

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
September 16, 2021**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Old Waverly Golf Club in West Point, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on January 6, 2021, to each and every member of said Board said date being at least five days prior to this September 16, 2021 meeting. At the above-named place there were present the following members to wit: Dr. Ormella Cummings, Dr. Steven Cunningham, Mr. Tom Duff, Ms. Teresa Hubbard, Ms. Jeanne Carter Luckey, Mr. Bruce Martin, Dr. Alfred E. McNair, Jr., Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, Mr. Gregg Rader, and Dr. J. Walt Starr. The meeting was called to order by Dr. Walt Starr, President, with Trustee Duff providing the invocation.

APPROVAL OF THE MINUTES

On motion by Trustee Cunningham, seconded by Trustee Cummings, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings held on August 19, 2021 and August 27, 2021.

CONSENT AGENDAS

President Starr noted that item #1 the amendment to an agreement between Alcorn State University and ENNCloud Technologies, LLC was removed from the agenda at the request of the university. On motion by Trustee Martin, seconded by Trustee Cunningham, all Trustees legally present and participating voted unanimously to approve the following Consent Agendas as amended.

FINANCE

1. **ASU** – Request to enter a one-year contract with ENNCloud Technologies, LLC for CIO Advisory Services, ERP Advisory Services, and Technical Project Management and Consulting Oversight Services. This is Statement of Work No. 003 (SOW 003) which is part of a Master Consulting Agreement (MCA) between the university and ENNCloud dated September 21, 2020. This is an extension where SOW 003 is made as part of the current MCA. The term of the contract begins September 1, 2021 and ends August 31, 2022. The scope of work for SOW 003 is \$39,166.67 per month for a total of \$470,000 for 12 months. The contract will be funded by E & G Funds. Final approval is contingent upon the receipt of the CP-1 exemption from the Mississippi Department of Information Technology Services. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office. **(THIS ITEM WAS REMOVED FROM THE AGENDA.)**
2. **UMMC** – Approved the request to enter a Master Purchase Agreement with Cochlear Americas to purchase otolaryngology auditory devices and ancillary products to be used in surgical procedures. These devices and products include cochlear implants, bone conduction systems, batteries, covers, hearing aids, etc., that will be used to treat pediatric and adult patients throughout UMMC. For patients with hearing impairments, the implant

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does the work of the damaged parts of the inner ear in order to provide sound signals to the brain. The Board also approved the request for the institution to add or remove products covered by the agreement without seeking prior Board approval, as long as it does not increase the approved expenditure level. The term of the agreement is five (5) years, from October 1, 2021, through September 30, 2026. The total estimated cost of the agreement over the five (5) year term is \$9,250,000. Beginning in year two (2), UMMC has included a twenty five percent (25%) increase for potential patient volume increases, as well as a two percent (2%) increase in the cost per case for annual price increases in years three (3) through five (5). Purchases will be made on an as-needed basis dependent upon patient need. The agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

3. **UMMC** – Approved the request to enter a Master Services Agreement with Press Ganey Associates, LLC d/b/a Press Ganey Associates, Inc. (Press Ganey). The Agreement allows UMMC to facilitate the measurement of the hospital and ambulatory clinics’ patient satisfaction as required by The Joint Commission and the Centers for Medicare and Medicaid Services (CMS). Press Ganey will conduct patient satisfaction surveys on behalf of UMMC, submit the data to CMS as required, and provide a vendor-hosted, web-based tool for UMMC’s use in reviewing and managing the resulting data, as well as tools for improving UMMC’s patient satisfaction. The term of the Master Services Agreement is five (5) years, from October 1, 2021, through September 30, 2026. The total estimated cost of the agreement over the five (5) year term is \$2,100,000.00. The total survey fees are \$1,723,669.34 over the term of the agreement with a three percent (3%) annual price increase beginning in year two (2). To account for any variable costs and additional support as needed, UMMC has also included an additional twenty percent (20%) of the projected annual cost of the survey fees beginning in year one (1). The agreement will be funded by hospital patient revenue. Legal Staff has reviewed the proposed agreement for compliance with applicable law and finds same to be acceptable. The agreement is on file in the Board Office.

REAL ESTATE

4. **IHL System Office** – Approved the Facility Needs Request for the 2022 Legislative Session as prepared by each institution. These lists of campus priorities were developed in a similar manner as last year’s lists, with each university determining the top five ranking priorities of their respective campus. **(See Exhibit 1.)**

LEGAL

5. **ASU** – Approved the request to hire Ware|Immigration as outside counsel to perform services as necessary in preparing labor certification applications, immigration applications, immigration petitions, and to provide immigration related services on behalf of the University for its employees who seek temporary or permanent residence status, as well as providing other related services. The term of this contract will be one year beginning October 1, 2021, with rates as set out in the fee schedule below. The maximum amount payable under this agreement is \$20,000. This firm carries professional liability

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insurance coverage in the amount of \$3,000,000 per claim with an annual aggregate of \$3,000,000. This request has been reviewed and approved by the Office of the Attorney General.

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$2,250.00*
H-1B extension or amendment petitions (we handled original petition)	\$2,250.00*
H-1B withdrawal	\$200.00
H-4 EAD (Employee may pay)	\$750.00

*additional legal fee of up to \$2,500 may apply for substantive requests for evidence

TN petition or border/consulate processing	\$2,250.00
TN extension petition (we handled original)	\$2,250.00
E-3 petition or consular processing	\$2,250.00
E-3 extension petition (we handled original)	\$2,250.00
O-1 petition	\$4,250.00
O-1 extension or amendment petition (we handled original)	\$3,000.00
J-1 waiver (IGA or hardship)	\$6,000.00
J-1 waiver (Conrad)	\$6,000.00
J-1 waiver (no objection)	\$1,500.00
I-539 Fee for Dependents (Employee may pay)	\$750.00

Permanent Residence Process with Labor Certification: Faculty

Special Handling labor certification	\$3,000.00
(If position must be readvertised)	\$2,500.00
Additional fee if audited	\$500-1,500.00
Immigrant petition (I 140)	\$2,500.00

Permanent Residence Process with Labor Certification: Non-Faculty

Labor certification	\$5,000.00
Additional fee if audited	\$500-1,500.00
Additional fee if subject to supervised recruitment	\$2,500.00
Immigrant petition	\$2,500.00

Permanent Residence Process: Outstanding Professors and Researchers

Immigrant petition	\$6,000.00
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Permanent Residence Process: National Interest Waiver

Immigrant petition	\$6,000.00
NIW or OP/OR RFE or NOID: case by case determination up to	\$2,500.00

Adjustment of Status (any Employment-Based Permanent Residence Matter)

Adjustment of status (AOS) and related applications (I-765, I-131, etc.), principal	\$2,500.00
“Standalone” AOS and related applications, principal	\$3,000.00
Adjustment of status and related applications, spouse, if together with principal application and I 140	\$1,500.00
Adjustment of status of each child, concurrent with I 140	\$1,000.00
“Standalone” adjustment of status, spouse (not concurrent with I-140)	\$2,000.00
“Standalone” adjustment of status, child	\$2,000.00
Reschedule biometrics appointment	\$150.00

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Reschedule adjustment of status interview	\$150.00
I 485 J (standalone cases)	\$1,500.00

Employment Authorization and Advance Parole Renewal

Employment Authorization Renewal per individual	\$500.00
Advance Parole Renewal per individual	\$500.00

General Legal Advice and Unusual Matters Which Fall Outside This Fee Schedule

Such matters will be billed at our hourly rates:

David Ware	per hour billed	\$350.00
WI Partners	per hour billed	\$250.00
Associate Attorneys	per hour billed	\$175.00
Paralegals	per hour billed	\$100.00

6. **JSU** – Approved the request to hire Armstrong Law, LLC as outside counsel to provide services as needed in preparing labor certification applications, immigration applications, immigration petitions, and to provide immigration related services on behalf of the University for its employees who seek temporary or permanent residence status, as well as providing other related services. The term of this agreement is one year beginning upon approval and execution, with rates as set out in the fee schedule below. The maximum amount payable under this agreement is \$50,000. This firm carries professional liability insurance coverage in the amount of \$1,000,000 per claim with an annual aggregate of \$1,000,000. This request has been reviewed and approved by the Office of the Attorney General.

Summary of Legal Fees

<u>Type of Immigration Processing</u>	<u>Attorney’s Fees¹</u>
Permanent resident status (“green card”/immigrant) processing – labor certification required²	
“Special handling” labor certification for faculty (teaching positions only) – using original recruitment	\$2,000.00
“Special handling” labor certification for faculty (teaching positions only) – re-recruitment ³	\$2,500.00
“Basic recruitment” labor certification for non-teaching positions	\$4,000.00
Audit response (if required by US Department of Labor)	\$1,500.00
Immigrant petition for alien worker (I-140) – for employee	\$2,800.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee	\$1,500.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent of employee	\$ 750.00

¹ Exclusive of all required US Citizenship and Immigration Services filing fees and costs of recruitment (if required); all additional work, including assistance in ad placement, renewal applications for employment authorization or advance parole during the period the application for adjustment of status is pending, preparation for and attendance at interviews with immigration officers, or appeals of any denials of any immigration petition or application filed, will be billed at normal hourly rates (currently \$275 an hour)

² Regulations require employer to pay all costs relating to labor certification, including all costs of recruitment.

³ Re-recruitment may be required if original ads do not meet US Department of Labor requirements or if labor certification is not filed within 18 months of date of offer letter.

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Preparation for and attendance at USCIS interview	\$1,500.00
Application to renew employment authorization and/or advance parole (per application)	\$ 500.00
Permanent resident status (“green card”/immigrant) processing – “Outstanding professors and researchers” (labor certification not required)⁴	
Immigrant petition for alien worker (I-140) – for employee	\$5,000.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee	\$1,500.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent of employee	\$ 750.00
Preparation for and attendance at USCIS interview	\$1,500.00
Application to renew employment authorization and/or advance parole (per application)	\$ 500.00
Permanent resident status (“green card”/immigrant) processing – “extraordinary ability” or “National Interest Waiver” (labor certification not required)⁵	
Immigrant petition for alien worker (I-140) – for employee	\$6,000.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for employee	\$1,500.00
Application to adjust status (I-485) and related applications if applicable (I-765, I-131) for each dependent of employee	\$ 750.00
Preparation for and attendance at USCIS interview	\$1,500.00
Application to renew employment authorization and/or advance parole (per application)	\$ 500.00
Temporary status (nonimmigrant) processing	
H-1B “specialty occupation” petition ⁶	\$2,000.00
O-1 “extraordinary ability” petition	\$4,500.00
TN “NAFTA professional” petition	\$2,500.00
Application for Waiver of J-1 Foreign Residence Requirement (based upon state Conrad 30 program)	\$6,000.00
Application for Waiver of J-1 Foreign Residence Requirement (based upon extreme hardship)	\$6,000.00
Application to extend or change nonimmigrant status (for dependents of employee who are in the US in another nonimmigrant status) when filed with I-129 Petition for primary	\$ 500.00

7. **JSU** – Approved the request to hire Ware|Immigration as outside counsel to provide services as needed in preparing labor certification applications, immigration applications, immigration petitions, and to provide immigration related services on behalf of the University for its employees who seek temporary or permanent residence status, as well as providing other related services. The term of this agreement is one year beginning upon approval and execution, with rates as set out in the fee schedule below. The maximum

⁴ Employee may pay fees and costs because labor certification is not required for this process.

⁵ Employee may pay fees and costs because labor certification is not required for this process.

⁶ Regulations require employer to pay all costs relating to H-1B filing, including attorney’s fees and filing fees (however, employee may pay “premium processing request” filing fee if desired).

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amount payable under this agreement is \$50,000. This firm carries professional liability insurance coverage in the amount of \$3,000,000 per claim with an annual aggregate of \$3,000,000. This request has been reviewed and approved by the Office of the Attorney General.

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Permanent Residence Process with Labor Certification: Non-Faculty

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WI Partners	per hour billed	\$250.00
Associate Attorneys	per hour billed	\$175.00
Paralegals	per hour billed	\$100.00

8. **MSU** – Approved the request to modify the contract with Stites & Harbison, PLLC as follows: (1) Under Section VI. PAYMENT TERMS, the hourly rate of pay for Sean Ritchie shall increase to \$320 per hour. This hourly rate was originally listed in error at \$250 per hour. The maximum amount payable under this contract remains \$75,000, and all other provisions of this agreement dated July 1, 2021, remain in effect. This firm carries professional liability insurance coverage in the amount of \$30,000,000 per claim occurrence with an annual aggregate of \$60,000,000. This modification has been reviewed and approved by the Office of the Office of the Attorney General.

PERSONNEL REPORT

9. **Employment**

Jackson State University

- Maurice Mangum, *hired with tenure*, Department Chair, Department of Political Science and Professor of Political Science; salary \$100,000 per annum, pro rata; E&G Funds; 12-month contract; effective August 1, 2021
- James Robinson, *hired with tenure*, Department Chair and Associate Professor, Department of Health, Physical Education and Recreation; salary \$95,000 per annum, pro rata; E&G Funds; 12-month contract; effective August 11, 2021
- KB Turner, *hired with tenure*, Dean of the College of Liberal Arts and Professor of Criminal Justice and Political Science, salary of \$175,000 per annum, pro rata, E&G Funds; 12-month contract; effective August 11, 2021

Mississippi State University

John J. Green; hired with tenure; Professor and Director; Southern Rural Development Center; Department of Agricultural Economics; salary \$190,000.00 per annum, pro rata; Designated and Restricted Funds; 12-month contract; effective August 1, 2021

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10. **Change of Status**

Jackson State University

- Tracy Harris, *from* Interim Associate Dean; salary of \$108,313 per annum, pro rata; E&G Funds; 12-month contract; *to* Interim Dean; salary of \$130,000 per annum, pro rata; E&G Funds; 12-month contract; effective July 15, 2021
- Millard Bingham, *from* Interim Dean; salary of \$120,000 per annum, pro rata; E&G Funds; 12-month contract; *to* Associate Professor; salary of \$84,000 per annum, pro rata; E&G Funds; 9-month contract; effective August 11, 2021

University of Mississippi

Shawnboda Mead; *from* Interim Vice Chancellor for Diversity and Community Engagement; salary of \$133,900 per annum; pro rata; *to* Vice Chancellor for Diversity and Community Engagement; salary of \$225,000 per annum; pro rata; twelve-month contract; effective September 24, 2021

REGULAR AGENDA

FINANCE AGENDA

Presented by Trustee Tom Duff, Chair

On motion by Trustee Duff, seconded by Trustee Cunningham, all Trustees legally present and participating voted unanimously to approve item #1 as submitted on the Finance Agenda.

1. **MSU** – Pursuant of the Department of Defense Regulations (DOD 5220.22-M dated 05/18/2016), the Board approved a Resolution that 1) requires certain present and future MSU officers both meet the requirements for eligibility for access to classified information and be processed for Personnel Security Clearance; and 2) permits formal exclusion of members of the IHL Board and Commissioner from both access to classified information disclosed to MSU and from processing for Personnel Security Clearance. Approval of the proposed Resolution and receipt of the Federal Security Clearance Designation will allow MSU access to NISP contracts without subjecting IHL Board members to the security clearance process. Upon approval of the proposed Resolution, MSU will be in adherence to the Department of Defense NISP for having a Facility Security Clearance (FCL). Having the FCL designation makes MSU eligible for contracts from the Department of Defense, Department of Homeland Security, Nuclear Regulatory Commission, NASA and other agencies under NISP. NISP was established by Executive Order in 1993 for the protection of classified information. The National Industrial Security Program Operating Manual prescribes the requirements, restrictions and other safeguards to prevent unauthorized disclosure of classified information. Legal Staff has reviewed the proposed resolution for compliance with applicable law and finds the same to be acceptable. A copy of the resolution is on file in the Board Office.

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2. **JSU** – Pursuant of the Department of Defense Regulations, the Board approved a Resolution that 1) requires certain present and future JSU officers both meet the requirements for eligibility for access to classified information and be processed for Personnel Security Clearance; and 2) permits formal exclusion of members of the IHL Board and Commissioner from both access to classified information disclosed to JSU and from processing for Personnel Security Clearance. Upon approval of the proposed Resolution, JSU will be in adherence to the Department of Defense National Industrial Security Program (NISP) for having a Facility Security Clearance (FCL). Having the FCL designation makes JSU eligible for contracts from the Department of Defense, Department of Homeland Security, Nuclear Regulatory Commission, NASA and other agencies under the National Industrial Security Program (NISP). NISP was established by Executive Order in 1993 for the protection of classified information, and is applicable to all cleared contractor facilities, including JSU. With the FCL status, JSU's classified activities will be governed by the provisions of the National Industrial Security Program Operating Manual (NISPOM), which prescribes the requirements, restrictions and other safeguards to prevent unauthorized disclosure of classified information. Legal Staff has reviewed the proposed resolution for compliance with applicable law and finds the same to be acceptable. A copy of the resolution is on file in the Board Office.
3. **UM** – Pursuant of the Department of Defense Regulations, the Board approved Resolution that 1) requires certain present and future UM officers both meet the requirements for eligibility for access to classified information and be processed for Personnel Security Clearance; and 2) permits formal exclusion of members of the IHL Board and Commissioner from both access to classified information disclosed to UM and from processing for Personnel Security Clearance. Approval of the proposed Resolution and receipt of the Federal Security Clearance designation will allow UM access to NISP contracts without subjecting IHL Board members to the security clearance process. Upon approval of the proposed Resolution, UM will be in adherence to the Department of Defense NISP for having a Facility Security Clearance (FCL). Having the FCL designation makes UM eligible for contracts from the Department of Defense, Department of Homeland Security, Nuclear Regulatory Commission, NASA and other agencies under NISP. NISP was established by Executive Order in 1993 for the protection of classified information, and is applicable to all cleared contractor facilities, including UM. With the FCL status, UM's classified activities will be governed by the provisions of the National Industrial Security Program Operating Manual (NISPOM), which prescribes the requirements, restrictions, and other safeguards to prevent unauthorized disclosure of classified information. Legal Staff has reviewed the proposed resolution for compliance with applicable law and finds the same to be acceptable. A copy of the resolution is on file in the Board Office.

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INFORMATION AGENDAS

Presented by Commissioner Alfred Rankins, Jr.

REAL ESTATE

1. **SYSTEM** – The Board received the Real Estate items that were approved by the Board staff subsequent to the August 19, 2021 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 2.)**

LEGAL

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

ADMINISTRATION/POLICY

3. **SYSTEM** – The following items have been approved by the Commissioner on behalf of the Board and are available for review at the Board Office.
 - a. **MSU** – On August 20, 2021, Commissioner Alfred Rankins, Jr. approved the Modification of Lease Agreement #12 between Mississippi State University and Mississippi State University Research & Technology Corporation for space at the NASA Stennis Space Center. This modification extends the term of the current agreement by one year beginning October 1, 2021 and ending September 30, 2022, and increases the monthly rental rate from \$17.91 per square foot to \$20.74 per square foot or \$5,517.62 per month (\$66,211.411 annually). All other provisions of the original lease agreement with its previous Modifications #1 through #11 remain unchanged. The IHL Associate Commissioner of Legal Affairs has reviewed the agreement and found the same to be compliant with applicable state law and Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
 - b. **MSU** – On September 2, 2021, Commissioner Alfred Rankins, Jr. approved the Lease Agreement between Mississippi State University and the Biloxi Public School District. The lease is for approximately 8,000 square feet of surplus building space, consisting of six classrooms, bathrooms, work area and common space at Nichols Elementary School located on Division Street in Biloxi, MS. This space will be used for the Head Start programs in association with a federal grant received by the University. The lease term began August 1, 2021 and will expire May 31, 2022, at a cost of \$4,000 per month to be paid in advance at the beginning of each month. The University is also responsible for janitorial services, routine maintenance, telephone, internet and related services, as well as a pro rata share of the annual expense for floor stripping and waxing, not to exceed \$2,000. The Attorney General’s Office has reviewed the agreement and found the same to be compliant with applicable state law and Board Policy 707.01 Land, Property, and Service Contracts and Policy 707.03 Approval for Prepayment for Goods or Services. A copy of the documents is on file in the IHL Board Office.

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- c. **UM** – On August 17, 2021, Commissioner Alfred Rankins, Jr. approved the Sublease Agreement between Phi Kappa Tau House Corporation at Ole Miss (Phi Tau) and Alpha Lambda Chapter of Pi Kappa Phi Fraternity (Pi Kappa) and the request to authorize the University of Mississippi Chancellor to execute the Prime Landlord’s Consent on behalf of the IHL Board of Trustees. The primary lease between UM and Phi Tau for the fraternity house located at 501 Fraternity Row was for 50 years beginning April 1, 2002 and will expire on March 31, 2052. Phi Tau ceased its chapter operations on the university campus in May 2021 and is not scheduled to return until May 2022, leaving the fraternity house located at lot #501 currently vacant. The term of this sublease will be August 20, 2021 through May 20, 2022. Base rent for this term is \$7,000 per month. The Attorney General’s Office has reviewed the agreement and found the same to be compliant with applicable state law and Board Policy 707.01 Land, Property, and Service Contracts. A copy of the documents is on file in the IHL Board Office.
- d. **UMMC** – On August 11, 2021, Commissioner Alfred Rankins, Jr. approved the Rental Agreement between the University Mississippi Medical Center and Mississippi Tent & Party Rental, LLC for the provision of tents, walls, lights, doors, blocks and an HVAC system for the purpose of setting up and operating a field hospital on UMMC’s main campus. The initial term of the agreement is one month, which may be extended if circumstances require continued testing. UMMC is requesting approval of 2 months, at this time, from August 11, 2021 through October 10, 2021. The total cost for the 2 months, including one-time fees for floor purchasing, delivery and labor is \$90,000, but UMMC request approval of an amount up to \$99,999 should circumstances require an extension of the agreement. The IHL Associate Commissioner of Legal Affairs has reviewed the agreement and found the same to be compliant with applicable state law and Board Policy 707.01 Land, Property, and Service Contracts and Policy 707.03 Approval for Prepayment for Goods or Services. A copy of the documents is on file in the IHL Board Office.

ANNOUNCEMENTS

- President Starr noted the next Board meeting will be October 21, 2021 at the Mississippi University for Women campus.

EXECUTIVE SESSION

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

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Discussion of a personnel matter at Mississippi State University.

Discussion of a personnel matter at the University of Southern Mississippi.

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

Trustee Duff made a motion to give Dr. Mark Keenum, President of Mississippi State University, a new employment contract with a start date of October 1, 2021 and an ending date of June 30, 2025, to include a state salary of \$400,000 per year and a MSU Foundation salary supplement of \$400,000 per year, each to be paid pro rata. In light of the Board's desire to retain Dr. Keenum as President of Mississippi State University throughout the full employment contract term, Trustee Duff further moved that such new employment contract include a provision which provides that if Dr. Keenum remains employed as President through the end of his new employment contract, he is to then be paid an amount as additional retention pay, such amount to be determined by the MSU Foundation, up to a maximum amount of \$800,000, which will be provided in full by the MSU Foundation to Mississippi State University and then to Dr. Keenum. Such retention pay is to be payable in full upon the completion of the ending date of his new employment contract and is to be paid only in the event Dr. Keenum remains employed as President of Mississippi State University through the last day of such employment contract. Lastly, Trustee Duff moved that Mississippi State University be required to report to the Board of Trustees the full amount of retention pay paid to Dr. Keenum within 30 days of such payment being made to Dr. Keenum. The motion was seconded by Trustee Morgan. **All Trustees legally present and participating voted unanimously to approve.**

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

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

PRESENTATIONS

The Board received presentations from Dr. Alfred Rankins, Jr., Commissioner of Higher Education; Mr. Thomas Hudson, President of Jackson State University; and Dr. John Pearce, IHL Associate Commissioner of Finance.

At approximately 3:30 p.m. the Board recessed until 10 a.m. September 17, 2021.

The meeting reconvened at approximately 10 a.m., September 17, 2021. The following members were wit: Dr. Ormella Cummings, Dr. Steven Cunningham, Mr. Tom Duff, Ms. Teresa Hubbard, Mr. Bruce Martin, Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, Mr. Gregg Rader, and Dr. J. Walt Starr. Ms. Jeanne Carter Luckey and Dr. Alfred E. McNair, Jr. were absent.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
September 16, 2021**

PRESENTATIONS

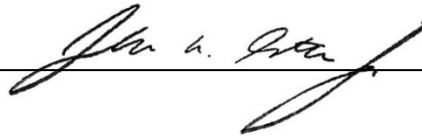
The Board received a presentation from Mr. Van Gillespie, IHL Associate Commissioner for Legal Affairs, Risk Management and Special Projects Officer, regarding the new IHL form employment contract. **(See Exhibit 4.)** The Board also received a presentation from Ms. Bridget Breithaupt, Senior Executive Assistant to the Commissioner of Higher Education.

OTHER BUSINESS

A motion was made by Trustee Morgan to rescind the motion he made during the August 27, 2021 telephonic meeting of the Board regarding mandating COVID-19 vaccinations and to replace it with the following: except for clinical settings within institutions, centers, departments, and programs, institutions are directed to refrain from mandating the COVID-19 vaccination as a condition of enrollment or employment. It was seconded by Trustee Hal Parker. The motion passed on an 8 to 1 vote, with Trustees Tom Duff, Jeanne Luckey, and Alfred McNair absent and not voting. Board members voting for the motion were: Dr. Ormella Cummings, Ms. Teresa Hubbard, Mr. Bruce Martin, Mr. Chip Morgan, Mr. Gee Ogletree, Mr. Hal Parker, Mr. Gregg Rader, and Dr. Walt Starr. Trustee Steven Cunningham voted against the motion.

ADJOURNMENT

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



President, Board of Trustees of State Institutions of Higher Learning



Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
September 16, 2021**

EXHIBITS

- Exhibit 1 Facility Needs Request for the 2022 Legislative Session.
- Exhibit 2 Real Estate items that were approved by the IHL Board staff subsequent to the August 19, 2021 Board meeting.
- Exhibit 3 Report of the payment of legal fees to outside counsel.
- Exhibit 4 New IHL Form Employment Contract.

EXHIBIT 1

September 16, 2021

Facilities Needs Requests for FY 2023 2022 Legislative Session

University	University Priority	Project Description	Request Per Project	Total By University
ASU	1	Whitney Complex Wellness Center (Pre-Plan and Partial Funding)	\$4,540,000	
	2	Math & Science Building Renovation <i>(New FY 2023 Addition)</i>	\$4,000,000	
	3	Walter Washington Administration & Classroom Renovation – Phase I	\$5,900,000	
	4	K.L. Simmons Technology Building	\$4,900,000	
	5	Campus Infrastructure & Envelope Repairs	\$3,405,000	
				\$22,745,000
ASU -AG	1	Poultry/Animal Science Building (Pre-Plan)	\$465,000	
	2	Ag Facility Envelope and Infrastructure Repair	\$1,702,500	
	3	Hydroponics Outreach and Research Greenhouse	\$1,418,750	
	4	STEAM Outreach Center	\$2,336,250	
	5	Mechanical Repairs – Agriculture	\$1,500,000	
				\$7,422,500
DSU	1	Campus Wide HVAC Upgrade	\$3,937,500	
	2	ADA Compliance – BPAC Elevator	\$1,702,500	
	3	Campus Roofing Project <i>(New FY 2023 Addition)</i>	\$2,270,000	
	4	Walter Sillers Coliseum Renovation	\$2,837,500	
	5	ADA Compliance – Campus Wide	\$1,702,500	
				\$12,450,000
JSU	1	Student Center New Dining Facility	\$12,000,000	
	2	Rose McCoy Auditorium Renovation	\$3,000,000	
	3	Campus Sustainability & Infrastructure Improvements	\$5,000,000	
	4	Campus Safety Project <i>(New FY 2023 Addition)</i>	\$12,265,000	
	5	College of Education & Human Development <i>(New FY 2023 Addition)</i>	\$5,000,000	
				\$37,265,000
MSU	1	New Facility for College of Architecture, Art and Design	\$14,680,000	
	2	Renovation to Etheredge Hall	\$20,000,000	
	3	Renovation to Magruder Hall	\$12,000,000	
	4	Renovation to Carpenter Hall	\$21,500,000	
	5	Renovation to George Hall	\$7,000,000	
				\$75,180,000
MSU/DAFVM	1	Dorman Hall Renovation	\$9,608,750	
	2	Bost Extension Center / Technology Renovation	\$13,500,000	
	3	Wise Center R&R	\$4,009,000	
	4	Animal Research Facility	\$12,025,000	
	5	Plant Sciences Building	\$28,063,000	
				\$67,205,750
MUW	1	General R&R	\$2,500,000	
	2	Old Pohl Gym Renovation--Preplan	\$300,000	
	3	Hogarth Center Renovation--Preplan	\$300,000	
				\$3,100,000
MVSU	1	Charles Lackey Center Renovation	\$10,196,573	
	2	O.P. Lowe Education Building <i>(New FY 2023 Addition)</i>	\$19,752,195	
	3	Walter Sillers Fine Arts Building <i>(New FY 2023 Addition)</i>	\$9,427,305	

EXHIBIT 1

September 16, 2021

University	University Priority	Project Description	Request Per Project	Total By University
	4	F.L. Wright Math and Science Renovation	\$12,471,442	
	5	W.A. Butts Social Science Building <i>(New FY 2023 Addition)</i>	\$11,849,933	
				\$63,697,447
UM	1	School of Accountancy Expansion	\$13,200,000	
	2	Northwest Campus Mechanical Plant (Electrical Phase II)	\$4,500,000	
	3	Hume Hall	\$23,500,000	
	4	Peabody Hall	\$15,100,000	
	5	Shoemaker Hall	\$62,000,000	
				\$118,300,000
UMMC	1	Critical Infrastructure Needs	\$18,250,000	
	2	Elevator Upgrades	\$3,500,000	
	3	Campus Wayfinding Implementation	\$2,000,000	
	4	Parking Lot & Street Repairs/Repave	\$2,500,000	
				\$26,250,000
USM	1	Science Research Building	\$40,000,000	
	2	Southern Hall – Restoration & Renovation (Pre-Plan)	\$500,000	
	3	Kennard Washington Hall Renovation (Pre-Plan)	\$625,000	
	4	Harkins Hall Renovation (Pre-Plan)	\$300,000	
	5	Fritzsche-Gibbs Hall Renovation (Pre-Plan) <i>(New FY 2023 Addition)</i>	\$175,000	
				\$41,600,000
USM-Gulf Coast	1	Halstead campus Repairs and Renovations - GCRL	\$300,000	
	2	USM-Coastal Operations R&R (Pre-Plan)	\$454,000	
	3	Gulf Park Science Building Addition (Pre-Plan)	\$283,750	
	4	Lighting Enhancement Project – Halstead & Cedar Point Campuses <i>(New FY 2023 Addition)</i>	\$283,500	
	5	New Physical Plant and UPD Facility (Pre-Plan) <i>(New FY 2023 Addition)</i>	\$125,000	
				\$1,446,500
ERC	1	Replace/Refurbish Campus Chillers	\$1,400,000	
	2	Repave Parking Garage/Repair JSU Exit Stairs	\$1,600,000	
	3	Renovation of Mechanical, Electrical, Fire Sprinkler, Fire Alarm, Lighting & Ceiling at the Edsel E. Thrash Universities Center	\$3,300,000	
				\$6,300,000
				\$482,962,197

Note: All projects in bold represent life safety and/or ADA code compliance projects.

EXHIBIT 2

September 16, 2021

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE AUGUST 19, 2021 BOARD MEETING SUBMISSION DEADLINE

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

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

ALCORN STATE UNIVERSITY

1. ASU- GS 101-310 - NEW FACULTY AND STAFF HOUSING

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #8

Board staff approved Change Order #8 in the amount of \$6,088.72 and twenty-six (26) additional days to the contract of Ergon Construction Group.

Approval Status & Date: APPROVED, August 12, 2021

Change Order Description: Change Order #8 includes the following items: added shortest rods to raise the ceiling fans; credit for electrical allowance for activation work; and twenty-six (26) days to the contract.

Change Order Justification: These changes are necessary due to user/owner requested modifications; and days for work as indicated herein.

Approval Request #2: Change Order #9

Board staff approved Change Order #9 in the amount of \$11,759.20 and zero (0) additional days to the contract of Ergon Construction Group.

Approval Status & Date: APPROVED, August 31, 2021

Change Order Description: Change Order #9 includes the following items: changed the interior Masonite doors from five (5) warranty to seven (7) years warranty; provided a digital communicator and ethernet cable connection in each fire alarm system control panel.

Change Order Justification: These changes are necessary due to changes in requirements or recommendations by governmental agencies and user/owner requested modifications.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$743,247.96.

Project Initiation Date: April 20, 2017

Design Professional: Architecture South

General Contractor: Ergon Construction Group

Total Project Budget: \$10,500,000.00

EXHIBIT 2

September 16, 2021

DELTA STATE UNIVERSITY

2. **DSU- GS 102-272 - RESIDENCE HALL IMPROVEMENTS (LAWLER-HARKINS)**

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$22,055.29 and zero (0) additional days to the contract of Alliant Construction, a division of Ergon Construction Group, Inc.

Approval Status & Date: APPROVED, September 2, 2021

Change Order Description: Change Order #1 includes the following items: credit for replacing vinyl tile (EVT) with luxury vinyl tile (LVT); replaced the ceilings in the 1st floor corridors of Lawler-Harkins; replaced the damaged ceiling tile and relocated salvageable tiles; installed twenty-five (25) additional feet of underground chilled water pipe; replaced four (4) 2-1/2" boiler gate valves; removed and replaced damaged gypsum board; installed twelve (12) 20"x72" mirrors; and re-sized tarnished mirrors from dorm rooms.

Change Order Justification: These changes are necessary due to latent job site conditions and user/owner requested modifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$22,055.29.

Project Initiation Date: June 20, 2013

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

General Contractor: Alliant Construction, a division of Ergon Construction Group, Inc.

Total Project Budget: \$2,789,722.85

3. **DSU- GS 102-276 - RESIDENCE HALL IMPROVEMENTS (CAIN, TATUM, FUGLER, HAMMETT, BRUMBY CASTLE)**

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$27,216.10 and zero (0) additional days to the contract of Conerly Construction, Inc.

Approval Status & Date: APPROVED, August 17, 2021

Change Order Description: Change Order #1 includes the following items: removed vinyl composition tile (VCT) and changed the selected collection of luxury vinyl tile (LVT); added wire mold for the installation of the "C" fixtures; abated insulated piping in the boiler room; gypsum repairs and painting of the end wall at Brumby-Castle; removed/replaced four (4) door leaves, reinstalled existing hardware, and installed new glass.

Change Order Justification: These changes were necessary due to latent job site conditions and user/owner requested modifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$27,216.10.

EXHIBIT 2

September 16, 2021

Project Initiation Date: January 17, 2019
Design Professional: Burris/Wagnon Architects, P.A.
General Contractor: Conerly Construction, Inc.
Total Project Budget: \$2,186,092.77

MISSISSIPPI UNIVERSITY FOR WOMEN

4. MUW- GS 104-197– ELECTRICAL SYSTEM UPGRADE

NOTE: This is a Bureau of Building project

Approval Request #1: Change Order #2

Board staff approved Change Order #2 in the amount of \$4,817.32 and sixteen (16) additional days to the contract of Webster Electric Company. LLC.

Approval Status & Date: APPROVED, August 31, 2021

Change Order Description: Change Order #2 includes the following items: repairs made to the existing pad-mounted transformer serving the Fant Library and sixteen (16) days to the contract.

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

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$52,123.56.

Approval Status & Date: APPROVED, August 31, 2021

Project Initiation Date: March 15, 2019

Design Professional: Atwell and Gent, P.A.

General Contractor: Webster Electric Company, LLC

Total Project Budget: \$2,500,000.00

UNIVERSITY OF MISSISSIPPI

5. UM- IHL #207-456 – BREVARD HALL 3RD FLOOR BIOMED DEPARTMENT

Approval Request #1: Change Order #3

Board staff approved Change Order #3 in the credit amount of 8,000.00 and zero (0) additional days to the contract of R.A. Sharp Construction Company, LLC.

Approval Status & Date: APPROVED, August 9, 2021

Change Order Description: Change Order #3 includes the following item: liquidated damages of sixteen (16) days at \$500.00 per day deducted from the contract amount.

Change Order Justification: This change was necessary due to changes in requirements or recommendations by governmental agencies.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$110.49.

Project Initiation Date: August 15, 2019

Design Professional: McCarty Architects, P.A.

General Contractor: R.A. Sharp Construction Company, LLC

Total Project Budget: \$1,300,000.00

EXHIBIT 2

September 16, 2021

6. **UM- IHL #207-457 – TRACK AND FIELD LOCKER ROOMS – PKG F
GENERAL WORKS**

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$2,010.00 and zero (0) additional days to the contract of McCarty King Construction Company.

Approval Status & Date: APPROVED, August 18, 2021

Change Order Description: Change Order #1 includes the following items: installed four (4) additional steel angles to stabilize support columns for the mechanical screen wall at the roof.

Change Order Justification: These changes were necessary due to errors and omissions in the plans and specifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$2,010.00.

Project Initiation Date: February 21, 2019

Design Professional: Weir Boerner Allin Architecture

General Contractor: McCarty King Construction Company

Total Phased Budget: \$884,523.87

Total Project Budget: \$3,700,000.00

7. **UM- IHL #207-457 – TRACK AND FIELD LOCKER ROOMS – PKG I
MECHANICAL AND PLUMBING**

Approval Request #1: Change Order #1

Board staff approved Change Order #1 in the amount of \$1,547.23 and zero (0) additional days to the contract of Upchurch Plumbing, Inc.

Approval Status & Date: APPROVED, August 9, 2021

Change Order Description: Change Order #1 includes the following items: added a new floor drain under the ice maker and added a water line to the ice maker.

Change Order Justification: These changes were necessary due to errors and omissions in the plans and specifications.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$2,010.00.

Project Initiation Date: February 21, 2019

Design Professional: Weir Boerner Allin Architecture

General Contractor: McCarty King Construction Company

Total Phased Budget: \$607,095.80

Total Project Budget: \$3,700,000.00

UNIVERSITY OF SOUTHERN MISSISSIPPI

8. **USM- IHL 210-248 – INVERTEBRATE GROWOUT II RENOVATION**

Approval Request #2: Contract Documents

Board staff approved Contract Documents as submitted by McCarty Architects, P.A.

Approval Status & Date: APPROVED, August 17, 2021

EXHIBIT 2

September 16, 2021

Approval Request #3: Advertise

Board staff approved request to advertise for receipt of bids.

Approval Status & Date: APPROVED, August 17, 2021

Project Initiation Date: May 14, 2021

Design Professional: McCarty Architects, P.A.

General Contractor: TBD.

Total Project Budget: \$10,000,000.00

EXHIBIT 3

September 16, 2021

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 Brunini, PLLC (statements dated 7/20/21 and 7/20/21) from the funds of Mississippi State University. (These statements, in the amounts of \$68.75 and \$893.75, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 962.50

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 7/22/21 and 8/10/21) from the funds of the University of Mississippi. (These statements, in the amounts of \$737.50 and \$1,504.50, respectively, represent services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 2,242.00

Payment of legal fees for professional services rendered by Mayo|Mallette (statement dated 8/4/21) from the funds of the University of Mississippi. (This statement, in the amount of \$860.40, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 860.40

Payment of legal fees for professional services rendered by Wise Carter (statement dated 8/10/21) from the funds of the University of Mississippi. (This statement, in the amount of \$63,246.69, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 63,246.69

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 7/21/21, 7/21/21, 7/21/21 and 7/21/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$489.50, \$16,449.06, \$6,119.75 and \$236.00, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 23,294.31

Payment of legal fees for professional services rendered by Currie Johnson & Myers, P.A. (statements dated 7/13/21 and 7/31/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,468.50 and \$792.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 4,260.50

EXHIBIT 3

September 16, 2021

Payment of legal fees for professional services rendered by Gore, Kilpatrick & Dambrino, PLLC (statements dated 6/25/21, 6/25/21, 7/27/21 and 7/27/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$346.50, \$445.50, \$82.50 and \$165.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,039.50

Payment of legal fees for professional services rendered by Hagwood Adelman Tipton, PC (statements dated 7/16/21, 7/16/21, 7/16/21, 7/16/21, 8/6/21, 8/6/21, 8/6/21, 8/6/21, 8/6/21 and 8/6/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$69.20, \$355.00, \$123.00, \$3,317.48, \$1,369.50, \$3,346.70, \$474.60, \$1,632.54, \$3,316.10 and \$644.40, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 14,648.52

Payment of legal fees for professional services rendered by Mayo Mallette, PLLC (statements dated 7/1/21 and 8/4/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$15,823.50 and \$563.10, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 16,386.60

Payment of legal fees for professional services rendered by Page Kruger & Holland (statements dated 7/14/21, 7/14/21, 8/11/21, 8/11/21 and 8/11/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$132.00, \$148.50, \$726.00, \$16.50 and \$379.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,402.50

Payment of legal fees for professional services rendered by Steen Dalehite & Pace (statements dated 7/30/21 and 8/12/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$763.00 and \$76.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 839.50

Payment of legal fees for professional services rendered by Waller Lansden Dortch & Davis, LLP (statements dated 5/27/21 and 7/9/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$442.50 and \$265.50, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 708.00

EXHIBIT 3

September 16, 2021

Payment of legal fees for professional services rendered by Watkins & Eager (statements dated 6/16/21, 7/14/21, 8/13/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,023.00, \$120.00, and \$504.00, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,647.00

Payment of legal fees for professional services rendered by Whitfield Law Group (statements dated 7/7/21, 7/7/21, 8/3/21 and 8/3/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$7,985.80, \$792.00, \$3,502.20 and \$15,944.80, respectively, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 28,224.80

Payment of legal fees for professional services rendered by Bryan, Nelson, Schroeder, Castigliola & Banahan (statement dated 8/6/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$3,787.68, represents services and expenses in connection with general legal advice.)

TOTAL DUE.....\$ 3,787.68

Payment of legal fees for professional services rendered by Butler|Snow (statement dated 8/10/21) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$1,858.70, represents services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,858.70

Payment of legal fees for professional services rendered by Wise Carter (statements dated 8/23/21 and 8/23/21) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$1,170.50 and \$156.00, represent services and expenses in connection with legal advice.)

TOTAL DUE.....\$ 1,326.50

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

Payment of legal fees for professional services rendered by Conley Rose (statement dated 8/15/21) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: "Face Mask" - \$1,150.00.)

TOTAL DUE.....\$ 1,150.00

EXHIBIT 3

September 16, 2021

Payment of legal fees for professional services rendered by Mendelsohn Dunleavy (statement dated 8/6/21) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: “Occidiofungin Formulations and Uses Thereof” - \$1,646.00.)

TOTAL DUE.....\$ 1,646.00

Payment of legal fees for professional services rendered by Butler|Snow (statements dated 7/22/21 and 7/30/21) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Stuttering Inhibition Method and Device” - \$1,327.50; and “Catalent Pharma Solutions Licensing” - \$2,065.00, respectively).

TOTAL DUE.....\$ 3,392.50

Payment of legal fees for professional services rendered by Thomas|Horstemeyer (statements dated 7/29/21 and 7/29/21) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Natural Product Formulations with Improved Residual Insect Repellent/Deterrent Activity” - \$1,350.00; and “Devices for the Pulsed Delivery of Bioactive Agents and Methods for Using Same” - \$3,150.00).

TOTAL DUE.....\$ 4,500.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 7/22/21, 7/22/21, 7/22/21, 7/22/21, 7/22/21, 7/22/21, 7/22/21, 7/26/21, 8/19/21 and 8/19/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,592.00, \$26.00, \$702.00, \$572.50, \$1,303.13, \$312.00, \$52.00, \$1,081.00, \$312.00 and \$9,782.25, respectively, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 15,734.88

Payment of legal fees for professional services rendered by Workman Nydegger (statements dated 4/21/21, 7/14/21 and 7/14/21) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$1,033.00, \$2,670.00 and \$200.00, respectively, represent services and expenses in connection with intellectual property patents.)

TOTAL DUE.....\$ 3,903.00

EXHIBIT 4

September 17, 2021

EMPLOYMENT CONTRACT MISSISSIPPI BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

This **Employment Contract** is made and entered into by and between **The Mississippi Board of Trustees of State Institutions of Higher Learning**, hereinafter referred to as **the Board**, (**University**), hereinafter referred to as **the University**, and (**First, Middle, Last Name**), hereinafter referred to as **the Employee**. The Board is hereby using its authority to form an employee/employer relationship between the University and the Employee.

The Employee is hereby employed as (**Business Title**), of (**Department**), in the (**School**), (**College**), at the University, for the period beginning (**Contract Begin Date**), and ending on (**Contract End Date**), at and for the sum of (**Annual Salary**).

This employment contract is subject to the following terms and conditions:

1. The laws of the State of Mississippi and the policies and by-laws of **the Board**.
2. **The Board** reserves the right to increase or decrease said salary at any time during the life of this contract. Any decrease shall be made only when and if necessary to keep expenditures of **the University** within that part of the legislative appropriation allotted to **the University** for the period covered by this contract and shall be effective only from and after the date of the passage of an order by **the Board**.
3. **The Board** shall have the authority to terminate this contract at any time for the following:
 - a. financial exigencies as declared by **the Board**;
 - b. termination or reduction of programs, academic or administrative units as approved by **the Board**;
 - c. malfeasance, inefficiency or contumacious conduct; or
 - d. for other cause.
4. In the event **the Employee** abrogates this contract for his/her convenience, **the Board** shall then fix the time and conditions of termination.
5. Any action for breach of this Employment Contract or related to Employees' employment or separation of employment shall be brought in a state court located in (university's main campus location) County or a federal court located in the federal district which includes (university's main campus location) County.
6. To the extent **the University** or the University's College, Department or Unit has an employee and/or faculty handbook, the handbook(s) does not constitute a contract, nor is it incorporated by reference.

EXHIBIT 4

September 17, 2021

7. The terms and conditions of any supplement, addendum or other appendage to this Employment Contract are hereby incorporated by reference.
8. Special Provisions: **Attached clauses:**

In witness whereof, the parties hereto have executed this **Employment Contract** on this the _____ day of _____, 20__.

(EMPLOYEE)

(INSTITUTIONAL EXECUTIVE OFFICER, ON
BEHALF OF THE UNIVERSITY AND THE
BOARD)