easement not being executed until after the expiration of the temporary construction easement to Faulkner Flats, LLC.

**LEGAL**

26. **MSU** - Approved the request to amend the contract with Butler, Snow, O'Mara, Stevens and Cannada for legal services concerning intellectual property and commercial matters, dated September 7, 2010, as previously amended by Modification #1 and Modification #2, to add an additional attorney. The attorneys to be used under the amended contract would be: Cara Baer, Hemant Gupta, Johnny Healy, Barry Cannada, Ben Roberson, Bob Morris, Ryane O'Beirne, Lane Belisimo, and Dale Lamar. The hourly rates will remain at \$225.00 for intellectual property services, \$215.00 for commercial services and \$85.00 for legal assistants. The other terms of the agreement for legal services will also remain unchanged. The Attorney General has approved this request.
27. **MSU** - Approved the request to retain John Branson with the firm of Baker, Donelson, Bearman, Caldwell & Berkowitz, PC, to provide services necessary in representing the interests of Mississippi State University in an estate probate matter filed in the State of Tennessee. MSU is a beneficiary of the estate at issue in the probate matter. Mr. Branson's hourly rate is \$375. However, no public funds will be used as all fees and expenses will be paid from private funds through the MSU Foundation, Inc. The contract for legal services will be for one year. The Attorney General's Office and the Attorney General have approved this item.
28. **UM** - Approved the request to renew its contract for professional services with the New York law firm of Hershkovitz & Associates, LLC ("Hershkovitz") so that Eugene Rzucidlo an attorney practicing with Hershkovitz may continue to assist the university with pharmaceutical and natural products patent applications and related intellectual property and commercialization issues. Mr. Rzucidlo is one of a few patent lawyers in the world who is also a natural products chemist, and the university has worked with Mr. Rzucidlo on the most challenging natural products patents for many years. Mr. Rzucidlo's hourly rate is \$595 per hour, which is the same as the university paid during the last contract period and is comparable to similarly qualified and experienced patent counsel. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$150,000. The Attorney General has approved this request.
29. **UM** - Approved the request to renew the contract for professional services with the law firm of Armstrong Teasdale, LLP so that it may continue to assist the university with engineering and physical sciences patent applications and related intellectual property issues. Armstrong Teasdale is based in St. Louis, Missouri, with offices in four other states. Its intellectual property practice group includes fifty attorneys. Erin Florek, a graduate of the University of Mississippi and a member of the firm's intellectual property practice group, will be the primary attorney performing work for the university. Ms. Florek is an associate of the firm with a relatively low hourly rate

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- (\$175 per hour). The Board first approved this relationship in June, 2011. An extension of the contract for another fiscal year will allow the firm to continue its representation on matters it is currently handling and to be available should new, similar matters arise. Hourly rates range from \$250-\$375 for principals, from \$175-\$195 for associates, and \$150 for paralegals. These rates are unchanged from last year. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$100,000. The Attorney General has approved this request.
30. **UM** - Pending approval by the Attorney General, the Board approved the request to renew the contract for professional services with the law firm of Butler, Snow, O'Mara, Stevens & Cannada, PLLC ("Butler, Snow") so that it may continue to assist the university with pharmaceutical patent applications, intellectual property issues, commercialization of intellectual property, and other commercial transactions. Butler, Snow, with its principal office located in the Jackson metro area, has a practice group that specializes in intellectual property and patent prosecutions, as well as intellectual property management through licensing and commercialization. The Board approved this relationship with Butler, Snow in November, 2007. An extension of the contract for another fiscal year will allow the firm to continue its representation on matters it is currently handling and to be available should new, similar matters arise. The firm has proposed a blended hourly rate under the contract for all attorneys, including patent work, of \$240.00 per hour and \$95.00 per hour for all legal assistants. Butler, Snow has requested a modest increase from \$235.00 per hour for intellectual property/patent work and from \$215 per hour for other commercial work. The rate for legal assistants would increase from \$85.00 per hour. The blended rate for other commercial work and the rate for legal assistants has remained the same for several years. These rates are competitive with or less than those charged by similarly qualified attorneys. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$100,000.
31. **UM** - Approved the request to renew the contract with Stites & Harbison so that it may continue to assist the university with pharmaceutical patent applications and intellectual property issues. Stites & Harbison, PLLC, with offices located in Nashville, Tennessee, has an Intellectual Property and Technology Group ("IPT Group"), which specializes in all major scientific subject areas in the intellectual property field. Richard Myers, an alumnus of the university and a member of the IPT Group, will be the primary attorney performing work for the university. The university has worked with Stites & Harbison since this Board first approved the relationship with Stites & Harbison in September, 2002. Mr. Myers' hourly rate is \$320, with other professionals who may work on university matters billing between \$95 (paralegal) and \$305 per hour. These rates are less than the rates of similarly qualified patent attorneys. Mr. Myers' hourly rate is increasing from last year, and the remaining rates are within the same range as those reflected in previous contracts with Stites & Harbison, with the rates for some professionals increasing and some decreasing. The term of the proposed contract is from July 1, 2013 to June 30, 2014, and total expenditures will not exceed \$250,000. The Attorney General has approved this request.
32. **UMMC** - Approved the request to employ Kitchens, Hardwick & Whitfield, PLLC to provide legal services related to personnel matters. The contract period will be July 1, 2013 through June 30, 2014. The hourly rate would be \$165 per hour up to a do not exceed amount of \$50,000. The Attorney General has approved this request.
33. **USM** - Approved the request to hire Butler, Snow, O'Mara, Stevens and Cannada, PLLC, as outside counsel to perform services as necessary in the practice areas of taxation, intellectual property and commercial matters, including trademark and patent matters. In addition, representation is to include providing specific advice and undertaking the representation of the university in possible

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litigation with respect to a legal issue existing between the University of Southern Mississippi and the University of Iowa. Finally, the firm will provide legal advice and representation to the university in matters relating to issues and disputes with the Federal Emergency Management Agency (FEMA). The hourly rate to be charged will be \$240.00 per hour for all attorneys in all legal matters and \$95.00 per hour for legal assistants. The contract will be for a period of one year from July 1, 2013, through June 30, 2014. The total amount payable, pursuant to the arrangement, shall not exceed \$60,000.00 for the contractual period. The Attorney General has approved this request.

34. **PERSONNEL REPORT**

**EMPLOYMENT**

**Jackson State University**

*(Hire with Tenure - also reported under Tenure Section Below)*

- Ricardo A. Brown, Dean of Public Service and Professor of Public Health, College of Public Service; salary of \$150,000 per annum, pro rata; E&G funds; hired with tenure, effective July 1, 2013 (**Correction – with tenure was not included on the May agenda**)
- Narayanaswamy Radhakrishnan (RADHA), Vice President of Research and Development & Support and Federal Relations; salary of \$220,000 per annum, pro rata; E&G funds; effective July 1, 2013

**Mississippi State University**

*(Hire with Tenure - also reported under Tenure Section Below)*

- Achille Messac, Dean of Bagley College of Engineering and Professor, and Professor of Aerospace Engineering; salary of \$275,000, per annum, pro rata; E&G funds; hired with tenure effective July 16, 2013

**CHANGE OF STATUS**

**Jackson State University**

James C. Renick, *from* Interim Provost/Vice President of Academic Affairs, Division of Academic Affairs; salary of \$175,000 per annum, pro rata; E&G Funds; *to* Provost/Vice President of Academic Affairs, Division of Academic Affairs; salary of \$185,000, per annum, per rata; E&G Funds; effective July 1, 2013

**Mississippi State University**

Lori M. Bruce, *from* Associate Dean of Engineering and Professor of Electrical and Computer Engineering; salary of \$186,486 per annum, pro rata; E&G Funds; *to* Associate Vice President of Academic Affairs, Dean of the Graduate School, and Professor of Electrical and Computer Engineering; salary of \$180,000.00 per annum, pro rata, E&G Funds; effective June 21, 2013

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**SEPARATION OF EMPLOYMENT**

**Mississippi Valley State University**

- Zachary Faison; Chief of Staff and Interim Vice President for University Advancement; resignation effective June 30, 2013
- James Washburn; Vice President for Business & Finance; Chief Financial Officer; retirement effective June 30, 2013
- Yvette Underdue Murph; Assistant Vice President for Student Affairs, Enrollment Management and Diversity; resignation effective June 7, 2013

**TENURE**

**Jackson State University**

Ricardo A. Brown, Dean of Public Service and Professor of Public Health, College of Public Service. *Twelve-month contract effective July 1, 2013.*

**Mississippi State University**

*(Nine-month contracts effective August 16, 2013 and twelve-month contracts effective July 1, 2013. All are nine-month contracts unless otherwise noted.)*

- Achille Messac, Dean of Bagley College of Engineering and Professor, Aerospace Engineering (*New hire with tenure; twelve-month contract*)
- Kalyan Kumar Srinivasan, Associate Professor, Department of Mechanical Engineering
- Sally Hatch Gray, *promotion* to Associate Professor, Department of Classical and Modern Languages and Literatures

**Mississippi Valley State University**

Kathryn Green, *promotion* to Associate Professor, Department of Social Science. *Nine-month contract with an effective date of August 19, 2013*

**University of Mississippi Medical Center**

Matthew Graves, *promotion* to Associate Professor of Orthopedic Surgery and Rehabilitation. *Twelve-month contract with an effective date of July 1, 2013.*

**ADMINISTRATION/POLICY**

35. **DSU** - Approved the following non-substantive changes to the mission statement which was last revised and approved by the IHL Board of Trustees on March 18, 2004. The underlined phrases in the current statement below will bring the statement into compliance with various Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) policies on mission statements, programs offered, and delivery methods.

As a regional Carnegie Master's I university located in Cleveland, Mississippi, Delta State University serves as an educational and cultural center of the Mississippi Delta emphasizing service to the Northern Delta Counties and its campus centers in Clarksdale and Greenville in traditional and distance education formats. The University offers undergraduate, graduate, and continuing education programs of study, leading to baccalaureate and master's degrees in the Colleges of Arts and Sciences, Business, Education, and the School of Nursing, as well as the Educational Specialist degree and Doctorates in Education and Nursing Practice. Emphasis is placed on excellence in instruction, followed by

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service and research, in the creation of a community of scholars. With special attention to small classes, a friendly environment, and a broad liberal arts foundation, the University encourages significant student-faculty interactions. Delta State provides programs and services which promote intellectual, cultural, ethical, physical, and social development. Students from different cultural, socioeconomic, and ethnic backgrounds will develop the ability to respect and evaluate the thoughts of others; to develop, assess, and express their own thoughts effectively; and to use the techniques of research and performance associated with their disciplines.

**FINANCE AGENDA**

Presented by Trustee Alan Perry, Chair

On motion by Trustee Dye, seconded by Trustee Parker, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Finance Agenda. On motion by Trustee Hooper, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #2. On motion by Trustee Perry, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #3 - #6. On motion by Trustee Perry, seconded by Trustee Dye, with Trustee Robinson participating by phone and with Trustee Pickering intentionally absent from the room and intentionally abstaining from discussing and voting on the amendment to the indenture for the Southern Mississippi Educational Building Corporation, all Trustees legally present and participating voted unanimously to approve agenda item #7. Let it be noted that Trustee Pickering left the room prior to any discussions on the amendment to the indenture for the Southern Mississippi Educational Building Corporation and only returned after the vote had been taken. On motion by Trustee Dye, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda items #8 - #10.

1. **System** - Approved the Operating Budgets for the fiscal year ending 2014 for the system. Included as supplemental information as required by the *Ayers Settlement Agreement*, Board Policy 704.02 Athletic Budget Approval and Reporting, and Board Policy 703.04 Policy Guidelines Subsection (E) are the following: Fiscal Year 2013-2014 *Ayers* Budgets, Fiscal Year 2013-2014 Athletic Budgets, and Fiscal Year 2013-2014 E&G Scholarships, Fellowships & Tuition Waivers. These proposed budgets are included in the *June 20, 2013 Board Working File*.
2. **MSU** - The Board ratified the renewal agreement with SAGE Publications, Inc. to provide access to approximately 650 electronic academic journals that faculty, staff and students may use for education and research purposes for the period January 1, 2009 through December 31, 2012 for \$287,650 because it exceeded the \$250,000 threshold. The Board also retroactively approved the agreement with SAGE Publications, Inc. for the three-year period beginning on January 1, 2013 and ending on December 31, 2015 totaling \$355,684. The current contract adjusts the journals included in MSU's subscription and updates the pricing to reflect the new contract period. Funds are available from general funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
3. **UMMC** - Approved the following actions related to the agreement with Allscripts Healthcare, LLC, formerly Eclipsys Corp.: 1) a Master Acute Client Agreement; 2) a Deliver Order for support services for currently licensed EPSi software products; and 3) a Delivery Order for the Productivity Management software and related service. The EPSi software is used to collect and process the general ledger and payroll data that is used by EPSi's Budget Manager in creating UMMC's annual operating budget. The Allscripts products interface with the Lawson ERP software suite that is used

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by UMMC to perform core business functions. The term of the agreement is for five (5) years, beginning on or about July 1, 2013 through June 30, 2018. The total estimated contract cost for the five (5) year term is \$956,968.31. Beginning July 1, 2014 and each July 1st thereafter for the length of the agreement, there may be an annual rate adjustment applicable to support service costs in an amount not to exceed the increase in the Consumer Price Index for All Urban Consumers (CPI-U), U.S. City Average, as released by the U.S. Labor Department, Bureau of Labor Statistics. UMMC estimates a maximum rate adjustment of 4% yearly in the event Allscripts opts to impose a price adjustment. A breakdown of costs which includes an annual 4% increase for support service costs is included in the bound *June 20, 2013 Board Working File*. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

4. **UMMC** - Approved the request to enter into an agreement with Mississippi Blood Services, Inc., a non-profit organization, for blood and blood related products. The Board also granted retroactive approval of cost overages incurred during the July 1, 2008 to June 30, 2013 contract period which increases the current contract amount from \$40 million to \$43,008,232. The term of the agreement is for five (5) years, July 1, 2013 through June 30, 2018. The total estimated contract cost for the five (5) year contract term is \$58,791,535.34. Based on historical usage, UMMC estimates spending \$750,055.10 per month for the first year of the agreement. Beginning in Year 2 of the agreement and each year thereafter, there is the potential for a monthly price increase based on increases in patient need and blood processing costs. A breakdown of costs is included in the bound *June 20, 2013 Board Working File*. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
5. **UMMC** - Approved the request to enter into a license agreement with Compnutrition, Inc. for software used in the operation of patient and/or retail food services. Currently, Sodexo Operations, LLC, operates and/or manages UMMC's food and nutrition service pursuant to a five (5) year agreement which will expire on September 30, 2013. The purpose of this agreement is to provide UMMC with the Hospitality Suite software for use in operating its patient and retail food and nutrition services. Upon the expiration of its current food services contract with Sodexo, UMMC anticipates converting to an internally managed format in an effort to improve patient and customer satisfaction ratings. Patient satisfaction data is currently used by the federal government's Centers for Medicare and Medicaid Services as a factor in the calculation of reimbursement payments to hospitals for care of Medicare patients. The total term of the agreement is for three (3) years July 1, 2013 through June 30, 2016. The initial term of the agreement is for one (1) year with an option to renew for two (2) additional one-year terms upon consent of the parties. The total cost for the three (3) year contract term will not exceed \$282,425. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
6. **UMMC** - Approved the request to enter into an agreement with Infusion Partners, LLC for the provision of in-home treatment via infusion therapy for chronically ill indigent patients who have been discharged from in-patient care at UMMC. The term of the agreement is for three (3) years beginning on or about July 1, 2013 through June 30, 2016. The total estimated contract cost for the three (3) year contract term is \$1,316,640. This amount is based on the following services offered by IP: 1) pharmacy services - \$55 per day; 2) pharmacy services plus one weekly home visit - \$75 per day; 3) pharmacy services plus lab testing - \$95 per day; 4) pharmacy services, lab testing and one weekly home visit - \$115 per day, and 5) all additional nursing services - \$120 per visit. In

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Year 1 of the agreement it is expected that 125 patients will be treated for a total cost of \$399,450. In Year 2 it is expected that 137 patients will be treated for a total cost of \$437,730. And, in Year 3 it is expected that 150 patients will be treated for a total of \$479,460. UMMC anticipates treating 412 patients over the term of the agreement with each patient requiring thirty (30) days of treatment although there is no required minimum or maximum number of patients that must be treated. Funds are available from patient revenues. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

7. **USM** - Approved the authorization of an amendment to the indenture for the Southern Mississippi Educational Building Corporation between the EBC and Regions Bank, original trustee, and the First Amendment to Indenture. The Board also approved the following project professionals: Financial Advisor – First Southwest; Trustee – Regions Bank; and Bond Counsel – Butler, Snow, O'Mara, Stevens, & Cannada, PLLC. USM original issued \$3.16 million Taxable Revenue Notes in December 2007 which mature in September 2017. As of June 30, 2012, there were \$2.46 million in Taxable Revenue Notes outstanding. Hancock Bank is the sole holder of the Taxable Revenue Notes. According to a report produced by the financial advisor on April 30, 2013, the changes in the First Amendment to the Indenture will reduce the all-in interest cost from 6.29 percent to 1.02 percent. There is no adjustment to the original term. The Attorney General has approved the amendment to the indenture.
8. **USM** - Granted retroactive approval of an existing contract with Education Services, Inc. for Enrollment Management Software and Technical Support Services entered on October 8, 2009 with two subsequent changes (one on September 28, 2010 and one on September 27, 2012), for a cumulative total of \$339,600. The Strategic Enrollment Management (SEM) Software and Maintenance Suite manages information on prospective undergraduate students as they move through the recruitment process from prospects to applicants to enrolled students. The software will provide browser-based early alerts for prospective students which trigger to-do lists for staff and faculty, enabling essential campus-wide intervention and collaboration. The current software license is set to expire on October 15, 2013. The technical support service component will expire on October 15, 2014. It is the intent of the University to extend the software license component at a future date under a new agreement that is not a part of this particular request. Funds are available from E & G funds. The agreement is on file in the Board Office.
9. **USM** - Granted retroactive approval of the 2005 and 2009 agreements with Paciolan, Inc. for software and services related to their athletic ticket sales ERP operation for a cumulative cost of \$464,000. The agreements provide USM with a stable, comprehensive database for ticket sale solutions for the institutions athletic patrons, including season ticket holders, donors, faculty, staff, and students. The agreement has allowed the university to increase its operational savings, while decreasing its burden to promote, sell, process, and fulfill ticket requests. The original contract was executed on December 21, 2005. It was set to expire on December 20, 2009. The agreement was subsequently renewed on September 28, 2009. The current agreement is set to expire on December 20, 2013. Funds are available from athletic funds (Auxiliary fund). The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
10. **USM** - Granted retroactive approval of the November 2010 contract with TekLinks, Inc. And subsequent amendments for Microsoft Exchange Calendaring and Email software services for the campus for a cumulative amount of \$452,724. The original agreement will expire on June 30, 2013. The Board also approved the request to enter into a new Master Services agreement with this same vendor for identical services effective July 1, 2013 through December 31, 2015. The estimated cost

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of the new agreement is equal to \$602,760. A summary of the estimated costs under these agreements is included in the bound *June 20, 2013 Board Working File*. From the inception of the relationship with TekLinks, total costs for the full term are estimated to equal \$1,055,484. Payments will be issued on a monthly basis upon receipt of an approved invoice from the vendor based upon actual services rendered. Funds are available from E & G funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

**REAL ESTATE AGENDA**

Presented by Trustee Hal Parker, Chair

On motion by Trustee Parker, seconded by Trustee Cummins, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Real Estate Agenda.

1. **USM** - Contingent upon submission to the Office of the Attorney General of copies of the final executed sales contract and independent bank appraisal for each such property, the Board approved the request to sell twenty-seven (27) residential properties as part of the Neighborhood Stabilization Program. The properties have been purchased, rehabilitated, and are ready to sell in accordance with H.B. 977, Laws of 2010 Regular Session. See **Exhibit 1** for the property descriptions. USM received a Subgrant from the Mississippi Development Authority on July 13, 2009 in the amount of \$3,566,726 for the purpose of buying foreclosed homes in the City of Jackson, Mississippi, rehabilitating those homes, and then reselling these homes to low income and very low income citizens. At its November 15, 2012 meeting the Board waived the requirement for the university to receive two certified appraisals on the properties. Pursuant this, the university has obtained one certified appraisal on each property. The Board approved the request to list each property for sale at the appraised price listed in each certified appraisal as determined by the lending institution and thereafter sell each home for the amount of each certified independent bank appraisal obtained by the lending institution which agrees to make the loan to the buyer(s). All funds received by the university as a result of future sales will be submitted to the Mississippi Development Authority, and thereafter, the Mississippi Development Authority will reimburse the university for all acquisition, rehabilitation, marketing, and sales costs.

**LEGAL AGENDA**

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Blakeslee, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Legal Agenda. On motion by Trustee Rouse, seconded by Trustee Dye, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to waive Board Policy 201.0302 Procedures for Changing Board Policies and Adopting New Policies which requires the thirty day wait for final adoption of a policy change and to approve the policy changes to 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process as written in agenda item #2 for immediate implementation. On motion by Trustee Patterson, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted



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unanimously to approve agenda item #3. On motion by Trustee Rouse, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #4. On motion by Trustee Perry, seconded by Trustee Rouse, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to move agenda items #5 - #7 to the Executive Session Agenda.

1. **System** - Approved the proposed definitions of “under-represented” groups for diversity purposes as required by Board Policy 102.06 Diversity Statement for each institution and the Board Office. The various proposed definitions are based on the demographic data of each institution and the Board’s Executive Office. **(See Exhibit 2.)**
2. **System** - Approved the proposed changes to Board Policy 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process for immediate implementation. **(See Exhibit 3.)**
3. **System** - Approved for first reading the proposed changes to 201.0302 Procedures for Changing Board Policies and Adopting New Policies, 201.0303 Procedures for Altering, Amending or Repealing Board Bylaws or Adopting New Bylaws, and 301.0510 Meeting Rules of Order as follows.

201.0302                    Procedures for Changing Board Policies and Adopting New Policies

The adoption of new policies or changing existing policies is solely the responsibility of the Board. It is important that sufficient time be given to permit further study and to give interested parties an opportunity to react; therefore, no new policies nor policy revisions introduced for the first time shall be adopted until a subsequent meeting. A vote in favor of adopting new policies or changing existing policies for first reading shall require the affirmative vote of at least seven members of the Board. A vote in favor of the final approval of a new policy or of changes to existing policies shall also require an affirmative vote of at least seven members of the Board. The Board may temporarily approve a policy to meet emergency conditions. However, discussion and a final vote must be taken before the policy shall be formally adopted.

(BT Minutes, 5/90; 1/98; 3/2011)

201.0303    Procedures for Altering, Amending or Repealing Board Bylaws or Adopting New Bylaws

These bylaws may be altered, amended or repealed and new bylaws may be adopted ~~by a majority vote of~~ with a vote in favor of same by at least seven members of the Board at any regular Board meeting or at any special Board meeting when the proposed amendment has been set out in the notice of such meeting.

(BT Minutes, 5/90; 1/98; 3/2011)

301.0510    MEETING RULES OF ORDER

Meetings of the Board and its committees shall be conducted in accordance with controlling statutes and applicable bylaws, regulations, or policies. In the absence of such statutes, bylaws, regulations, or policies, meetings shall be conducted in accordance these rules and *Robert’s Rules of Order*. The Board’s Meeting Rules of Order are as follows:

- A.     Presiding Officer  
The President of the Board shall be the presiding officer at official Board functions. In his or her absence, the Vice President of the Board shall preside. In the absence of both, the President of the Board may appoint a President Pro Tempore to preside at a Board function. For committee meetings, the chair of the subject committee shall be the presiding officer. In his or her absence, the President of the Board, who is an ex officio member of all committees, shall preside.

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- B. Convening Meetings  
The Board and its committees shall convene at the times and places announced by public notice and as required by law, policy, or Board action.
- C. Quorums, Agenda, Rulings of the Presiding Officer, and Delay
1. Quorums  
A quorum for the transaction of business shall be a minimum of eight members of the Board. For committees, a quorum shall be a majority of the members. No business may be transacted without the presence of a quorum.
  2. Agenda  
The agenda for each Board and committee meeting shall be submitted to the members and published by the Office of the Commissioner of Higher Education prior to each meeting. Proposed agenda items arriving after the deadline for submission to the Commissioner may only be added by a two-thirds (2/3) vote of the members present. This requirement will apply to consideration of all agenda items including recommendations by Board committees in instances where agenda items relating to such recommendations are not submitted prior to the deadline.  
  
The formal agenda will consist of items submitted on behalf of the various institutions and the Board offices. The deadline for the submission of agenda items by the institutions shall be set by the Commissioner. A Board member may notify the Commissioner that an item should be placed on the agenda. Unless otherwise specified on the face of an agenda item, the submission of an agenda item for Board approval by an Institutional Executive Officer or the Commissioner reflects the Institutional Executive Officer's or Commissioner's determination that: (1) the proposed action is authorized by all applicable laws, (2) all requirements of State law and Board policy relating thereto have been met prior to submission of the item, and, (3) adequate funds are available and have been identified for any expenditures authorized thereunder. The form of agenda items will be determined by the Commissioner. The deadline for submission of agenda items by a member of the Board that are to be included on an agenda shall be two days before the date of official meeting. The Commissioner may refer agenda items to appropriate Board committees for consideration. However, no committee's approval is required before Board consideration of any agenda item or matter.  
  
Agenda Item Placement  
  
The presiding officer may move items up or down the agenda with a two-thirds (2/3) vote by the members present.
  3. Delay of Board Consideration  
Any member may request a delay in consideration of an agenda item from one meeting to the next, but no agenda item may be so delayed more than once by any member. Such a request shall not be granted if there is a vote to proceed by the lesser of (a) two-thirds (2/3) of the members legally present or (b) by seven (7) Board members legally present.
- D. Motion to Suspend Policies, Bylaws or Rules  
A member may move to suspend any policies, bylaws or rules. A motion to suspend shall state the matter of business to be considered, must be properly seconded, and shall fail without a vote in favor of same by at least seven members unless a majority of the Board votes in favor of suspension.

(BT Minutes, 5/90; 2/98; 11/2005; 4/2012)

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4. **System** - Approved the proposed new policy 1102.04 Emergency Approval of Outside Counsel in Between Board Meetings for final reading as follows:  
1102.04 EMERGENCY APPROVAL OF OUTSIDE COUNSEL IN BETWEEN BOARD MEETINGS

The Chair of the Board's Legal Committee is delegated the authority to act on behalf of the Board in between Board meetings as to the approval of requests to hire outside counsel when such requests require immediate attention prior to the next Board meeting. Any such institutional request for interim approval is to be forwarded to the Commissioner's office with an explanation of the emergency nature of the request. The Commissioner and Board's staff shall then review same and make a recommendation to the Chair of the Legal Committee for his/her consideration. Any interim approvals of outside counsel approved by the Chair of the Legal Committee shall be reported to the Board as an information item at the following Board meeting.

5. **ASU** - Settlement of IHL Self-Insured Workers' Compensation Claim No. 55-8556-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
6. **UM** - Settlement of IHL Self-Insured Workers' Compensation Claim No. 55-22778-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
7. **UMMC** - Settlement of IHL Self-Insured Workers' Compensation Claim No. 55-14946-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

**ADMINISTRATION/POLICY AGENDA**

Presented by Commissioner Hank M. Bounds

On motion by Trustee Hooper, seconded by Trustee Pickering, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Administration/Policy Agenda. On motion by Trustee Hooper, seconded by Trustee Smith, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve agenda item #2.

1. **System** - Approved the Strengthening Mississippi Academic Research Through Business Act (SMART Business Act) Guidelines and authorized to the Commissioner to approve the application form and completed applications from investors. Pursuant to Mississippi House Bill 826, which was passed during the 2013 legislative session, the SMART Business Act is intended to meet the following goals: stimulate private investment in research and development through partnerships with Mississippi public colleges; increase the competitiveness of Mississippi companies; and improve the economy of the State of Mississippi. The SMART Business Act will allow approved investors who incur qualified research costs as a result of having entered into a research agreement with a Mississippi public university or research corporation to receive a rebate equal to twenty-five (25%) of the investor's qualified research costs not to exceed \$1,000,000. The total amount of rebates issued each fiscal year may not exceed \$5,000,000. The Mississippi Legislature has authorized IHL and the Mississippi Department of Revenue to promulgate, in accordance with the Mississippi Administrative Procedures Law, rules and regulations, application forms and any other forms necessary for the implementation and administration of the SMART Business Act. The Board also approved the request to submit the SMART Business Act guidelines to the Mississippi Secretary of State's Office in accordance with the Administrative Procedures Act. **(See Exhibit 4.)**
2. **System** - Approved the request to grant a joint delegation of authority to the Board President and to the Commissioner by which they may approve the following three agenda items on behalf of the Board in between the June and August 2013 Board meetings. Any approvals granted pursuant to

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this joint delegation of authority will be reported as information items on the August 2013 Board agenda.

- a. **UM** - Procure graduate student health insurance after the June Board meeting, but prior to the August Board meeting. The university recently selected AETNA as an insurance provider for graduate students who have no other health insurance sources. This was completed through an RFP process and was partially driven by the changes in health care regulations. While the participating students pay a fee for this coverage, a portion of the premium is covered by the university. The amount of the university premium portion is estimated to exceed \$250,000, so the contract for such insurance coverage may require Board approval. The university needs to be ready to offer insurance beginning with the Fall semester. A start date of August 1 will provide sufficient time to bind the policy and begin submission of the roster of participating students.
- b. **UM** - Housing for 200 international students admitted into and participating in the University of Mississippi Intensive English and International Exchange Student Programs. The university does not have room to house these students within their residence halls and, due to the short-term nature of their stay and their international status, the students are unable to lease rooms (apartments) independently. The university has sought, through an RFP, to lease apartment space in close proximity or on a Bus route that services the campus. The university has selected a bidder. Approval is needed for this lease after the June Board meeting but before the August Board meeting because these students will arrive in Oxford on August 20<sup>th</sup>. Therefore, the university needs time in order to close this lease, secure the space, and have it available when these students arrive in Oxford.
- c. **USM** - The expiration of a contract between the with Oracle is set to expire on July 31, 2013. ITS has issued an RFP for software licensing and services. Vendor proposals will be evaluated beginning on or about June 20, and the winning vendor's proposal will be submitted to the ITS Board for approval on July 18. Contract negotiations will also begin on the July 18. Because of the July 31, 2013 expiration of the current agreement of this type, the new contract must be finalized and executed by then. A purchase order will have to be issued by July 31 in order to keep the software up and running. Therefore, IHL approval to contract for this service and software is needed after the June Board meeting, but prior to the August Board meeting.

**INFORMATION AGENDA**

Presented by Commissioner Hank M. Bounds

**FINANCE**

1. **UMMC** - A revision to Exhibit H (Leased Parcels Summary Control Sheet) of the Master Lease Agreement with the Jackson Medical Mall Foundation. The revision omits Parcel 5, the Area Health Education Center (AHEC) office, from the exhibit. The AHEC has ceased operations and vacated the space due to the loss of its federal funding. Because this was an in-kind donation of space by the Jackson Medical Mall, the vacancy has not effect on the rental rate paid by UMMC. The revision has been reviewed and approved by the Attorney General's Office. **(See Exhibit 5.)**

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
June 20, 2013**

**REAL ESTATE**

2. **SYSTEM** - The Board received the Real Estate items that were approved by the Board staff subsequent to the May 16, 2013 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 6.)

**LEGAL**

3. **SYSTEM** - The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 7.)

**ADMINISTRATION/POLICY**

4. **SYSTEM** - The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.
  - a. **USM** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve renewal of service expenditure contracts if the original contract was previously approved by the Board of Trustees, and the contract amount does not exceed 110% of the current contract.” On May 14, 2013, the Commissioner approved the request to extend the services agreement with David H. Lee Enterprises, Inc. d/b/a ServiceMaster Cleaning Alternatives (ServiceMaster). The purpose of this agreement is for the continued provision of complete custodial services for the Union complex on the Hattiesburg campus. The original agreement approved by the Board in June, 2011 was for a two-year period for a cost of \$550,192 (including \$100,000 contingency for possible additional services). The agreement also included an option to renew the contract for two (2) additional one-year periods. This renewal agreement will be effective for a twelve month period, July 1, 2013 through June 30, 2014. Costs for the proposed term will increase by \$562 per month for a total cost of \$231,840 for the twelve (12) month period. The Executive Office legal staff have reviewed and approved the contract documents.
  - b. **USM** - Pursuant to a delegation of authority issued by the Board of Trustees at a February 13, 2013 Emergency Board meeting, the Commissioner is authorized to approve any purchase, contract or other legal document on behalf of the Board necessary to assist the University of Southern Mississippi in dealing with any issues related to the February 10, 2013 tornado damage at the university that may arise between Board meetings. This authority was extended until May 16, 2013. Any such Commissioner approvals will be reported to the Board at its next meeting as required by Miss. Code Ann. § 31-7-13(j). In accordance with the above authority, on May 15, 2013, the Commissioner approved an agreement between USM and Capturion Network, LLC (Capturion) for the replacement of the main scoreboard and two ribbon boards (“equipment”) at M.M. Roberts Stadium which were damaged by the February 10, 2013 tornado at the campus. Under the agreement, Capturion will remove the damaged equipment; provide and install new, operational equipment; and, provide parts and related services for the equipment to include the provision of two (2) on-site Event Support technicians for each USM home game throughout the term of the contract. The agreement will commence upon execution by the parties – estimated to be mid-May 2013. The agreement specifies a project completion date of August 9, 2013 for the installation of the equipment after which the provision of services will extend for a five (5) year term, or through approximately August 9, 2018. The total cost for the five (5) year contract term is \$947,890. From this amount, USM will pay approximately \$20,000

**MINUTES OF THE BOARD OF TRUSTEES OF  
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June 20, 2013**

annually for parts and service. The agreement will be funded using insurance claim settlement proceeds. The Executive Office legal staff have reviewed and approved the contract documents.

- c. **UMMC** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On May 10, 2013, the Commissioner approved the request to enter into a revenue generating lease with New Cingular Wireless PCS, LLC (NCW) for the lease of antenna space and approximately 760 square feet of ground space on UMMC's main campus. The proposed agreement will allow NCW to place antennas in certain areas throughout the property and to install a Distributed Antenna System (DAS) which will provide cellular coverage for AT&T customers on the UMMC campus. CSpire, through a similar agreement, currently has a DAS in place on UMMC's campus that provides cellular coverage for its customers. The lease term will run for an initial period of approximately five (5) years, commencing upon execution of the agreement by the parties through April 30, 2018. The agreement may be extended for two (2) additional five (5) year periods upon mutual agreement of the parties. The Commissioner approved the request for the maximum fifteen (15) year lease term, or through April 30, 2028. In return for the lease of the antenna and ground space, UMMC will receive an annual rent payment of \$50 with the potential for additional revenue should NCW sublet space on the DAS to other providers (excluding CSpire). Over the term of the agreement, UMMC will receive \$750 in rental income as well as 30% of all sublease rental revenue collected by NCW from other providers for the sublease of space on the DAS. The Executive Office legal staff have reviewed and approved the contract documents.

**EXECUTIVE SESSION**

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of three state university litigation matters;  
Discussion of one state university prospective litigation matter; and  
Discussion of one state university personnel matter.

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

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to approve settlement of the following matters:

1. **ASU** - Approved the settlement of IHL Self-Insured Workers' Compensation Claim #55-8556-1 styled as, *Charles E. Knight v. ASU*, as recommended by Counsel;

**MINUTES OF THE BOARD OF TRUSTEES OF  
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2. **UM** - Approved the settlement of IHL Self-Insured Workers' Compensation Claim #55-22778-1 styled as, *Jerry Harwell v. UM*, as recommended by Counsel; and
3. **UMMC** - Approved the settlement of IHL Self-Insured Workers' Compensation Claim #55-22778-1 styled as, *Tenesha Anderson v. UMMC*, as recommended by Counsel.

The Board discussed a prospective litigation matter at a state university. **No action was taken.**

The Board discussed a personnel matter at a state university. **No action was taken.**

**On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to return to Open Session.**

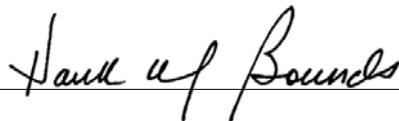
**ADJOURNMENT**

There being no further business to come before the Board, on motion by Trustee Perry, seconded by Trustee Blakeslee, with Trustee Robinson participating by phone, all Trustees legally present and participating voted unanimously to adjourn the meeting.



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President, Board of Trustees of State Institutions of Higher Learning



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Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF  
STATE INSTITUTIONS OF HIGHER LEARNING  
June 20, 2013**

**EXHIBITS**

- |           |  |
|-----------|--|
| Exhibit 1 | Property descriptions of the twenty-seven (27) residential properties as part of the Neighborhood Stabilization Program which have been purchased, rehabilitated, and are ready to sell in accordance with H.B. 977, Laws of 2010 Regular Session. |
| Exhibit 2 | Definitions of “under-represented” groups for diversity purposes as required by Board Policy 102.06 Diversity Statement for each institution and the Board Office.   |
| Exhibit 3 | Proposed changes to Board Policy 201.0509 Institutional Executive Officer/Commissioner of Higher Education Search Process for immediate implementation.  |
| Exhibit 4 | Strengthening Mississippi Academic Research Through Business Act (SMART Business Act) Guidelines.  |
| Exhibit 5 | University Mississippi Medical Center’s revision to Exhibit H (Leased Parcels Summary Control Sheet) of the Master Lease Agreement with the Jackson Medical Mall Foundation.   |
| Exhibit 6 | Real Estate items that were approved by the IHL Board staff subsequent to the May 16, 2013 Board meeting.  |
| Exhibit 7 | Report of the payment of legal fees to outside counsel.  |



# EXHIBIT 1

June 20, 2013

## USM –Approval of Sale of Property – 27 Residential Properties as Part of the Neighborhood Stabilization Program – Jackson, Mississippi

### List of Real Estate Properties

**1. 135 Camero Drive, Jackson, MS 39206**

Lot 52, Elmwood Park, Part VII, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 24 at Page 12 thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

**2. 150 Chatham Circle, Jackson, MS 39206**

Lot 14, Block “E”, North Meadows Subdivision, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14 at Page 4 reference to which is hereby made in aid of and as a part of this description.

**3. 257 Idlebrook Drive, Jackson, MS 39212**

Lot 90, Brookhollow Place, Part II, a subdivision according to a map or plat thereof which is on file and of record, in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 26, Page 40, reference to which map or plat is hereby made in aid of and as a part of this description.

**4. 325 Queen Isabella Lane, Jackson, MS 39209**

Lot 88, Westover Subdivision, Part 3, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 24, Page 42, reference to which is hereby made in aid of and as part of this description.

**5. 344 Queen Julianna Lane, Jackson, MS 39209**

Lot 21, Queen Lane Subdivision, Unit No. 7, a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 16 at Page 42, reference to which is hereby made in aid of and as a part of this description.

# EXHIBIT 1

June 20, 2013

**6. 751 Neering Trail, Jackson, MS 39206**

Lot 30, Block C, Norwood Subdivision, Part One, a subdivision according to the map or plat thereof on file and of record in the Office of the Chancery Clerk of the First Judicial District of Hinds County at Jackson, Mississippi, in Plat Book 19 at Page 22, reference to which is hereby made in aid of and as a part of this description.

**7. 1128 Branch Street, Jackson, MS 39212**

Lot 5, Block 2, Woodville Heights, Part 9-B, a subdivision lying in and being situated in the First Judicial District of Hinds County, Mississippi, according to the map or plat on file and of record in the Office of the Chancery Clerk of Hinds County, Mississippi at Jackson, Mississippi, in Plat Book 21 at Page 26, reference to which map or plat is hereby made in aid of and as part of this description.

**8. 3337 Rickay Drive, Jackson, MS 39212**

Lot 19, Rickay Subdivision, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 11 at Page 48, reference to which is hereby made in aid of and as a part of this description.

**9. 3874 Meadow Lane, Jackson, MS 39212**

Commencing at the Southwest corner of Lot 1, Block "B", Oakland Park Subdivision, a subdivision within the city limits of Jackson, Mississippi, said point being on the North right of way of McClure Road, thence run Southwesterly along said North right of way 342.3 feet to the East right of way of Meadowlane Drive, thence run through a right forward angle of 90 degrees 07 minutes for 89 feet and along said East right of way to Point of Beginning; thence continue along said East right of way through a right forward angle of 3 degrees 30 minutes for 80 feet, thence turn through a right forward angle of 95 degrees 33 minutes for 117.1 feet, thence turn through a right forward angle of 81 degrees 04 minutes for 61.15 feet, thence turn through a right forward angle of 89 degrees 53 minutes for 120.4 feet to the Point of Beginning and containing 0.19 acres, more or less, and being in the Southwest Quarter of the Southeast Quarter of Section 30, Township 5 North, Range 1 East, Hinds County, Mississippi.

**10. 4755 Satinwood Road, Jackson, MS 39212**

Lot Four (4), Mayfair Subdivision, Part Four (4), a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 27 at Page 15 thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

# EXHIBIT 1

June 20, 2013

**11. 5405 Brookhollow Drive, Jackson, MS 39212**

Lot 290, Brookhollow Place, Part 8, a subdivision lying in and being situated in The First Judicial District of Hinds County, Mississippi, according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County, Mississippi, at Jackson, Mississippi, in Plat Book 28, at Page 20 thereof, reference to which map or plat is hereby made in aid of and as part of this description.

**12. 5508 Crepe Myrtle Drive, Jackson, MS 39206**

Lot 9, Block D, North Meadows Subdivision, according to the map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 7104 at Page 3656, reference to which is hereby made in aid of and as part of this description.

**13. 5517 Grafton Street, Jackson, MS 39206**

Lot 8, Block E, North Meadows Subdivision, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14, Page 4, reference to which is hereby made in aid of and as a part of this description.

**14. 5617 Queen Mary Lane, Jackson, MS 39209**

Lot 88, Westover Subdivision, Part 3, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 24, Page 42, reference to which is made in aid of and as part of this description.

**15. 5745 Queen Mary Lane, Jackson, MS 39209**

Lot 71, Westover Subdivision, Part (3), a subdivision lying in and being situated in the First Judicial District of Hinds County, Mississippi, according to a map or plat on file and of record in the Office of the Chancery Clerk of Hinds County, Mississippi at Jackson, Mississippi, in Plat Book 24 at Page 42, reference to which map or plat is hereby made in aid of and as part of this description.

**16. 6133 Floral Drive, Jackson, MS 39206**

Lot 12, North Colony, Part 1, a subdivision according to a plat on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi. Being that parcel of land conveyed to Lori Byrd from Howard Jackson and Belinda Wade Jackson by that deed dated 10/23/90 and recorded 10/25/90 in Deed Book 3772, at Page 248, of the Hinds County, Mississippi Public Registry.

# EXHIBIT 1

June 20, 2013

**17. 6574 Van Buren Road, Jackson, MS 39209**

Lot 296, Presidential Hills Subdivision, Part 3-A, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County, Jackson, Mississippi in Plat Book 24 at Page 31, thereof, reference to which is hereby made in aid of and as a part of this description.

**18. 3810 Azalea Drive, Jackson, MS 39206**

Lot 23, North View Addition, Part 4, a subdivision according to the map or plat thereof, which is on file and of record in the Office of the Chancery Clerk of Hinds County, at Jackson, Mississippi in Plat Book 5 at Page 1, reference to which map or plat is hereby made in aid of and as a part of this description.

**19. 242 Cedars of Lebanon Road, Jackson, MS 39206**

Lot 3, Block D, North Meadows Subdivision, Part 2, a subdivision according to a map or plat thereof on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14 at Page 4 thereof, reference to which map or plat is hereby made in aid of and as a part of this description.

**20. 1928 Willow Way, Jackson, MS 39212**

Lot 17, Block E, Alta Woods Park, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, Plat Book 3 at Page 72, reference to which is hereby made in aid of and as a part of this description.

**21. 3429 Shannon Dale Drive, Jackson, MS 39212**

Lot 60, Windsor Forest, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 24 at Page 9 thereof, reference to which is hereby made in aid of and as a part of this description.

**22. 3637 Sykes Park Drive, Jackson, MS 39212**

Lot 9, Sykes Park Subdivision, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17, Page 41, reference to which is hereby made in aid of and as a part of this description

# EXHIBIT 1

June 20, 2013

**23. 3135 Bilgray Drive, Jackson, MS 39212**

Lot 9, Block B, Edgewood Acres, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 14 at Page 42, reference to which is hereby made in aid of and as a part of this description.

**24. 1467 Wooddell Drive, Jackson, MS 39212**

Lot 24, Block A, Oak Forest Subdivision, Part 20, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi recorded in Plat Book 22 at Page 49, reference to which is made in aid of and as a part of this description.

**25. 2052 Camellia Lane, Jackson, MS 39212**

Lot 14, Garden Park Addition, Part 2, a subdivision according to a map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 17 at Page 29 thereof, reference to which is hereby made in aid of and as a part of this description.

**26. 2871 Charleston Lane, Jackson, MS 39212**

Lot 16, Block H, East Oak Forest Subdivision, Part 4, a subdivision according to the map or plat thereof on file and of record in the Chancery Clerk of Hinds County at Jackson, Mississippi, in Plat Book 16 at Page 22 thereof, reference to which is made in aid of and as a part of this description.

**27. 118 Elden Way, Jackson, MS 39212**

Lot 50, Crestleigh, a subdivision according to the map or plat thereof which is on file and of record in the Office of the Chancery Clerk of Hinds County at Jackson, Mississippi in Plat Book 23 at Page 38, reference to which is hereby made in aid of and as a part of this description.

# EXHIBIT 2

June 20, 2013

## **SYSTEM – APPROVAL OF PROPOSED DEFINITIONS OF UNDER-REPRESENTED GROUPS FOR DIVERSITY PURPOSES**

Pursuant to Board Policy 102.06 “Diversity Statement”, the institutions are to submit for Board approval their proposed definitions of “under-represented” groups for the purpose of setting diversity goals. The definitions of this term are set out below for each institution and for the Board’s Executive Office for Board consideration. The various proposed definitions are based on the demographic data of each institution and the Board Office.

### **A. ASU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT ALCORN STATE UNIVERSITY**

Statement of Definition for Under-represented Groups  
at  
Alcorn State University

#### **STUDENT DIVERSITY**

Alcorn State University is a historically Black university, and as such, the groups that have been and continue to be “under-represented” within our student body would be those defined as “non-Black” (including White or Caucasian, Asian, Hispanic or Latino, American Indian or Alaska Native, Pacific Islander or Native Hawaiian, or other non-Black races or non-Black racial combinations). As of Fall 2012, Alcorn State University enrolls a student population that stands at 93.5% Black, with the majority of non-Black students being White or Caucasian (4.9%). Finally, considering the enrollment rate of males (33%) and graduation rate for Black males (27%) which both lag significantly behind other groups at our institution, these populations will also be included in our statement of definition for “under-represented”.

#### **FACULTY AND STAFF DIVERSITY**

Clearly, in addition to the value of a diverse student population in ensuring a richer academic environment, the hiring and retaining of a diverse workforce is also essential for maximizing productivity. As of Fall 2012, 14% of employees overall (and even lower percentages in certain categories such as Executive/Administrative/Managerial, Clerical/Secretarial, Skilled Crafts, etc.) and 32% of faculty at Alcorn State University classify themselves as non-Black. Therefore, in our discussions about employment, we will consider individuals from all non-Black groups to constitute “under-represented” populations.

#### **DIVERSITY IN CONTRACTING**

Although our student body and staff are predominantly Black, with regards to contracts, traditional minority groups (non-White) and women are classified as under-represented. During the most recent complete fiscal year, the university expended \$22.1 million on

# EXHIBIT 2

June 20, 2013

contracts, with only \$1.2 million of contracts being awarded to companies owned by members of these under-represented groups (5.4%).

## **B. DSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT DELTA STATE UNIVERSITY**

Statement of Definition for Under-represented Groups  
at  
Delta State University

### **STUDENT DIVERSITY**

Delta State University will continue to recruit and enroll all eligible students regardless of race or gender. National issues vexing the economy will negatively affect both family and institutional resources, and in our most recent semester we noted that the uncertainty may disproportionately erode the enrollment of African-American students. First, while we would like to project growth in all categories of our student enrollment, we believe that it will be a challenge to maintain the minority percentage we have achieved over the past few years. Secondly, male enrollment slips more and more each year -- down to about 35.1% percent of our student enrollment in Fall 2012.

At Delta State University, the term “under-represented” refers to the citizens or lawful residents of the United States who are Black or African American, Hispanic or Latino, Asian, American Indian or Alaska Native, and/or Native Hawaiian and other Pacific Islander. At Delta State University, females are traditionally the majority student population; therefore, in the student category only, we also consider males to be in the under-represented group. For the Fall of 2012, the percentage of students by gender were 35.1% male, 64.9% female with male numbers of 1,116 white, 443 black and 115 other and female numbers of 1,754 white, 1,123 black, and 212 other.

### **FACULTY AND STAFF DIVERSITY**

Delta State University seeks to be a more diverse community in terms of its employees. At Delta State University, the term “under-represented” refers to employees who are Black or African American, Hispanic or Latino, Asian, American Indian or Alaska Native, and/or Native Hawaiian or other Pacific Islander. At Delta State University, females traditionally make up slightly more than half of the population in all categories; therefore, our goal is to maintain that level. For the Fall of 2012, Delta State University had the following percentages of under-represented employees in the following categories: 5.3% administrators, 16.30% faculty, and 30% staff.

# EXHIBIT 2

June 20, 2013

## DIVERSITY IN CONTRACTING

At Delta State University, the term “under-represented” contractors refers to those who are Black or African American, Hispanic or Latino, Asian, American Indian or Alaska Native, Native Hawaiian and/or other Pacific Islander, and/or those that are female.

Through February 2010, the University has utilized a total of 20 minority/women-owned businesses out of a total of 1,074 vendors. That equates to 1% of the vendor population. The total spent with this group thus far is \$98,170.00 out of a total spent of \$16,080,760.00, which translates to less than 1% of the total spend. Delta State University is investigating other venues for approaching and encouraging increases in this area.

### **C. JSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT JACKSON STATE UNIVERSITY**

Statement of Definition for Under-represented Groups  
at  
Jackson State University

#### STUDENT DIVERSITY

Jackson State University is a Historically Black University, and so the racial groups that have been and continue to be “under-represented” within our student body are those most easily referred to as “non-Black” students (including those of White or Caucasian, Asian, Hispanic or Latino, American Indian or Alaska Native, Pacific Islander or Native Hawaiian, or other non-Black races). In the context of students, this term refers to those students who are not black. For the Fall 2012 Academic year, 90.4% of the student population is identified as “Black”. The remaining 9.6% of the student population constitute the under-represented groups with White Americans being the predominate category in that group.

#### FACULTY AND STAFF DIVERSITY

Just as having a diverse student body results in a better learning environment, we believe a diverse faculty and staff will result in a more creative, productive workplace. As with the students, we define under-represented employees as those who are “non-Black”. Under-represented races account for 17.9% of the overall workforce. However 31% of JSU Faculty identify themselves with one of the under-represented racial groups.

## DIVERSITY IN CONTRACTING

While our student and employee populations are predominantly Black, in the area of contracting, the under-represented population includes traditional minorities such as non-White (Black or African American, Asian, Hispanic or Latino, American Indian or Alaska



# EXHIBIT 2

June 20, 2013

Native, Pacific Islander or Native Hawaiian, and other non-White or non-Caucasian races) and women-owned businesses. Although JSU is making progress in the diversity of our contracting, there is still much work to be done. **For Fiscal Year 2012**, Minority expenditures (including women-owned businesses) totaled \$6,392,195.53, accounting for 12.08% of the total contracting dollars spent.

## **D. MSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT MISSISSIPPI STATE UNIVERSITY**

Statement of Definition for Under-represented Groups  
at  
Mississippi State University

### STUDENT DIVERSITY

Mississippi State University is a public, land-grant university committed to providing access and opportunity to students from all sectors of the state's diverse population, as well as from other states and countries. In furtherance of this commitment, MSU recognizes the importance of recruiting and retaining under-represented groups within its student body. MSU also recognizes that under-representation in its student body is not static and may periodically change. Currently, MSU defines the following groups as under-represented within our student body: Black or African Americans, Asians, Hispanics or Latinos, American Indians, Native Hawaiians/Pacific Islanders, or other non-White races. For the Fall 2012 academic year, 69.87% of the total student population is identified as White. The remaining 30.13% of the student population is comprised of the aforementioned under-represented groups, with African Americans being the predominant group. Of note, MSU had a Female student population of 48.5% for the Fall 2012 academic year.

### FACULTY AND STAFF DIVERSITY

Just as having a diverse student body results in a better learning environment, MSU recognizes that having a diverse faculty and staff will result in a more creative, productive workplace. As with the students, MSU defines under-represented employees as those who are Black or African American, Asian, Hispanic or Latino, American Indian, Native Hawaiian/Pacific Islander, or other non-White races. For the Fall 2012 academic year, under-represented races account for 17.4% of the faculty and 25.7% of the staff. Asians comprised the largest under-represented group among the faculty, while African Americans made up the largest under-represented group among the staff. During the same period of time, 39.1% percent of the MSU faculty was Female while 61.7% of our staff was Female.

### DIVERSITY IN CONTRACTING

Under-represented groups in the Contractor, Vendor, and Professional Service Provider categories are: Veterans, Female, Black or African American, Asian, Hispanic or Latino, American Indian, Native Hawaiian/Pacific Islander, or other non-White races. Mississippi

# EXHIBIT 2

June 20, 2013

State University is making progress in the diversity of its contracting, and realizes there is still much work to be done. We are actively pursuing opportunities to conduct business with under-represented vendors.

## **E. MUW - DEFINITION FOR UNDER-REPRESENTED GROUPS AT MISSISSIPPI UNIVERSITY FOR WOMEN**

Statement of Definition for Under-represented Groups  
at  
Mississippi University for Women

### STUDENT DIVERSITY

As of Fall 2012, Mississippi University for Women enrolls a student population that is 83% female. With 59% of the University's students classified White and 37% classified Black, MUW enrolls one of the most racially diverse student populations within the IHL system. As a regional institution, however, MUW recognizes the need to do more to enroll and retain a student body racially representative of the population of the region and the state (i.e., Black or African-American, American Indian or Alaska Native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander), especially male students, including these under-represented populations, and to effect specific enrollment and retention efforts designed to engage a broader, more diverse international student body. Therefore, MUW defines the term "under-represented" groups, as to its student population, to include Black or African American, American Indian or Alaska Native, Hispanic or Latino, Asian, Native Hawaiian or other Pacific Islander, and males of any race or ethnicity.

### FACULTY AND STAFF DIVERSITY

As of Fall 2012, 275 of MUW's employees are female and 109 are male. Approximately 58% of MUW's employees classify themselves as White and female; 11% classify themselves as Black, female. For all males employed by MUW, 26% self-identify as White and 2% as Black. For both male and female, only 2% self-identify as Other. MUW currently employs 21 non-White faculty members, a category of high visibility as professional mentors for students. These figures do not take into account the employees of outsourced services who maintain the Institution's physical plant, bookstore, dining and other related services. MUW considers all non-White groups "under-represented" populations and places particular emphasis on hiring from populations representative of the region. This "non-White" group includes the same races and ethnicities defined as under-represented groups within MUW's student population above. In some instances, males of any race are also considered an under-represented group as to faculty and staff at MUW. (Note: When compared to other institutions, MUW's data is affected by its outsourcing of food service and its physical plant and maintenance.

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## DIVERSITY IN CONTRACTING

The most current data indicate that less than 5% of expenditures at MUW for contracts/services/vendors who self-report are granted to businesses owned by populations of color or by women. As a result, MUW has defined “under-represented” for this category to be all non-White racial groups, Veterans and women.

### **F. MVSU - DEFINITION FOR UNDER-REPRESENTED GROUPS AT MISSISSIPPI VALLEY STATE UNIVERSITY**

Statement of Definition for Under-represented Groups  
at  
Mississippi Valley State University

#### STUDENT DIVERSITY

Mississippi Valley State University, a historically Black institution of higher education, defines under-represented groups of students as non-African American including White, Hispanic, Asian, Native American, and other non-African American ethnicities. In 2010, 4.58% of students self-identified as non-African American. In 2011, 4.33% of students self-identified as non-African American. In 2012, 4.35% of students self-identified as non-African American.

#### FACULTY AND STAFF DIVERSITY

Mississippi Valley State University defines under-represented groups of faculty and staff as non-African American including White, Hispanic, Asian, Native American, and other non-African American ethnicities. In 2010, 10.28% of employees self-identified as non-African American. In 2011, 9.30% of employees self-identified as non-African American. In 2012, 12.38% of employees self-identified as non-African American.

#### DIVERSITY IN CONTRACTING

In contrast to its definition of under-represented populations for students, faculty, and staff, Mississippi Valley State University defines under-represented contractors, vendors and/or professional service providers who do business with the University as African American and female. In 2010, 8.62% of expenditures were with female and African American vendors. In 2011, 1.14% of expenditures were with female and African American vendors, and in 2012, 12.67% of expenditures were with female and African American vendors. Over a three year period, the average expenditure with female and African American vendors, contractors and/or professional service providers is 7.47%.

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## **G. UM - DEFINITION FOR UNDER-REPRESENTED GROUPS AT UNIVERSITY OF MISSISSIPPI**

### Statement of Definition for Under-represented Groups at University of Mississippi

Diversity at UM is a function of several important variables with race, ethnicity and gender being among those most historically considered. Important as these variables are, they do not represent an exhaustive description of diversity and describing those underrepresented in the collegiate environment. Indeed, under representation at academic institutions changes over time as societal norms and values emerge. Some additional variables that currently define under representation at The University of Mississippi include: age, military status, sexual affiliation, disability, geographical and socio-economic status; In years to come there will be additional variables defining “under-represented” students, faculty and staff that we will have to consider to insure their access to all aspects of the University’s environment, to teach others about tolerance with respect to their specific status, and to provide a positive experience for them within the university environment. The University of Mississippi has a well-documented but distant past that denied access and opportunity to African Americans and females. Moreover, race represents one of our most sensitive social and environmental factors on campus. As a result we have a special obligation to make sure that emphasis and resources are devoted to race, ethnicity and gender.

#### **STUDENT DIVERSITY**

The University of Mississippi considers the following student groups as under-represented:

*African-American/Black (16.7 %); Asian (3.5%); Hispanic (2.7%); American Indian, Alaskan native, Hawaiian native, American Pacific Islander native – combined (0.4% ); non-White/multi-race (1.6%).*

Note: *UM has a White student population of 74.9% and a female student population of 54.6%.*

#### **FACULTY AND STAFF DIVERSITY**

The University of Mississippi considers the following faculty and staff as under-represented:

***FACULTY:*** *African-American/Black (6.3% ); Asian (3.1%); Hispanic (2.0% ); American Indian, Alaskan native, Hawaiian native, American Pacific Islander native – combined (0.4%); non-White/multi-race (3.7%).*

Note: *84.3 % of UM faculty is White and 44.4% female.*

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*STAFF: African-American/Black (19.3%); Asian (2.5%); Hispanic (0.7%); American Indian, Alaskan native, Hawaiian native, American Pacific Islander combined (0.5%). non-White/multi-race (3.5%).*

Note: 73.8% of UM staff is White and 53.7% is female.  
Of those in Executive, Administrative and Managerial Positions, 31.3% are female.

## DIVERSITY IN CONTRACTING

The University of Mississippi considers the following Contractors/Vendors/Professional Service Providers groups as under-represented:

*Minority-owned Business (owned by an individual of one of the following groups: African-American/Black; Asian; Hispanic; American Indian, Alaskan native, Hawaiian native, American Pacific Islander combined). Women-owned Small Business; Small Business, Small Disadvantaged Business.*

Note: In 2012, UM contracted approximately 3.97% of its total expenditures to these under-represented groups.

## **H. UMMC - DEFINITION FOR UNDER-REPRESENTED GROUPS AT UNIVERSITY OF MISSISSIPPI MEDICAL CENTER**

### Statement of Definition for Under-represented Groups at University of Mississippi Medical Center

UMMC is committed to providing equity of opportunity and access and places a high premium on the importance of diversity. We recognize that broad participation and access best positions this institution to address the current and future health care needs of this state. We appreciate the well-documented, but distant past that denied access and opportunity to certain groups, particularly African-Americans and females. When we think about diversity at UMMC, we think about it broadly with a commitment to the recruitment, retention, promotion and advancement of students and faculty who reflect the diversity of our society. We recognize the shifting societal norms and values regarding diversity and the need to remain fluid in our understanding of this term.<sup>1</sup> At UMMC, we appreciate that we are diverse in many ways including a multitude of ethnicities, races, genders, lifestyles, orientations, ages, religions, disabilities, veteran status, and socioeconomic backgrounds, etc. UMMC maintains a commitment to sustaining an environment where everyone appreciates a sense of belonging, and feels welcomed, respected, valued and able to contribute at their highest level. Recognizing the potential contributions of all groups and

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<sup>1</sup> Additionally, the Medical Center is subject to the federal interpretation of diversity according to Title VII of the U.S. Civil Rights Act of 1964.

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individuals and in an effort to focus on broad representation, UMMC has a special obligation to ensure that emphasis and resources are devoted to address under-representation on our campus with a particular focus on race, ethnicity, and gender.

## STUDENT DIVERSITY

The University of Mississippi Medical Center considers the following student groups as under-represented:

African-American/Black (16.4%); Hispanic (1.5%); American Indian, Alaskan native, Hawaiian native, American Pacific islander native-combined (<0.5% ), Asian (4%)

Note: UMMC has a White student population of 76.7% and a female student population of 59.4%.

The following is also considered in UMMC's understanding of URG's: The Association of American Medical Colleges (AAMC) definition of those under-represented in medicine (URM)<sup>2</sup>, and the U.S. Department of Health and Human Services definition of disadvantaged background.<sup>3</sup>

- **AAMC Definition of Underrepresented in Medicine: "Underrepresented in medicine means those racial and ethnic populations that are underrepresented in the medical profession relative to their numbers in the general population."**
- **Department of Health and Human Services Definition of Disadvantaged Background:** An individual is considered to be from a disadvantaged background if he or she comes from a family with an annual income below established low-income thresholds (as published by the U.S. Bureau of the Census) or comes from a social, cultural, or educational environment, such as that found in certain rural or inner-city environments, that has demonstrably and recently directly inhibited the acquisition of the knowledge.

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<sup>2</sup> The AAMC definition of underrepresented in medicine is: "Underrepresented in medicine means those racial and ethnic populations that are underrepresented in the medical profession relative to their numbers in the general population." Adopted by the AAMC's Executive Council on June 26, 2003.  
<https://www.aamc.org/initiatives/urm/>

<sup>3</sup> Department of Health and Human Services,  
<http://www.hrsa.gov/loanscholarships/loans/disadvantaged.html>

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## FACULTY AND STAFF DIVERSITY

The University of Mississippi Medical Center considers the following faculty and staff groups as under-represented:

African-American/Black (38%); Hispanic (<.01%); American Indian, Alaskan native, Hawaiian native, American Pacific islander native- combined ( <.001%), Asian (4%)

Note: UMMC has a White faculty and staff population of 58% and a female faculty and staff population of 71%.

Currently, **42% of all UMMC employees** are from under-represented groups (African-American, American Indian, Hispanic, Pacific Islander, Asian), including the following percentages in various subgroups of employees: **23%** executive/administrative, **26%** professional, **9.5%** faculty, **78%** service/maintenance, and **66%** clerical.

## DIVERSITY IN CONTRACTING

The University of Mississippi Medical Center considers the following Contractors/Vendors/Professional Service Provider groups as underrepresented: Underrepresented groups that qualify as small, minority-, women- and veteran-owned businesses (SMWV), as defined by the Mississippi Development Authority and the US Small Business Administration.

UMMC is committed to the inclusion of these businesses as an integral part of its supply, contractor and professional services efforts. The business must retain at least 51 percent ownership by an individual from one of the aforementioned underrepresented groups, which means at least 51 percent owned, controlled, and managed by one or more such individuals. In the case of publicly owned businesses, at least 51 owned, controlled, and managed by one or more such individuals. Further, those underrepresented group members must control the management and daily operations.

For fiscal year 2013 (through July 2012), the estimated number of vendors from Under-represented Groups with which UMMC is currently conducting business is 490 with an estimated total spending of \$3,268,128.08. This includes 13 Minority Owned Businesses with an estimated spending of \$31,464.82; 154 Women Owned Businesses with an estimated spending of \$259,748.97; and 23 Veteran Owned Businesses with an estimated spending of \$59,828.72.

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## I. USM - DEFINITION FOR UNDER-REPRESENTED GROUPS AT UNIVERSITY OF SOUTHERN MISSISSIPPI

### Statement of Definition for Under-represented Groups at University of Southern Mississippi

The University of Southern Mississippi defines “under-represented” categories, for purposes of recruiting and retaining students and employees, as well as vendors, as persons or businesses who self-identify membership in the following categories:

- African-American
- Asian-American
- Hispanic/Latino
- Pacific Islanders
- Native American
- Multiracial

In addition, as to vendors and contractors, “under-represented” categories also include females. As to faculty and staff diversity, a determination of whether “under-represented” categories include females is to be determined on a departmental basis.

### STUDENT DIVERSITY

For the past three years, **combined undergraduate and graduate students** have self-identified as African-American at a rate of 27% in 2010, 28% in 2011 and 29% in 2012. The percentage of students who self-identified as members in one of the other racial or ethnic categories listed above combined was 14% in 2010, 12% in 2011 and 10% in 2012. USM has almost equal numbers of female and male students.

### FACULTY AND STAFF DIVERSITY

For the past three years, **employees** have self-identified as African-American at a rate of 12% of total employees in 2010, and at a rate of 13% in both 2011 and 2012. The percentage of employees who self-identified as members in one of the other racial or ethnic categories listed above averaged at 10% for years 2010, 2011 and 2012. Fifty-six percent of USM employees are female and 44% are male.

### DIVERSITY IN CONTRACTING

Our **vendor** participation by businesses owned either by females or by African-Americans has, for the past three years, remained consistent with an average of 30% by female-owned enterprises and at 8% by those owned by African-Americans. Vendors who self-identified as members of the remaining racial or ethnic categories account for approximately 5% of our overall vendor contracts.



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## **J. SYSTEM – DEFINITION FOR UNDER-REPRESENTED GROUPS AT THE BOARD’S EXECUTIVE OFFICE**

### EMPLOYEE DIVERSITY

The Board’s Executive Office defines “under-represented” groups, for the purpose of improving employee diversity, as persons that self-identify membership in one or more of the following categories:

- Black or African American
- Asian
- Hispanic or Latino
- American Indian
- Native Hawaiian/Pacific Islander
- Multi-racial

In 2013, the percentage of employees at the Executive Office that identified themselves as one of the above under-represented groups was 40%, while 60% self-identified as Caucasian. Sixty-four percent of the employees self-identified as female and 36% as male.

### VENDOR/CONTRACTOR DIVERSITY

The Board’s Executive Office defines “under-represented” groups, for the purpose of improving contractor/vendor diversity, as businesses that self-identify ownership by one or more of the following categories:

- Black or African American
- Asian
- Hispanic or Latino
- American Indian
- Native Hawaiian or Pacific Islander
- Multi-racial
- Female

For FY 2012, 17.16% of Executive Office contractor/vendor expenditures were made to businesses/contractors that self-identified as one of the above listed under-represented groups.

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## **SYSTEM –APPROVAL OF PROPOSED CHANGES TO BOARD POLICY 201.0509 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS**

### ***201.0509 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS***

#### A. General Policy

The Board shall appoint the Commissioner and the Institutional Executive Officers (IEOs). The Board shall make interim appointments to executive officer and/or commissioner positions as necessary and with such consultation as the Board considers appropriate.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 3/2011; 5/2011;4/2012)

#### B. Board Search Committee

The President of the Board shall appoint a committee of Board members to manage the search for a Commissioner or an IEO. However, any Board member who wants to serve on the committee may serve. The President of the Board, with the consent of the Board, shall appoint a member of the committee as chairperson.

Rather than engaging in the extended search process described below within the next paragraph and those that follow, the Board may, with an affirmative vote by at least nine Board members, in its discretion interview candidates that are known to the Board and consider their selection in accordance with the expedited process described in this paragraph. Such candidates may be internal candidates from the subject university or from one of the other state universities, or such other candidates that the Board believes should be considered. The Board may conduct such interviews of internal candidates or other candidates at an early point in the process so as not to discourage the application of additional candidates that may choose to apply if an internal candidate is not selected by way of an expedited process. In any event, an expedited process, if followed, should be utilized prior to the hiring of a search consultant. Following interviews of any such internal or other candidates, the Board, as it deems appropriate, may proceed with utilizing any portions of the extended search process set out below. A Board vote to select a preferred candidate interviewed in accordance with this expedited process shall require the affirmative vote of at least nine Board members. If candidates are interviewed in accordance with this expedited process and no candidate is designated as a preferred candidate, the Board has the power to engage in other expedited processes or to conduct a search in accordance with the extended process described below.

The Commissioner, in consultation with the Board Search Committee, will make a recommendation to the Board with regard to a search consultant to assist with the search for an IEO. The Board may interview and will select the search consultant, if the Board determines that one is needed. The Board Search Committee may select a search

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consultant to assist with the search for a new Commissioner. As part of the initiation of the IEO search process, the Commissioner and Board Search Committee may consider the input of constituents regarding desired characteristics of a new IEO. The Board may also consider input from constituents regarding the desired characteristics of a new Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

## C. Advertisement Schedule

If a search consultant is used, the search consultant shall develop the position advertisement and a general schedule for the search in consultation with the Commissioner and with the approval of the Board Search Committee.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

## D. Campus Search Advisory Committee

In a search for an IEO, the Commissioner shall prepare a list of the proposed membership of a Campus Search Advisory Committee, as well as a chair, or co-chairs, of such committee. The Campus Search Advisory Committee shall be representative of the various constituent groups of the university, including administrators, faculty, staff, students, alumni, foundation representatives, and members of the community. The Commissioner, in coordination with the Chair of the Board Search Committee, shall take appropriate steps to receive written assurances from all of those proposed to serve on the Campus Search Advisory Committee that they have not formed any opinion as to the identity of the particular person that should be selected as the IEO, that they have no personal, professional or other relationship with any person that they understand may be a candidate that would impair their objectivity in fairly considering all candidates, that they will endeavor to remain open to considering all persons that apply in a fair and unbiased manner, and that they will not agree with any person to advocate or campaign for the selection of any particular candidate. The Commissioner shall then inform Board members of the proposed membership and chair (or co-chairs) of that committee. After the Board has been provided with the Commissioner's recommendations for the membership and chair (or co-chairs) of the Campus Search Advisory Committee, if any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the proposed membership and chair (or co-chairs) of that committee, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified/consulted regarding the Commissioner's recommendations, the Commissioner may proceed with appointing the membership and chair (or co-chairs) of the Campus Search Advisory Committee. In a search for a Commissioner, the Board may seek advice from appropriate individuals or groups, including any search consultant hired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

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## E. Recruitment

Recruitment of candidates may occur up to the point of selection, but candidates will be advised to submit their materials by a specified date to insure optimum consideration for the position. At any point in the search process the Board may add additional candidates to the pool being considered without starting the entire process over. The decision regarding whether to have any such additional candidates reviewed by the Campus Search Advisory Committee is in the discretion of the Board. Additional interviews may be conducted as desired by the Board.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

## F. Candidate Screening

The Campus Search Advisory Committee members shall vote individually by secret ballot for a minimum of five candidates that he/she recommends as a good candidate for the position. The search consultant, if one is used, is to then accumulate the secret ballots and count them. If no consultant is used, the Commissioner shall accumulate the ballots and count them. The results of the vote count, indicating the number of favorable votes received by each candidate, are to then be reported to the Board Search Committee members. The Board Search Committee shall then meet and discuss which candidates to interview. Any other Board members may attend this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview. If any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be interviewed, the Board Search Committee shall proceed with planning first round candidate interviews. The search consultant shall then be informed of the candidates to be interviewed. The consultant shall next be informed that he/she may advise the non-selected candidates that they will not be interviewed as part of the initial process, if such notification is deemed prudent by the Board and the search consultant at that point in time. The consultant should, if directed by the Board, remind those candidates that were not invited back for initial interviews that the Board can always add more names to be considered at a later date. The Campus Search Advisory Committee may then be told who will be initially interviewed by the Board Search Committee.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

## G. Interview Search Advisory Committee

Each member of the Campus Search Advisory Committee shall be requested to provide nominations from the membership of that committee to serve on the Interview Search Advisory Committee. Using that information and such information as may be deemed helpful to insure a balanced Interview Search Advisory Committee, the Commissioner and the Chair of the Board Search Committee shall then prepare a list of the proposed membership of an Interview Search Advisory Committee from the membership of the Campus Search Advisory Committee. The Interview Search Advisory Committee shall

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be comprised of administrators, faculty, students, staff, and outside representatives. These representatives shall be diverse in race and gender. The Commissioner shall then inform Board members of the proposed membership of that committee. After the Board has been provided with the recommendations from the Commissioner and the Chair of the Board Search Committee for the membership of the Interview Search Advisory Committee, if any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the proposed membership of that committee, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified/consulted regarding the recommendations, the Commissioner may proceed with appointing the membership of the Interview Search Advisory Committee. The Interview Search Advisory Committee may participate with the Board of Trustees in the remainder of the search process, except when the Board of Trustees excuses the Interview Search Advisory Committee from executive session. The Campus Search Advisory Committee shall then select a representative group of members, called the Interview Search Advisory Committee, to participate with the Board of Trustees in the remainder of the search process, except when the Board of Trustees excuses the Interview Search Advisory Committee members from executive session. The Interview Search Advisory Committee shall be comprised of administrators, faculty, students, staff and outside representatives. These representatives shall be diverse in race and gender.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

## H. First Interviews

The Board Search Committee and the Commissioner, with input from the Interview Search Advisory Committee, will conduct the first round of interviews. All Board members will be invited to attend. The consultant, if one is used, or the Commissioner if no consultant is used, will conduct a background check on those candidates participating in the first round of interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

## I. Reference Contacts

Under the direction of the Commissioner and/or the consultant, reference contacts will be made on each candidate who is participating in the second round of interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

## J. Second Interviews

Before the second round of interviews, the results of the reference contacts and background checks shall be made known to the Board and the Interview Search Advisory Committee. The Board Search Committee shall then meet to discuss who and how many to interview during the second round of interviews. Any other Board members may attend this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview for second round interviews. If any

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Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed for a second interview, a Board teleconference meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be further interviewed, the Board Search Committee shall proceed with planning the second round interviews by the full Board. The Board may conduct as many additional interviews as it deems necessary in conducting the search process.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

## K. Preferred Candidate

After all of the above has been completed, the Board of Trustees will meet to hear from the Board Search Committee regarding an assessment of each candidate. The Commissioner's assessment will be sought. The Board of Trustees will then select and announce their Preferred Candidate.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

## L. Campus Interview

The Preferred Candidate will be scheduled for a full day on-campus for interviews with a wide array of constituents. Each group will have the opportunity to provide feedback on the Preferred Candidate to the Board of Trustees.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

## M. Decision

The Board of Trustees will meet after the last on-campus interview session to review the feedback and conduct further discussion. The Board of Trustees will then vote to name the Preferred Candidate as the institution's new Institutional Executive Officer or vote to continue the search.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012)

In a search for a Commissioner, the Board Search Committee may request appropriate individuals or groups to submit unranked recommendations of candidates to be considered for initial interviews. The Board Search Committee shall schedule initial interviews and all members of the Board will be invited to attend the initial interviews and participate in the selection of candidates for final interviews. The Board Search Committee may also invite additional individuals to attend and observe the initial interviews conducted by such committee to fill the position of Commissioner. The Board Search Committee will next develop an interview schedule for the candidates selected for final interviews for the position of Commissioner. The Board shall then meet and conduct final interviews and select the Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012)

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## **SYSTEM –APPROVAL OF THE STRENGTHENING MISSISSIPPI ACADEMIC RESEARCH THROUGH BUSINESS ACT (SMART BUSINESS ACT) GUIDELINES**

### **Section 1. Funding Opportunity Title**

Strengthening Mississippi Academic Research Through Business Act (SMART Business Act)  
Rebate Applications

### **Section 2. Funding Opportunity Purpose/Description**

The Strengthening Mississippi Academic Research Through Business Act (SMART Business Act), as established by Mississippi law, is intended to meet the following goals: stimulate private investment in research and development through partnerships with Mississippi public colleges; increase the competitiveness of Mississippi companies; and improve the economy of the State of Mississippi.

### **Section 3. Eligibility Requirements**

Any natural person, partnership, limited liability company, association, corporation, business trust or other business entity not formed for the specific purpose of acquiring the rebate offered, and which is subject to Mississippi income or franchise tax is eligible to apply (the “Applicant”).

### **Section 4. Application and Submission Information**

#### **1. Requesting an Application Package**

Application information is available online at the Mississippi Institutions of Higher Learning’s (IHL) website ([www.ihl.state.ms.us](http://www.ihl.state.ms.us)).

#### **2. Content and Form of Application Submission**

Application packages will be accepted online at [www.ihl.state.ms.us](http://www.ihl.state.ms.us) and will at a minimum include the items listed below.

- Name, address and tax ID number for the Applicant (to document eligibility of the Applicant/Investor).
- A copy of a Research Agreement between the Applicant and a College or Research Corporation stating their intent to enter into a Research Agreement for Qualified Research with an attached research plan and budget approved by the College or Research corporation. The research agreement must also include an estimated date of completion.
- A statement/assurance that funds from the Applicant/Investor do not originate from any grant, contract or otherwise by another person or governmental entity.
- A letter from the Mississippi Department of Revenue stating that the applicant is subject to Mississippi income tax or franchise tax.

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## 3. **Submission Dates and Times**

Applications may be submitted during one of two 60-day open enrollment periods that will be publicly announced on an annual basis. Additional open enrollment periods may be announced based on availability of funding.

## **Section 5. Application Review Information**

Applications will be reviewed for compliance with the legislation by the Office of the Commissioner of Higher Education or his designee.

## **Section 6. Award Information**

### 1. **Funding Instrument**

Rebate: An Investor (Applicant) incurring qualified research costs subject to a research agreement approved under this act is eligible for a rebate equal to twenty-five percent (25%) of the investor's qualified research costs.

### 2. **Funds Available and Anticipated Number of Awards**

The total funding support from the State of Mississippi is \$5,000,000 per fiscal year. Each investor incurring research costs approved under this act is limited to a rebate of twenty-five percent (25%) of the investor's qualified research costs not to exceed \$1,000,000 during any fiscal year.

## **Section 7. Award Administration Information**

A formal notification in the form of a SMART Business Certificate (SBC) will be issued by the IHL to awarded investors within 60 days of the expiration of an open enrollment period.

## **Section 8. Rebate Redemption**

To claim a rebate, the investor must submit a rebate allocation claim to the Mississippi Department of Revenue. The rebate allocation claim must include, at a minimum, the SMART Business certificate issued by the Mississippi Institutions of Higher Learning and proof of payment to the college or research corporation for qualified research conducted according to the research agreement. The IHL may set an expiration date for redemption of rebates with the Mississippi Department of Revenue.

## **Section 9. Definitions**

"**College**" means the state institutions of higher learning in Mississippi which are accredited by the Southern Association of Colleges and Schools.

"**Investor**" means a natural person, partnership, limited liability company, association, corporation, business trust or other business entity, not formed for the specific purpose of acquiring the rebate offered, which is subject to Mississippi income tax or franchise tax.



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"**Qualified research**" means the systematic investigative process that is undertaken for the purpose of discovering information. The term "qualified research" does not include research conducted outside the State of Mississippi or research to the extent funded by any grant, contract or otherwise by another person or governmental entity.

"**Research agreement**" means a new written contract, grant or cooperative agreement entered into between a person and a college or research corporation for the performance of qualified research; however, all qualified research costs generating a rebate must be spent by the college or research corporation on qualified research undertaken according to a research agreement.

"**Research corporation**" means any research corporation formed under Section 37-147-15 if the corporation is wholly owned by a college and all income and profits of the corporation inure to the benefit of the college.

"**Qualified research costs**" means costs paid or incurred by an investor to a college or research corporation for qualified research undertaken according to a research agreement.

"**State**" means the State of Mississippi or a governmental entity of the State of Mississippi.

"**IHL**" means the Board of Trustees of State Institutions of Higher Learning in Mississippi.

"**SMART Business Act**" means Strengthening Mississippi Academic Research Through Business Act.

March 5, 2013

Commissioner Hank Bounds  
Institutions of Higher Learning  
State of Mississippi  
3825 Ridgewood Road  
Jackson, MS 39211-6453

Dear Commissioner Bounds:

Re: Correction to Exhibit H – Leased Parcels Summary Control Sheet –  
Master Lease Agreement between the Jackson Medical Mall Foundation  
and the University of Mississippi Medical Center

For your information, the University of Mississippi Medical Center (UMMC) has made a correction to Exhibit H, Leased Parcels Summary Control Sheet of the Master Lease Agreement between UMMC and the Jackson Medical Mall Foundation.

On Line 5, the UMMC Area Health Education Center (AHEC) Program Office with 525 square feet is now omitted. The AHEC program lost its federal funding as of September 29, 2012 and has ceased operations. This was an in-kind donation of space by the Jackson Medical Mall so the vacancy does not affect the rental rate.

The revised exhibit is attached.

Sincerely,



James E. Keeton, M.D.  
Vice Chancellor for Health Affairs

cc: James Wentz

JEK/va

**June 20, 2013**

# Exhibit 5

## Exhibit H

### Leased Parcels Summary Control Sheet

(JMMF - UMMC Master Lease Agreement Dated As Of December 31, 2010)

Parcel No.	Premises / Parcel Description (Subsequently Added Parcels denoted by "SPA")	Square Feet	Per Square Foot Rental Amount (See Below for Breakdown)	Parcel Commencement Date	Allowance Work Letter Agreement (Y/N) Date	Side #	Total Amount of Landlord Improvements at Tenant's Request	Adjustment to Per Square Foot Rental Amount	Estimated Date of Payoff of Costs of Landlord Improvements at Tenant's Request	Comments
1	Shipping and Receiving	1,712	\$15.48	12/31/2010	N	501				
2	UMC Patient Account Services	15,806	\$15.48	12/31/2010	N	2550				
3	Jackson Heart Study	6,557	\$15.48	12/31/2010	N	701				
4	Ambulatory Clinics (includes Specialty Clinics)	143,179	\$15.48	12/31/2010	N	501				
5	(Deleted)	0	\$0.00	12/31/2010	N	3512				
6	Additional Jackson Heart Study	14,815	\$15.48	12/31/2010	N	701				
7	Outpatient Dialysis Facility	12,146	\$15.48	12/31/2010	N	459 & 479				
8	UMC Pediatric Infectious Diseases (Part I)	771	\$15.48	12/31/2010	N	751				
9	Hospital Finance Department	5,224	\$15.48	12/31/2010	N	2525				
10	MS Institute for the Improvement of Geographic Minority Health	6,974	\$15.48	12/31/2010	N	310-B				
11	HRE Office	3450	\$15.48	12/31/2010	N	3210				
12	UMC Conference Center	26,641	\$15.48	12/31/2010	N	775				
13	Phase I of the Cancer Center Institute (Old Primary Healthcare Clinic)	43,478	\$15.48	12/31/2010	N	1600				
13A	UMMC JMM Clinical Lab Consolidation	2,684	\$25.20	3/1/2013			\$465,022.10	\$9.72		
14	Phase II of the Cancer Institute	41,646	\$15.48	12/31/2010	N	1600				
15	Phase III of the Cancer Institute (includes Children's Justice Center)	29,073	\$15.48	12/31/2010	Y (12/01/2010)	1600	\$411,000.00	\$0.00		
16	Pediatric Hemophilia Treatment Clinic	2090	\$15.48	12/31/2010	N	3450				
17	Clinical Skills Assessment Lab	3,877	\$15.48	12/31/2010	N	2515				
18	Information System Storage	950	\$15.48	12/31/2010	N	2500				
19	Home Dialysis Program	4000	\$15.48	12/31/2010	N	MO 215-11A				
20	Hospital Finance Department Addition (Budget)	4,796	\$15.48	12/31/2010	N	2600				
21	UMMC Training Center	2,322	\$15.48	12/31/2010	N	499-B				
22	CLIMB2 Project	570	\$15.48	12/31/2010	N	731				
23	UMMC ACTR Center II	4,150	\$15.48	12/31/2010	N	615				
24	Division of Information Systems	37,775	\$15.48	12/31/2010	Y (09/01/2010)	1601	\$3,542,000.00	\$0.00		
25	Administrative Offices	36,110	\$15.48	12/31/2010	Y (10/01/10)	550-B & 550-C	\$3,100,000.00	\$0.00		
26	UMMC Rowland Medical Library Off-Site Storage	4,814	\$15.48	12/31/2010	Y (10/01/2010)	1699	\$259,000.00	\$0.00		

Square Footage of the Premises	455,810
	525
	455,285
Multipled by Per Square Foot Rental Amount	\$15.48
Rental (stated as annual amount)	\$7,047,811.90

Exhibit H Amendment No: N/A

JMMF

By: \_\_\_\_\_  
Authorized Officer

Direct: \_\_\_\_\_

UMMC

By: \_\_\_\_\_  
Authorized Officer

Components of Per Square Foot Rental Amount	Amount	Eligible For CPI Adjustment
Base Rental	\$ 2.95	Y
Construction/Improvements/Old UMC Projects	\$ 3.45	N
Construction/Improvements/New UMC Projects	\$ 1.430	N
Total Base Rental/Construction/Improvements	\$ 7.83	N/A
CAM	\$ 3.30	Y
Housekeeping	\$ 1.90	Y
Electricity	\$ 1.50	N
Water	\$ 0.10	N
Gas	\$ 0.10	N
General Maintenance	\$ 0.25	Y
Capital Improvement Fund	\$ 0.50	N
Per Square Foot Rental Amount	\$ 15.48	N/A

# Exhibit 5

# EXHIBIT 6

June 20, 2013

## **SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE May 16, 2013 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)**

**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.**

**1. ASU – GS 101-292 – Bowles Hall Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Flagstar Construction Company, Inc., the lower of four (4) bidders, for a total contract amount of \$6,784,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 2, 2013

**Project Initiation Date:** August 18, 2011

**Design Professional:** Burris/Wagnon Architects, P.A.

**General Contractor:** Flagstar Construction Company, Inc.

**Project Budget:** \$8,200,000.00

**2. JSU– GS 103-234 – ADA Compliance Phase IIb (BP1)**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$53,517.59 and thirty-four (34) additional days to the contract of FP Contracting, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 2, 2013

**Change Order Justification:** **Change Order #7** is necessary to provide labor & materials to perform additional sitework and change from asphalt to concrete paving at Reddix Hall, to provide labor & materials to investigate & repair miscellaneous plumbing leaks and perform associated sitework.

**Total Project Change Orders and Amount:** Seven (7) change orders for a total amount of \$620,265.62.

**Project Initiation Date:** August 17, 2006

**Design Professional:** WFT Architects, P.A.

**General Contractor:** FP Contracting, LLC

**Project Budget:** \$5,632,985.50

**3. JSU – GS 103-251 Security Upgrades Phase I**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$4,654.50 and zero (0) additional days to

# EXHIBIT 6

June 20, 2013

the contract of Edwards Electric Services, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 3, 2013

**Change Order Justification: Change Order #2** is necessary to investigate and repair or replace the sixteen (16) cameras not working on the CISCO System as of November 14, 2012. To document the “as-found” status of all cameras, and repair/replace all camera units found to be non-functional at no cost to the owner. The cameras tested and found fully functional shall be further investigated for system problems and placed back into operation.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$4,654.50.

**Project Initiation Date:** November 20, 2008

**Design Professional:** Watkins & O’Gwynn Consulting Electrical Engineers, P.A.

**General Contractor:** Edwards Electric Services, LLC.

**Project Budget:** \$1,651,948.97

#### 4. **JSU– GS 103-275 Administration Tower Exterior Waterproofing**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Burris/Wagnon Architects, P.A., design professional.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.** Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 9, 2013

**Project Initiation Date:** February 5, 2013

**Design Professional:** Burris/Wagnon Architects, P.A.

**General Contractor:** TBA

**Project Budget:** \$2,000,000.00

#### 5. **MSU– IHL 205-267 – MSU Fresh Food Company Phase Two**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by JH&H Architects.

**Staff Approval Date:** May 13, 2013

**Project Initiation Date:** September 11, 2012

**Design Professional:** JH&H Architects

**General Contractor:** TBA

**Project Budget:** \$12,500,000

#### 6. **MVSU– GS 106-201 – Library Enhancements Phase II**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$9,921.00 and forty-six (46) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** May 9, 2013

# EXHIBIT 6

June 20, 2013

**Change Order Justification:** **Change Order #6** is necessary for patching & leveling to the areas identified after the existing finishes were removed noting the variations exceeded any common construction tolerance expectations, thermostats needed to be moved out of the file wall surfaces facing the main library and time extensions due to weather delays.

**Total Project Change Orders and Amount:** Six (6) change orders for a total amount of \$1,635,975.84.

**Project Initiation Date:** February 22, 2008

**Design Professional:** Duvall Decker Architects, P.A.

**General Contractor:** Harrell contracting Group, LLC

**Project Budget:** \$11,900,000

## 7. UM- IHL 207-346 – Stockard Hall & Martin Hall Brick Veneer Replacement

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the **credit amount** of \$3,232.00 and zero (0) additional days to the contract of Evan Johnson & Sons Construction, Inc.

**Staff Approval Date:** April 26, 2013

**Change Order Justification:** **Change Order #2** is necessary to add window stops and a credit to accept the existing temporary construction fencing.

**Total Project Change Orders and Amount:** Two (2) change orders for a total amount of \$55,177.00.

**Project Initiation Date:** February 17, 2011

**Design Professional:** Pryor & Morrow Architects and Engineers, P.A.

**General Contractor:** Evan Johnson & Sons Construction, Inc.

**Project Budget:** \$8,000,000.00

## 8. UM- IHL 207-348 – Johnson Commons West Renovation

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$526,379.35 and seven (7) additional days to the contract of Zellner Construction.

**Staff Approval Date:** May 2, 2013

**Change Order Justification:** **Change Order #4** is necessary to add a new freight elevator in lieu of originally specified Scizzor Life and sheet waterproofing on the existing west wall, additional walls with FRP finish & stainless steel cap required at the commissary for equipment back-up, modifications to the site in order to maintain fire truck access and add one (1) fire hydrant, adjustment to the loading dock driveway elevations, additional steel & pre-cast demolition required, additional demolition at the new stair S02 to allow for new construction, modifications to the black iron duct as required to maintain required ceiling height, modifications to the new duct to pass over the new walk-in coolers in a space narrower than anticipated, modify joist at the roof level to allow for duct penetration, removal of miscellaneous existing steel angles & bars at the existing bar joist, additional 450 sf of Tectum board to replace the existing deteriorated or damaged Tectum board and to furnish & install 1-1/2" gauge B metal deck to replace existing Tectum roof found to be unsuitable for the building and project schedule.

# EXHIBIT 6

June 20, 2013

**Total Project Change Orders and Amount:** Four (4) change orders for a total amount of \$713,878.92.

**Project Initiation Date:** May 19, 2011

**Design Professional:** Tipton Associates, A Professional Architectural Corporation

**General Contractor:** Zellner Construction

**Project Budget:** \$14,500,000.00

## 9. UM – IHL 207-353 – Coulter Hall Addition and Renovation

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by BEJ-CDFL – A Professional Association

**Staff Approval Date:** May 7, 2013

**Project Initiation Date:** February 16, 2012

**Design Professional:** BEJ-CDFL – A Professional Association

**General Contractor:** TBA

**Project Budget:** \$15,000,000.00

## 10. UM– IHL 207-371 – Stockard Hall Elevator Refurbishment

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Corbett Legge and Associates, PLLC.

**Staff Approval #2:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved a **waiver of Design Development Documents**.

**Staff Approval Date:** May 1, 2013

**Project Initiation Date:** March 21, 2013

**Design Professional:** Corbett Legge and Associates, PLLC

**General Contractor:** TBA

**Project Budget:** \$1,100,000.00

## 11. UMMC – GS 109-208 – Fire Alarm Upgrades

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$16,778.00 and zero (0) additional days to the contract of Moses Electric, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

**Staff Approval Date:** April 26, 2013

**Change Order Justification:** **Change Order #1** is necessary to relocate a disconnected switch for a fan in the basement of the Clinical Sciences Building in order to make space for the new fire alarm control panel to be installed, employing Johnson Controls to relocate an energy management system panel in the Learning Resources Building, so that the new fire alarm control panel may be mounted in its location as this control panel will be larger than the energy management system panel and to run a flexible metallic conduit inside the hollow walls in which to install the fire alarm cabling, as well as running wiremold in locations where walls are not hollow in lieu of surface mounted EMT conduit.



# EXHIBIT 6

June 20, 2013

**Total Project Change Orders and Amount:** One (1) change order for a total amount of \$16,778.00.

**Project Initiation Date:** February 18, 2010

**Design Professional:** The Power Source, PLLC

**General Contractor:** Moses Electric, Inc.

**Project Budget:** \$1,050,000.00

## **12. UMMC– IHL 209-532 – Cardiovascular Renovations**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$49,390.00 and fifteen (15) additional days to the contract of Fountain Construction Company.

**Staff Approval Date:** May 9, 2013

**Change Order Justification:** **Change Order #7** is necessary to convert the shelled future CATH/EP Lab into storage space for equipment or office space, a ceiling was added, the lights were changed to fit within a ceiling grid, HVAC was added to cool & heat this space, data and communications were added, the sprinkler heads had to be turned & lowered to fit within the ceiling, the door hardware was adjusted, and the walls will be fire caulked with all penetrations sealed, also to include the roof drain piping for the canopy and enlarging the metal panels to bring the piping down through the canopy without being exposed and the canopy finishes cannot begin installation until this piping is finished and five extra days will be added for this delay.

**Total Project Change Orders and Amount:** Seven (7) change orders for a total amount of \$186,804.00.

**Project Initiation Date:** February 18, 2010

**Design Professional:** Cooke Douglas Farr Lemons Architects & Engineers, PA

**General Contractor:** Fountain Construction Company

**Project Budget:** \$20,182,526.00

## **13. USM-Gulf Park IHL 214-014 – Hardy Hall Storm Damage Repair**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the **credit amount** of \$40,234.94 and five (5) additional days to the contract of C. Perry Builders, Inc., General Contractors.

**Staff Approval Date:** May 7, 2013

**Change Order Justification:** **Change Order #9** is necessary to add shoe molding, 'Hardy Hall' letters & concrete sidewalks, improve drainage at planter and replace door and provide a credit for the deleted building directory, to deduct for liquidated damages, and to deduct for Barnes and Noble's cost to repair the bookstore after pipe/gasket break.

**Total Project Change Orders and Amount:** Nine (9) change orders for a total amount of \$345,944.96.

**Project Initiation Date:** August 21, 2008

**Design Professional:** Dale and Associates Architects, P.A.

**General Contractor:** C. Perry Builders, Inc.

**Project Budget:** \$10,095,459.54

# EXHIBIT 6

June 20, 2013

## **14. ERC– GS 111-044 – Mechanical Modification Program**

**Staff Approval #1:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$39,431.76 and ninety (90) additional days to the contract of Upchurch Plumbing, Inc.

**Staff Approval Date:** April 30, 2013

**Change Order Justification:** **Change Order #7** is necessary to provide four (4) occupancy sensors with power packs, to relocate the existing light fixture and four ceiling sensors, to remove the existing switch and install new 800 amp breaker for the fire pump, to provide an electrical circuit direct from the generator to the fire pump through the line side of the transfer switch, to provide a new 600 amp, to disconnect the switch at the fire pump, to provide new emergency lighting circuits to each floor and to provide building Entergy meters interfaced to the statewide Entergy monitoring system.

**Total Project Change Orders and Amount:** Seven (7) change orders for a total amount of \$89,956.18.

**Project Initiation Date:** July 27, 2004

**Design Professional:** Atherton Consulting Engineers, Inc.

**General Contractor:** Upchurch Plumbing, Inc.

**Project Budget:** \$3,555,100.00

## **15. ERC– GS 111-049 – Road Improvements**

**Staff Approval:** In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$451.08 and zero (0) additional days to the contract of Southern Rock, LLC.

**Staff Approval Date:** May 1, 2013

**Change Order Justification:** **Change Order #3** is necessary to delete the prime coat on the base prior to the placement of the asphalt pavement due to the improved conditions of the gravel base material, adjust the 24” RCP and 18” RCP coming to RCI-2 and change invert out elevation of RCI-2 to 316.71 and install one 2’ x 2’ junction box which will cause a restriction of flow in the required 18” RCP from RCI-2 to RCI-3 so it shall be changed to a 24” RCP. Also due to two underground utilities found in the location of RCI-3, the invert out elevation must be changed to 316.48 and the required 30” RCP shall be replaced with a 24” RCP.

**Total Project Change Orders and Amount:** Three (3) change orders for a total amount of \$190,310.95.

**Project Initiation Date:** October 20, 2011

**Design Professional:** W.L. Burle Engineers

**General Contractor:** Southern Rock, LLC

**Project Budget:** \$2,551,057.07

# EXHIBIT 7

June 20, 2013

## 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 Ware/Gasparian (statement dated 5/7/13) from the funds of Mississippi State University. (This statement, in the amount of \$2,000.00, represents services and expenses in connection with labor certification.)

**TOTAL DUE.....\$ 2,000.00**

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 4/19/13 and 4/24/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$2,664.00 and \$2,460.00, respectively, represent services and expenses in connection with litigation matters.)

**TOTAL DUE.....\$ 5,124.00**

Payment of legal fees for professional services rendered by Jones Walker (statement dated 3/25/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$2,300.71, represents services and expenses in connection with litigation matters.)

**TOTAL DUE.....\$ 2,300.71**

Payment of legal fees for professional services rendered by Kitchens Hardwick (statements dated 3/8/13, 3/8/13, 3/8/13, 4/2/13, 4/2/13 and 4/3/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$10,560.00, \$2,887.50, \$594.00, \$11,372.00, \$3,498.00 and \$3,389.00, respectively, represent services and expenses in connection with litigation advice.)

**TOTAL DUE.....\$ 32,300.50**

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 5/3/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$5,263.50, represents services and expenses in connection with general advice.)

**TOTAL DUE.....\$ 5,263.50**

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 3/19/13, 4/12/13, 4/12/13, 4/12/13, 4/12/13 and 4/30/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Esterification and Bio-oil Upgrading" - \$235.00;

# EXHIBIT 7

June 20, 2013

“Esterification and Bio-oil Upgrading” - \$352.50; “Cellulosic Biodiesel Provisional Application” - \$25.50; “Catalytic Methods to Produce Hydrocarbons Provisional Application” - \$25.50; “Bio-oil Pretreatment with Catalysts Provisions” - \$25.50 and “Live Attenuated Catfish Vaccine” - \$1,390.00, respectively.)

**TOTAL DUE.....\$ 2,054.00**

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 2/26/13) from the funds of Mississippi State University. (These statements represents services and expenses in connection with the following patents: “Giant Myscanthis Plant Patent Application” - \$531.25; “Myscanthis Plant” - \$995.00; “MSU Burmudagrass Plant” - \$1,207.50; “Occidiofungin, a Unique Antifungal Glycopeptide” - \$531.25; “Occidiofungin, a Unique Antifungal Glycopeptide” - \$191.25; “A Method to Tutor Using Textbooks” - \$125.00; “Phenoxyalkyl Pyridinium Oxime for Therapeutics for Treatment of Organophosphate Poisoning” - \$1,108.75; “Oral Vaccination of Fish with Live Attenuated Edwardsiella Ictaluri Vaccines” - \$1,512.50; “Crape Myrtle Plant Named (Neshoba)” - \$1,585.00; “Crape Myrtle Plant Named (Pascagoula)” - \$1,542.50; “Crape Myrtle Plant Named (Sequoyah)” - \$1,478.75; “Crape Myrtle Plant Named (Shumaka)” - \$1,500.00; “Crape Myrtle Plant Named (Tishomingo)” - \$1,542.50; “Using Biochar, a Byproduct from Thermal Chemical Conversion of Biomass, as Container Substrate” - \$1,848.75; “Berbent Bermudagrass Trademark” - \$807.50; “Methods for Influenza Antigenic Drift Detection” - \$1,211.25; “Fiber Separation from Grain Products” - \$1,272.50; “Utilization of Oleaginous Microorganisms” - \$210.00; “Particle Assisted Light Concentration for Solar Photovoltaics” - \$380.00; “Method to Control Off-flavor in Water and Aquaculture Products” - \$1,450.00; “MSU Oxime Therapeutics-European National Application” - \$488.75; “Use of Oxidation and pH-Shift to Selectively Remove Solubilized Metals” - \$125.00; “MSU-Patent Functional Enhancement of Antimicrobials” - \$701.25; “Phenoxyalkyl Pyridium Oxime Therapeutics for Treatment of Organophosphate Poisoning” - \$5,646.58; “Occidiofungin, a Unique Antifungal Glycopeptide Produced by a Strain of Burkholderia Contaminans” - \$447.50 and “Molecular Design and Chemical Synthesis of Pharmaceutical-Ligands” - \$295.00.)

**TOTAL DUE.....\$ 28,735.33**

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 3/18/13, 4/22/13, 4/22/13, 4/22/13, 4/22/13 and 4/22/13) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$97.00, \$682.00, \$124.50, \$1,077.00, \$39.96 and \$1,469.40, respectively, represent services and expenses in connection with intellectual property/patents.)

**TOTAL DUE.....\$ 3,489.86**

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 4/29/13) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with the following patent: “Lockhead - Oil Dispersant Patent” - \$642.50.)

# EXHIBIT 7

June 20, 2013

TOTAL DUE.....\$ 642.50

## 2. SYSTEM – REQUEST FOR OFFICIAL ATTORNEY GENERAL’S OPINION

The Chair of the Board’s Legal Committee approved the submission of the below request for an official Attorney General’s opinion pursuant to Board Policy 1103 - Requests for Legal Opinions From the Attorney General. Pursuant to Board Policy 1103, that approval is now being reported as an information item to the full Board.

June 12, 2013

Honorable Jim Hood  
Attorney General  
Post Office Box 220  
Jackson, MS 39205

Re: Request for Official Opinion

Dear General Hood:

As Commissioner of Higher Education, appointed pursuant to Miss. Code Ann. Section 37-101-7 (1972), as amended, and in accordance with Miss. Code Ann. Section 7-5-25 (1972), as amended, I request your official opinion of the following:

May the Board of Trustees of State Institutions of Higher Learning (IHL), on behalf of the IHL Executive Office or the Mississippi public universities, legally enter into employment contracts with one or more new or existing employees which provide, in part, that a portion of the compensation to be paid to the employee shall be paid monthly/periodically over the course of the contract, and that a portion shall be paid in the future in the form of deferred compensation on a date or dates specified within the employment contract? If so, may the deferred compensation be paid on a date or dates beyond the expiration of the employment contract?

Thanks in advance for your opinion on this important issue.

Sincerely,

Hank M. Bounds  
Commissioner of Higher Education