

**BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER
LEARNING**



Final Board Book
February 18, 2010



BOARD BOOK OUTLINE

February 18, 2010

10:00 A.M.

CALL TO ORDER

Trustee Scott Ross

PRAYER

Trustee Doug Rouse

MINUTES

January 21 & 25, 2010 Regular Board of Trustees Meeting1

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ADJOURNMENT

**MINUTES OF THE
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF
HIGHER LEARNING**

***JANUARY 21 & 25, 2010
REGULAR BOARD OF TRUSTEES
MEETING***

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 21 and 25, 2010**

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BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 9:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on December 3, 2009, to each and every member of said Board, said date being at least five days prior to this January 21, 2010 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. The meeting was called to order by Mr. Scott Ross, President, and opened with prayer by Mr. Alan Perry. The Board observed a moment of silence in memory of the 4 MUW students who recently died in a fire at a central Alabama hotel.

APPROVAL OF THE MINUTES

On motion by Ms. Robinson, seconded by Ms. Pickering, and unanimously passed by those present, it was

RESOLVED, That the Minutes of the Board meetings held on November 18-19, 2009 and December 17, 2009, stand approved.

CONSENT AGENDA

On motion by Ms. Robinson, seconded by Dr. Rouse, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approved the following Consent Agenda.

BUDGET, FINANCE AND AUDIT

1. **MSU** - Approved the request to enter into a lease agreement with Brian Moore and Brico Properties, LLC. to lease approximately 786 square feet located at 109 Executive Drive, Suite 1, Madison, Mississippi to be used as administrative office space for MSU's Early Childhood Institute. The primary contract period is twenty-three months - February 1, 2010 to December 31, 2011. The contract may be renewed for one twelve-month period upon written agreement of both parties. The monthly lease payment is \$910 for a total contract cost of \$20,930 for the primary lease period. The contract will be funded via an externally funded grant from Chevron Pascagoula Refinery. A copy of this agreement which has been reviewed and approved by the Attorney General's Office, is included in the *January 21, 2010 Board Working File*.

2. **MSU** - Approved the request to enter into a lease agreement with Coblenz Properties, LLC. to lease approximately 2,500 square feet located at 1004 North Jackson Street, Starkville, Mississippi to conduct business activities of MSU's Migrant Education Program of North Mississippi. The primary contract period is eight months -February 1, 2010 to September 30, 2010. The contract may be renewed for one twelve-month period upon written agreement of both parties. The monthly lease payment is \$3,800 for a total contract cost of \$30,400 for the primary lease period. Funds are available from an external grant from the Mississippi Department of Education. A copy of this agreement which has been reviewed and approved by the Attorney General's Office is included in the *January 21, 2010 Board Working File*.

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3. **UMMC** - Approved the request to amend a lease agreement with the Jackson Medical Mall Foundation to lease an additional 570 square feet on the first floor of the west side north of the main concourse, Suite 571, to conduct private research involving infectious disease patients (UMMC's CLIMB2 Project). The term of the contract is for 17 months – February 1, 2010 to June 30, 2011. The monthly lease payment is \$631.75 for a total contract cost of \$10,739.75 for the entire lease period. A copy of this agreement which has been reviewed and approved by the Attorney General's Office is included in the *January 21, 2010 Board Working File*.

4. **System** - Approved the request by JSU and MVSU to escalate the budgets within their respective *Ayers* Endowment Diversity Program(s) budgets. The escalations are needed to cover increased costs associated with program operating costs, library resources and diversity student aid awards. The original budgets were approved at the June 2009 Board meeting. At that time, Board staff relied on estimates of available funding for these programs. Actual funding is now known and the institutions have requested to revise budgets to actual.

Jackson State University

| Object of Expenditure | Current Budget 2009 - 2010 | Budget Revision #1 | Revised Budget 2009 - 2010 |
|-----------------------------------|-------------------------------|-----------------------|-------------------------------|
| Salaries, Wages & Fringe Benefits | \$ 249,404 | | \$ 249,404 |
| Travel | \$ 10,000 | | \$ 10,000 |
| Contractual Services | | | |
| Commodities | | | |
| Capital Outlay: | | | |
| Equipment | | \$ 22,720 | \$ 22,720 |
| Library Resources | \$ 211,369 | \$ 70,000 | \$ 281,369 |
| Student Aid | \$ 241,825 | | \$ 241,825 |
| | | | |
| Total | \$ 712,598 | \$ 92,720 | \$ 805,318 |

Mississippi Valley State University

| Object of Expenditure | Current Budget 2009 - 2010 | Budget Revision #1 | Revised Budget 2009 - 2010 |
|-----------------------------------|-------------------------------|-----------------------|-------------------------------|
| Salaries, Wages & Fringe Benefits | \$ 86,073 | | \$ 86,073 |
| Travel | \$ 1,500 | | \$ 1,500 |
| Contractual Services | \$ 1,440 | | \$ 1,440 |
| Commodities | \$ 1,000 | | \$ 1,000 |
| Capital Outlay: | | | |
| Equipment | | | |
| Library Resources | | | |
| Student Aid | \$ 374,654 | \$ 60,460 | \$ 435,114 |
| | | | |
| Total | \$ 464,667 | \$ 60,460 | \$ 525,127 |

All funds budgeted within these two programs are created from the generated annual interest earnings of the *Ayers* Public and Private Endowment investments.

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REAL ESTATE

5. **JSU** - Approved the initiation of **GS 103-257, Campus Energy Management**, and the appointment of Watkins & O'Gwynn Consulting Electrical Engineers as design professionals. This project will install motion detectors and occupancy sensors throughout campus. This project installs motion detectors and occupancy sensors throughout the campus. These measures will aid the university in its effort for energy conservation by helping reduce the annual energy consumption. The total project budget is \$500,000. Funds are available in the amount of \$500,000 from HB 1722, Laws of 2009.
6. **UM** - Approved the initiation of **GS 107-299, Peabody Renovation Preplan**, and the appointment of Shafer & Associates Architects, Starkville, MS as design professionals. The total project budget is \$350,000. Funds are available in the amount of \$350,000 from HB 1641, Laws of 2008, GO Bonds.
7. **USM** - Approved the initiation of **GS 108-259, Energy Reduction Retrofits, Hattiesburg**, for energy improvements. This project provides for energy reduction retrofits on lighting, mechanical and control systems on various buildings throughout the Hattiesburg campus. The modifications are expected to provide savings to result in a payback of about 3-3 ½ Years. The total project budget is \$2 million. Funds are available in the amount of \$2 million from HB 1722, Laws of 2009.
8. **USM** - Approved the initiation of **GS 114-015, Recreation Building Repair & Renovation, Gulf Park**, and the appointment of Studio South Architects as design professionals. The project is intended to repair and renovate the Recreation Building to accommodate the Physical Plant function and the current Physical Plant building will be renovated for use as academic space. The total project budget is \$460,256. Funds are available in the amount of \$210,768 from SB 3197, Laws of 2002, and in the amount of \$249,488 from HB 1641, Laws of 2008.
9. **MSU** - Approved the initiation of **IHL 205-250, Addition to the CAVS Dynamometer Building**, to add 3,850 square feet to the existing Center for Advance Vehicular Systems Dynamometer Building and the appointment of Foil Wyatt Architects as design professionals. The additional 3,850 square feet will house a control room and required equipment for research. The total project budget is \$350,000. Funds are available in the amount of \$350,000 from a federal grant.
10. **MSU** - Approved the initiation of **IHL 205-251, ICET Pilot Plant**, to construct a 10,000 square foot building to house Sustainable Energy Research Center (SERC) projects and the appointment of Shafer and Associates as design professionals. The project is required for the development and demonstration of SERC energy research projects which requires a location for pilot plant operations complete with utility and control systems availability. The total project budget is \$500,000. Funds are available in the amount of \$500,000 from an ICET federal grant.
11. **MSU** - Approved the initiation of **IHL 213-140, White Sands Shop**, to construct a 4,400 square foot shop/storage building that will serve as the farm headquarters at the White Sands Research Unit and the appointment of Perkins Architecture as design professional. This project will replace three

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- (3) old existing facilities at the Research Unit. The existing facilities were damaged by Hurricane Katrina and due to the damage the existing buildings are worth repairing. The total project budget is \$480,000. Funds are available in the amount of \$264,000 from FEMA funds and in the amount of \$216,000 from MAFES sales.
12. **UM** - Approved the initiation of **IHL 207-333, Multi-Modal Airport Project**, and the appointment of Barge Waggoner Sumner & Cannon, Inc., Memphis, TN as design professionals. This project will construct an enhanced airplane parking ramp at University-Oxford Airport. The total project budget is \$437,255. Funds are available in the amount of \$432,882.45 from MDOT Multi-Modal Airport Grant-MM-0057-0210 and in the amount of \$4,372.55 from University/Oxford Airport Capital R&R funds.
 13. **UM** - Approved the initiation of **IHL 207-334, Deaton Hall-HVAC and Generator Upgrades**, and the appointment of Corbett Legge & Associates of Tupelo, MS as design professionals. The current operating conditions of the existing equipment will not maintain acceptable indoor moisture levels and acceptable building pressurization set by the ASHRAE Standard 62. The total project budget is \$760,000. Funds are available in the amount of \$760,000 from Auxiliary R&R funds.
 14. **UM** - Approved the initiation of **IHL 207-335, Powers Hall-HVAC Upgrade**, and the appointment of Corbett Legge & Associates of Tupelo, MS as design professionals. The design professional recommends that the university replace the existing chilled water and heating water piping that is deteriorating and allowing condensation to form on the chilled water piping that drips onto the ceiling tile. The total project budget is \$675,000. Funds are available in the amount of \$675,000 from Auxiliary R&R funds.
 15. **UM** - Approved the initiation of **IHL 207-336, Indoor Golf Swing Analysis Center**, and the appointment of Cooke Douglass Farr Lemons as design professionals. This project will add approximately 2,250 square feet to the existing golf team building. The total project budget is \$700,000. Funds are available in the amount of \$700,000 from private gifts through the UMAA Foundation.
 16. **USM** - Approved the appointment of Allred Architectural Group as design professionals for **IHL 214-015, Lloyd Hall Storm Damage Repair, Gulf Park**. This project will begin the design work for the repair and restoration of storm damage to Lloyd Hall on the Gulf Park campus. The total project budget is \$1.7 million. Funds are available in the amount of \$1.7 million from insurance proceeds and FEMA reimbursement.
 17. **DSU** - Approved the request to increase the project budget for **GS 102-224, Fire Station, Phase I**, from \$250,000 to \$900,000 for an increase in the amount of \$650,000. The escalation in the project budget is necessary due to the City of Cleveland pledging \$650,000 to fully fund Phase I of the project. Funds are available in the amount of \$250,000 from HB 1641, Laws of 2008, and in the amount of \$650,000 from the City of Cleveland.

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18. **UMMC** - Approved the request to increase the project budget for **GS 109-201, Old Hospital Exterior Repairs**, from \$170,000 to \$215,500 for an increase in the amount of \$45,500. The escalation in the project budget is necessary due to the result of the bids received on October 20, 2009. The low bid exceeded the Construction Document estimate. Funds are available in the amount of \$215,500 from HB 246, Laws of 2007.
19. **MSU** - Approved the request to increase the scope of the project **IHL 205-235, New Residence Hall**, to include a seventh phase to be titled IHL # 205-235-G Fire Suppression for Hull, Evans, and Herbert Halls and the appointment of Luke Peterson and Kaye, P.A. as design professionals. The project was originally approved as a six-phase project. The change in scope is necessary to add a seventh phase to include the addition of fire suppression systems (sprinklers) to Hull, Evans, and Herbert Halls. All three facilities are residential facilities and house students. The total project budget is \$29,960,000 (All 7 phases) and \$1 million (Phase 7 only). Funds are available in the amount of \$1 million from MSU EBC revenue bonds.
20. **UM** - Approved the request to increase the project budget for **IHL 207-305, Partial Parallel Taxiway-Phase I-Site Grading**, from \$2,780,000 to \$6,417,592 for an increase in the amount of \$3,637,592. The escalation in the project budget is necessary due to site-work including clearing and grubbing, earthwork, removal of the existing perimeter fence, and relocation of electrical vault being estimated at more than the original monies. During the course of the project, a second grant was applied for and awarded to cover the shortfall of the first grant and adding the paving for the taxiway addition and the taxiway lighting. This budget increase is for the additional grant amount. Funds are available in the amount of \$160,439.80 from University/Oxford Airport Capital R&R funds; in the amount of \$160,439.80 from the MDOT matching funds; and in the amount of \$6,096,712.40 from Federal Grants-AIP 3-28-0057-020-2008 and AIP 3-28-0057-021-2008.
21. **UM** - Approved the request to increase the project budget for **IHL 207-325, Gertrude Ford Blvd. Erosion Project**, from \$310,000 to \$340,000 for an increase in the amount of \$30,000. The escalation in project budget is necessary in order to include bid alternates. Funds are available in the amount of \$340,000 from internal R&R funds.
22. **UM** - Approved the request to increase the project budget for **IHL 207-328, FEMA/MEMA Generator Project**, from \$350,000 to \$389,721 for an increase in the amount of \$39,721. The escalation in project budget is necessary in order to allow the university to use the remaining portion of an original FEMA grant that enabled the university to purchase and install 3 generators. Funds are available in the amount of \$336,985 from DR-1604-MS-0245-CFA No. 97.039 and in the amount of \$52,736 from UM matching funds-self generated R&R funds.
23. **USM** - Approved the request to change the funding source for **IHL 208-291, Purchase Property, 3601 Azalea Drive**, adjacent to the Hattiesburg campus. The change in funding source is necessary because the source of funds approved at the September 17, 2009 Board meeting was erroneously stated by the university to be HB 1722, Laws of 2009, which does not contain language allowing land acquisition. The correct funding source is HB 246, Laws of 2007 which does contain language allowing the funds to be used for land acquisition. The total purchase price is \$122,500.

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24. **UMMC** - Approved the request to increase the project budget for **IHL 209-511, Student Lounge Renovations**, from \$300,000 to \$715,341 for an increase in the amount of \$415,341. The escalation in the project budget is necessary due to the results of the bids received on October 20, 2009. The low bid exceeded the Construction Document estimate prepared by the appointed professional. Funds are available in the amount of \$300,000 from student tuition and in the amount of \$415,341 from interest income.
25. **JSU** - Approved the request to add two (2) parcels of land to Phase IV of the **GS 103-246, Land Acquisition Project**. JSU has been authorized by the Mississippi Legislature to purchase available parcels within the predefined limits of the project. The parcels are:
- 902 J.R. Lynch Street, Parcel #144-71 and
 - 912 J.R. Lynch Street, Parcel #144-75.

LEGAL

26. **UM** - The Board of Trustees for the Institutions of Higher Learning for the State of Mississippi hereby declares: Dr. Dan Jones was appointed Chancellor of the University of Mississippi during a meeting of the Board on June 15, 2009, and Dr. Jones, pursuant to IHL Policies 301.0801, 707.01 and 707.02, as the Institutional Executive Officer of the University of Mississippi, is responsible for the university's administration and has signatory authority to bind the University of Mississippi.
27. **UMMC** - Pending approval by the Attorney General, the Board approved the request to employ James Mingee, Esq., d/b/a The Mark It Place, of counsel to the firm of Scott, Sullivan, Streetman & Fox, and C. Paige Herring to provide legal services as trademark and copyright counsel. This is a renewal of a contract first approved by the Board on January 15, 2009. The agreement provides for outside counsel work up to an amount of \$30,000 at the rate of \$145 per hour or \$1,200 per trademark prosecution for the term of January 25, 2010 – January 30, 2011. The contract will be funded by patient revenue.
28. **PERSONNEL REPORT**

EMPLOYMENT

Alcorn State University - Athletics

Earnest E. Collins, Head Football Coach; salary \$140,000 per annum, pro rata; E&G Funds; effective January 1, 2010 to December 31, 2012

Mississippi Valley State University - Athletics

Karl Morgan, Head Football Coach, \$75,000 per annum, pro rata; E&G Funds; effective January 15, 2010 to June 30, 2010

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CHANGE OF STATUS

Alcorn State University - Athletics

Brenda T. Square, *from* Interim Director of Athletics; salary of \$100,000 per annum, pro rata; E&G Funds; *to* Director of Athletics; no change in salary; effective January 1, 2010 to December 31, 2012

REHIRED RETIREES

Retirees rehired making more than \$20,000 who are not on contract for the period of July 1, 2009 through June 30, 2010:

University of Mississippi

James Davis; *former position:* H. Eugene Peery Chair of Accountancy & Professor of Accountancy; *new position:* Peery Professor Emeritus (Accountancy); *compensation of:* \$50,000; *period of re-employment:* August 20, 2009 to May 8, 2010

Chester Quarles; *former position:* Professor of Criminal Justice; *new position:* Professor Emeritus (Legal Studies); *compensation of:* \$30,000; *period of re-employment:* August 20, 2009 to May 8, 2010

Guthrie Abbott; *former position:* Professor of Law School of Law; *new position:* Professor Emeritus of Law; *compensation of:* \$25,000; *period of re-employment:* January 20, 2010 to May 8, 2010

SABBATICAL

Jackson State University
Izevbigie, Ernest B.

TERMINATION

Alcorn State University
Ross, George E.

PRESENTATION

Dr. Reggie Sykes, IHL Assistant Commissioner for Community and Junior College Relations, gave a presentation on the *Mississippi Community and Junior College Transfer Enrollment Report, Fall 2009*. Ms. Robinson thanked Dr. Sykes for his leadership and hard work.

ANNOUNCEMENTS

Mr. Scott Ross welcomed Mr. James Hudson, the Student Government Association (SGA) president for Mississippi Valley State University, Mr. Blake Jeter, the SGA president for Mississippi State University, Mr. J. R. Robinson, the SGA president for the University of Southern Mississippi, and Mr. James McDonald, president of the Alcorn State University National Alumni Association.

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REAL ESTATE AGENDA
Presented by Dr. Doug Rouse, Chair

On motion by Dr. Rouse, seconded by Ms. Robinson, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the following Real Estate Agenda.

1. **UM** - Approved the request to purchase real estate through a two-stage transaction using the University of Mississippi Foundation, Inc. The purchase and the attached improvements consist of a housing development named "Campus Walk Apartments" located at 401 Hathorn Road, Oxford, MS. The total project budget is \$9,200,000. Funds are available from the Land Acquisition Fund, Land Acquisition Quasi Endowment Fund, revenue from cash flow generated from the property once lease/rentals commence, auxiliary R&R funds and internal R&R funds. The two-stage process is set forth in detail within the bound *January 21, 2010 Board Working File*. The Attorney General's Office has reviewed and approved this item.

LEGAL AGENDA
Presented by Mr. Alan Perry, Chair

By consensus, t the Board hereby approved moving agenda item #1 as submitted on the following Legal Agenda to the list of items to be handled during Executive Session. On motion by Mr. Perry, seconded by Ms. Whitten, and unanimously passed by those present, the Board approved adding agenda item #2 to the agenda. Agenda item #2 was approved on a separate motion by Mr. Perry, seconded by Ms. Whitten, and unanimously passed by those present.

1. **UMMC** - Settlement of Tort Claim No. 1571: *Charles Abraham vs. UMMC, et al.* **(THIS ITEM WAS TAKEN UP IN EXECUTIVE SESSION.)**
2. **System** - Approved the request to seek an Official Attorney General's Opinion on issues related to budget cuts, the IHL appropriation and the *Ayers* Settlement. It is highly likely that the Governor will be cutting all agency budgets by a specified percentage in the near future. The following legal issues need to be resolved in the event of such a cut to agency budgets:
 - a. Which parts of the IHL appropriations bill, within Senate Bill 2035 of the second extraordinary session of 2009, will be affected by such an across the board cut and which parts, if any, will be exempt?
 - b. Under applicable state law, including the language of Senate Bill 2035 of the second extraordinary session of 2009, may IHL legally continue to meet the obligations under the *Ayers* settlement in full, in the event of such a budget cut?
 - c. If any part of the IHL appropriations bill that funds the *Ayers* obligations is reduced by such a budget cut, would IHL and the State of Mississippi be in violation of Section VI. of the *Ayers* settlement agreement by continuing to fully meet the *Ayers* obligations after such a budget cut is implemented?

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BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Bob Owens, Chair

1. Discussion of multi-year business plans for dealing with budget reductions and multi-year tuition recommendation.
2. **Other Business**
 - a. On motion by Ms. Pickering, seconded by Dr. Rouse, and unanimously passed by those present, the Board postponed the election of the Vice President until the February Board meeting. Dr. Neely will succeed as president in May.
 - b. By consensus, the Board agreed to recess this meeting until Monday, January 25 at 10:00 a.m. at which time it would hold a teleconference meeting to take action on the Commissioner's recommendations.

ADMINISTRATION/POLICY AGENDA

Presented by Dr. Hank M. Bounds, Commissioner

On motion by Mr. Blakeslee, seconded by Ms. Robinson, with Mr. Ross absent and not voting, it was

RESOLVED, That the Board hereby approved agenda item #2 as submitted on the following Administration/Policy Agenda.

1. **Other Business**
 - a. Ms. Pickering thanked the Textbook Task Force members; Dr. Jim Borsig, IHL Assistant Commissioner for Governmental Relations; Mrs. Leah Rupp Smith, IHL Director of Communications; and the Student government Association presidents for their hard work. Last semester the SGA presidents kicked off the "Keep Textbooks Cheap Appreciation Week." This event allows the students to show their appreciation for the efforts of the faculty who work toward lowering the cost of textbooks. Ms. Pickering noted that this textbook policy is only the first step toward making textbooks more affordable for students.
 - b. Dr. Bounds recognized Representative Kelvin Buck, Chair of the Universities and Colleges Committee and a great fan for higher education.
 - c. Dr. Borsig introduced Mr. Bill Broyles, Assistant Vice President for Student Affairs at Mississippi State University and co-chair of the Textbook Task Force. Dr. Borsig also noted that Dr. Maurice Eftink, Dean of the Graduate School and Associate Provost at the University of Mississippi. Mr. Broyles gave an update on work of the Task Force.
2. **System** - Approved for first reading the proposed new Board policy 616 Textbook Policy. (See **Exhibit 1.**)

INFORMATION AGENDA

Presented by Dr. Hank M. Bounds, Commissioner

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 21 and 25, 2010**

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REAL ESTATE

1. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the January 21, 2010 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.)

COMMISSIONER'S REPORT

Presented by Dr. Hank M. Bounds, Commissioner

Dr. Bounds facilitated a discussion related to setting system goals.

ANNOUNCEMENT

Dr. Bounds congratulated Dr. John Hilpert, President of Delta State University, for being named the president of the Southern Associations of Colleges and Schools-Commission on Colleges. Only one other Mississippi president has ever served in this capacity.

EXECUTIVE SESSION

On motion by Mr. Perry, seconded by Ms. Pickering, with Mr. Ross absent and not voting, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Mr. Patterson, seconded by Ms. Pickering, with Mr. Ross absent and not voting, the Board **voted to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

Discussion of a litigation matter at the University of Mississippi Medical Center and
Discussion of a personnel matter at Alcorn State University.

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

On motion by Ms. Whitten, seconded by Ms. Robinson, with Mr. Ross absent and not voting, the Board approved the request to settle the tort claim case styled as *Charles Abraham vs. UMMC, et al.*

On motion by Dr. Neely, seconded by Ms. Robinson, with Mr. Ross absent and not voting, the Board appointed Dr. Norris Edney as the interim president of Alcorn State University and authorized the Commissioner to negotiate an appropriate salary.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 21 and 25, 2010**

On motion by Ms. Pickering, seconded by Ms. Whitten, with Mr. Ross absent and not voting, the Board voted to return to Open Session.

THE MEETING WAS RECESSED UNTIL THE TELECONFERENCE MEETING AT 10:00 A.M. ON MONDAY, JANUARY 25, 2010.

JANUARY 25, 2010

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning held a teleconference meeting on January 25, 2010 at 10:00 a.m. with public attendance available at the Board Office in Jackson, Mississippi. The following Board members participated in the teleconference: Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering Ms. Robin J. Robinson, Mr. Scott Ross, Dr. Douglas Rouse and Mr. C.D. Smith. Mr. H. Ed Blakeslee and Ms. Amy Whitten were absent. The meeting was called to order by Mr. Scott Ross, President.

In accordance with Miss. Code Ann., §25-41-5, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call fashion. The teleconference meeting was held to continue discussions of the multi-year business plans for dealing with budget reductions and multi-year tuition recommendation.

On motion by Dr. Davidson, seconded by Ms. Pickering, with Mr. Blakeslee, Ms. Robinson, and Ms. Whitten absent and not voting, the Board approved the recommended tuition increases based on the assumptions included in the presentation concerning the revenue to be appropriated for 2011 and 2012. **(See Exhibits 4 and 7.)** The Board also bestowed upon the Commissioner the flexibility to increase the budget reductions, increase tuition, or reduce the increased tuition depending on the state appropriations.

ADJOURNMENT

There being no further business to come before the Board, on motion by Dr. Rouse, seconded by Ms. Pickering, with Mr. Blakeslee, Ms. Robinson and Ms. Whitten absent and not voting, the Board members voted 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
January 21 and 25, 2010**

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EXHIBITS

- Exhibit 1 Proposed new Board policy 616 Textbook Policy for first reading.
- Exhibit 2 Real Estate items that were approved by the IHL Board staff subsequent to the January 21, 2010 Board meeting.
- Exhibit 3 Report of the payment of legal fees to outside counsel.
- Exhibit 4 Multi-Year Resident Tuition Increase Request, FY 2011 - FY 2013
- Exhibit 5 Multi-Year Resident Tuition Request, FY 2011 - FY 2013
- Exhibit 6 Multi-Year Non-Resident Tuition Percentage Recommendation, FY 2011 - FY 2013
- Exhibit 7 Multi-Year Non-Resident Tuition Price Recommendation, FY 2011 - FY 2013

PROPOSED NEW BOARD POLICY FOR FIRST READING

616 Textbook Policy

This Textbook Policy establishes minimum system-wide guidelines and goals aimed at addressing the cost of college textbooks and other instructional materials and at ensuring compliance with Section 133 of the federal Higher Education Opportunity Act (HEOA) of 2008.

Each institution in the IHL system shall establish a written policy that includes the following provisions. In this policy, the term textbook is meant to include various types of course materials, including software, electronic files, supplemental materials, and course packs.

1. Textbook Adoption Deadlines – Each institution shall establish firm deadlines and procedures for the adoption of textbooks for upcoming semesters. These deadlines and procedures shall be set to enable the institution to fully comply with the HEOA of 2008, including the requirement that textbook information (including ISBN and prices) be provided to students at the time of registration.

Requirements:

- Institutions shall establish adoption deadlines that are no later than the beginning of the registration period for succeeding semesters and that provide sufficient time to work with affiliated bookstores to meet the HEOA posting requirements. Additionally, these adoption deadlines shall be at least 40 days prior to the end of the preceding semester, whenever possible, as dictated by registration schedules.
- The adoption process will include the indication of whether a textbook is required or recommended and should include to the extent possible an indication of whether an alternate (e.g., earlier) edition of the textbook may be used. Timely adoption of textbooks is required for the following course types: lecture, lecture/lab, laboratory, and recitation/discussion. These course types, as designated and defined by the IHL Data Dictionary, are generally assumed to be courses with textbook requirements. Any other courses which at individual institutions historically require textbooks shall be included in the individual institution's adoption policy.
- Department chairs/heads will be responsible for ensuring that all pertinent courses under their authority have adoptions submitted by the deadline, even in instances where no instructor has been assigned for a course section as of the announced adoption deadline date.
- Departments shall be strongly encouraged to adopt the same course materials for all sections of each course.

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2. **Minimum Adoption Periods** - Each institution shall establish guidelines that promote a minimum adoption period for textbooks. In this section, textbook refers specifically to a book that is resalable, as opposed to one-time usage materials (e.g., workbooks) or books that have limited resale value.
- Institutions shall set guidelines for a minimum three-year adoption period for lower division courses. These guidelines may include reasonable exceptions to this requirement for instances when editions go out of print, when substantive changes are made in either the course description or the textbook, or when there is a significant change in the body of knowledge pertinent to the course. Procedures for the authorization of exceptions should include approval at the dean level, after recommendation from a department chair/head.
 - Guidelines shall encourage a minimum textbook adoption period of at least two years for upper division courses. However, it is recognized that, to provide current scholarship in a global marketplace, upper division courses will have more advanced and changing content, that students often wish to build a personal library of books in their major, and that there is a more limited potential for establishing a favorable local buy-back market for such upper division textbooks. Because of these factors, institutional policy will balance the benefits of a minimum adoption period with the selection of the best available textbook.
3. **Dissemination of Textbook Information** – Institutions shall be responsible for providing information on best practices in textbook adoptions to faculty and for providing advice to students on ways to save money on textbook purchases.
- The institutions or affiliated bookstores shall provide faculty with information and tools for the selection of textbooks, including pricing information and the availability of alternative formats for course materials (e.g., whether textbooks are available in electronic versions) and of separately available components of a bundled textbook;
 - The institutions or affiliated bookstores shall provide students with tips on purchasing textbooks, including the availability of electronic versions, the availability of unbundled textbook components, buy-back and exchange policies, and price-matching policies. Institutions shall provide this information, including an explanation of the significance of ISBNs, to entering freshmen during orientations or within 30 days prior to the beginning of the fall semester.
 - The institutions or affiliated bookstores shall provide faculty and students with results from surveys of student satisfaction with textbooks.
4. **Assessment of Progress** – Institutions shall develop procedures to assess the success of the above practices in containing the costs of textbooks.
- Assessment strategies shall include: the inclusion of questions on student surveys (e.g., course evaluations) about the value of assigned

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textbooks; production of reports of the extent of compliance of each institution with the adoption deadlines; information about the costs of the textbooks for the top twenty (highest enrollment) courses; the volume of buy-back purchases at the affiliated bookstores; the number of electronic versions of textbooks being used; and surveys (student and faculty) of the ability of the affiliated bookstore to provide adequate stocking of books.

- The institutional executive officer of each institution will name a textbook coordinator who will be responsible for the implementation and administration of this policy.
- Annually, the textbook coordinator will submit such assessment information as required by the assessment plan as an annual assessment report to the Commissioner or his/her designee.
- The annual assessment report will be made available on the website of the subject institution, as well as on the System website.

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REAL ESTATE**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE NOVEMBER 18-19, 2009 BOARD MEETING SUBMISSION DEADLINE****1. ASU-Emergency Declaration, Telephone System**

Staff Approval: In accordance with Mississippi Code Section 31-7-13 (j) and on behalf of The Board of Trustees of State Institutions of Higher Learning, Board staff approved the emergency declaration requested by Alcorn State University stating that the existing phone system has been discontinued, with the existing voicemail service no longer supported by the manufacturer. Also, the current infrastructure is at capacity and with the manufacturer no longer supporting the software and hardware, no future expansion can be done thus putting the university at risk of losing all phone services at any time.

Staff Approval Date: December 7, 2009

Project Budget: \$750,000

Funding Source(s): Title III funds

2. ASU-GS 101-269, Dumas Hall

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Duvall Decker Architects, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Documents** as submitted by Duvall Decker Architects, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) December 2, 2009; (#2) December 3, 2009

Project Initiation Date: January 31, 2008

Design Professional: Duvall Decker Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$700,000

Funding Source(s): HB 246, Laws of 2007

3. ASU-IHL 201-241, Campus Housing

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Construction Documents** as submitted by Dale and Associates/ Niles Bolton, design professionals.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.**

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Dirtworks Inc., the lower of six (6) bidders for a total contract amount of \$2,149,000. This contract is for Bid Package 1, site work only.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Moses Electric, the lower of three (3) bidders for a total contract amount of \$102,000. This contract is for Bid Package 3, site communications only.

Staff Approval #5: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to US Coatings, the lower of seven (7) bidders for a total contract amount of \$1,431,000. This contract is for Bid Package 5, abatement and demolition only.

Staff Approval #6: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Munlake Contractors, Inc., the lower of five (5) bidders for a total contract amount of \$19,321,895. This contract is for Bid Package 6, housing buildings only.

Staff Approval Date: Approvals #1-6 on October 29, 2009

Project Initiation Date: March 20, 2008

Design Professional: Dale and Associates/ Niles Bolton

General Contractor: Harrell Construction

Contract Award Date: October 29, 2009

Project Budget: \$47,000,000

Funding Source(s): Alcorn State University EBC Bond revenue

4. DSU-GS 102-199, Central Mechanical Plant

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$4,308.00 and eighty-three (83) additional days to the contract of Acy Mechanical, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 3, 2009

Change Order Justification: The change order is necessary to upgrade the high voltage service, repair rupture of unmarked water main, re-route piping due to utility conflicts, and to reconcile the controls allowance.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$123,783

Project Initiation Date: September 18, 2003

Design Professional: Eldridge and Associates, P.A.

General Contractor: Acy Mechanical, LLC

Contract Award Date: November 24, 2008

Project Budget: \$5,100,000

Funding Source(s): SB 2988, Laws of 2003; SB 2010, Laws of 2004; HB 246, Laws of 2007; and HB 1641, Laws of 2008

5. DSU-GS 102-226, Science Lab Renovations, PH II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Century Construction and Realty, the lower of eight (8) bidders for a total contract amount of \$3,490,000.

Staff Approval Date: December 16, 2009

Project Initiation Date: August 21, 2008

Design Professional: Architecture South

General Contractor: Century Construction and Realty

Contract Award Date: December 16, 2009

Project Budget: \$4,750,000

Funding Source(s): HB 1641, Laws of 2008; HB 1722, Laws of 2009

6. DSU-IHL 202-139, School of Nursing Phase II Addition

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Shafer and Associates, design professional.

Staff Approval Date: (#1-2) November 18, 2009

Project Initiation Date: September 17, 2009

Design Professional: Shafter and Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$510,947

Funding Source(s): Health Resources Service Administration Grant #U1FRH07411

7. JSU-GS 103-219, Johnson/Dansby Replacement-Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$8,566.08 and zero (0) 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: November 9, 2009

Change Order Justification: The change order is necessary to change the column bases from brick veneer to cast stone to match the adjacent library building.

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Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$42,247.02

Project Initiation Date: November 20, 2003

Design Professional: Vernell Barnes Architect and Foil Wyatt Architects & Planners, PLLC, A Joint Venture

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: March 30, 2009

Project Budget: \$13,773,590.88

Funding Source(s): SB 2010, Laws of 2004; HB 246, Laws of 2007

8. JSU-GS 103-231, E-City Center Project

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$0.00 and forty-nine (49) additional days to the contract of Wilkinson Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 2, 2009

Change Order Justification: The change order is necessary to compensate the contractor for time lost while obtaining a permit from the city of Jackson to approve water and sewer taps.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$14,729.45

Project Initiation Date: March 15, 2006

Design Professional: Wayne F. Timmer, Architect, P.A.

General Contractor: Wilkinson Construction, Inc.

Contract Award Date: June 9, 2008

Project Budget: \$806,000

Funding Source(s): SB 2010, Laws of 2004

9. JSU-GS 103-234, ADA Compliance Phase II-B (F.D. Hall)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$11,342.00 and fifty-one (51) additional days to the contract of Cal-Mar Construction Company, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 18, 2009

Change Order Justification: The change order is necessary to provide new hardware and a concrete dumpster pad.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$11,342.00

Project Initiation Date: August 17, 2006

Design Professional: WFT Architects, P.A.

General Contractor: Cal-Mar Construction Company, LLC

Contract Award Date: October 31, 2008

Project Budget: \$4,532,985.50

Funding Source(s): SB 3197, Laws of 2002; HB 246, Laws of 2007

10. JSU-IHL 203-148, Bioengineering Training/Research Complex

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Flagstar Construction the lower of sixteen (16) bidders for a total contract amount of \$874,300.

Staff Approval Date: November 18, 2009

Project Initiation Date: May 22, 2008

Design Professional: Foil & Wyatt Architects

General Contractor: Flagstar Construction

Contract Award Date: November 18, 2009

Project Budget: \$1,913,000

Funding Source(s): U.S. Department of Energy Grant #634834

11. JSU-IHL 203-150, Bioengineering Training/Research Complex

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Coleman Hammons Construction the lower of fourteen (14) bidders for a total contract amount of \$2,186,000.

Staff Approval Date: November 18, 2009

Project Initiation Date: November 21, 2008

Design Professional: Foil & Wyatt Architects

General Contractor: Coleman Hammons Construction

Contract Award Date: November 18, 2009

Project Budget: \$5,000,000

Funding Source(s): U.S. Department of Transportation Grant #634705

12. MSU-GS 105-310, Harned Hall Renovation-Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$41,227.00 and zero (0) additional days to the contract of Harrell Contracting Group. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 19, 2009

Change Order Justification: The change order is necessary due to latent conditions and to restore the original historic appearance to the leaded glass in several windows.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$52,692

Project Initiation Date: May 1, 2007

Design Professional: Eley Associates

General Contractor: Harrell Contracting Group

Contract Award Date: April 7, 2009

Project Budget: \$17,000,000

Funding Source(s): SB 2010, Laws of 2004; HB 246, Laws of 2007

13. MSU-GS 105-323, Roof Replacements-Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$0.00 and eighty-nine (89) additional days to the contract of E. Cornell Malone Corporation. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 19, 2009

Change Order Justification: The change order is necessary due latent conditions.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$167,420.00

Project Initiation Date: February 14, 2007

Design Professional: Shafer and Associates, PLLC

General Contractor: E. Cornell Malone Corporation

Contract Award Date: May 30, 2008

Project Budget: \$990,000

Funding Source(s): HB 1634, Laws of 2006; SB 2010, Laws of 2004

14. MSU-GS 113-099, Contract (#4), MS Vet Research and Diagnostics Lab

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$14,232 and fourteen (14) additional days to the contract of Wilkinson Construction, Inc.. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 1, 2009

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Change Order Justification: The change order is necessary to replace 40 linear feet of sanitary sewer line that was found to be unusable.

Total Project Change Orders and Amount: No previous change orders

Project Initiation Date: June 21, 2002

Design Professional: Foil Wyatt Architects

General Contractor: Wilkinson Construction, Inc.

Contract Award Date: June 29, 2009

Project Budget: \$1,820,910

Funding Source(s): SB 2988, Laws of 2003

15. MSU-GS 113-117, Wise Center Storm Repairs

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Pryor & Morrow Architects, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 2, 2009

Project Initiation Date: N/A

Design Professional: Pryor & Morrow Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$6,790,000

Funding Source(s): HB 1634, Laws of 2006; HB 1641, Laws of 2008; and HB 1722, Laws of 2009.

16. MSU-IHL 205-235, New Residence Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$216,712 and thirty (30) additional days to the contract of Brislin, Inc.

Staff Approval Date: December 1, 2009

Change Order Justification: The change order is necessary to extend the chilled/heating loop to Rice Hall and McCarthy Gym in order to accommodate future renovations , energy saving purposes and to pave main roads on campus that were going to be left open as gravel until the end of the project.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$220,984

Project Initiation Date: N/A

Design Professional: Luke Peterson and Kaye Architects, P.A.

General Contractor: Brislin, Inc.

Contract Award Date: March 18, 2009

Project Budget: \$29,960,000

Funding Source(s): MSU EBC Revenue Bonds

17. MSU-IHL 205-249, MDOT Fence Project

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Michael T. Muzzi, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Michael T. Muzzi, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) October 29, 2009; (#2) October 29, 2009

Project Initiation Date: September 17, 2009

Design Professional: Michael T. Muzzi, AIA, AUA

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$500,000

Funding Source(s): MDOT (\$400,000); MSU E&G funds (\$100,000)

18. MUW-GS 104-149, Poindexter Hall Renovation (Demolition Package)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$12,262 and zero (0) additional days to the contract of Burks-Mordecai Builders.

Staff Approval Date: December 4, 2009

Change Order Justification: The change order is necessary to replace the 40 year-old electrical panel that is not able to accommodate the required new circuit breakers.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$7,216. Change Order #1 was a credit in the amount of \$5,046.

Project Initiation Date: November 20, 2003

Design Professional: Pryor and Morrow

General Contractor: Burks-Mordecai Builders

Contract Award Date: May 19, 2009

Project Budget: \$9,579,000

Funding Source(s): SB 2010, Laws of 2004 Extraordinary Session (\$6,930,000); HB 246, Laws of 2007 (714,000); HB 1641, Laws of 2008 (435,000); HB 1722, Laws of 2009 (\$1,500,000)

19. MUW-GS 104-167, Crowell Electrical & Mechanical

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$19,337 and zero (0) additional days to the contract of Air Control Engineering.

Staff Approval Date: December 9, 2009

Change Order Justification: The change order is necessary to repair two underground steam leaks that were discovered after the project was bid.

Total Project Change Orders and Amount: No previous change orders

Project Initiation Date: January 18, 2008

Design Professional: Atherton Consulting Engineers

General Contractor: Air Control Engineering

Contract Award Date: October 12, 2009

Project Budget: \$250,000

Funding Source(s): HB 246, Laws of 2007

20. UM-GS 107-284, Faser Hall Third Floor

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$2,894.00 and five (5) additional days to the contract of CIG Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 29, 2009

Change Order Justification: The change order is necessary to provide for the cost of demolishing 53 linear feet of tile block and replacing with hat channel and gypsum in Room 321 and Room 326.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$199,084.35

Project Initiation Date: November 17, 2005

Design Professional: Cooke Douglass Farr Lemons, Ltd.

General Contractor: CIG Contractors, Inc.

Contract Award Date: November 16, 2007

Project Budget: \$3,600,000

Funding Source(s): SB 2010, Laws of 2004

21. UM-GS 107-287, Hill Hall Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$991.00 and zero (0) additional days to the contract of D. Carroll Construction, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 29, 2009

Change Order Justification: The change order is necessary to purchase materials for the clay hip roof tiles.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$17,885.00

Project Initiation Date: September 20, 2006

Design Professional: Belinda Stewart Architects

General Contractor: D. Carroll Construction, LLC

Contract Award Date: September 25, 2008

Project Budget: \$1,962,907

Funding Source(s): HB 1634, Laws of 2006; SB 2101, Laws of 2004

22. UM-GS 107-297, Waste Water Treatment Plant

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Engineering Solutions, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 14, 2009

Project Initiation Date: June 18, 2008

Design Professional: Engineering Solutions

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$1,800,000

Funding Source(s): HB 1641, Laws of 2008

23. UM-GS 107-298, Coulter Hall 1B

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$1,401.00 and zero (0) additional days to the contract of Tri-Star Mechanical. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: October 29, 2009

Change Order Justification: Change Order #3 is necessary to seal the wall above the ceiling in Room 119 with metal studs and gypsum on one side, tape, and fire caulk top and bottom. This room is protected by a HFC-125 suppression extinguishing system requiring that all openings in walls and ceilings must be sealed.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$12,289.00

Project Initiation Date: June 18, 2008

Design Professional: Barlow Eddy Jenkins, P.A.

General Contractor: Tri-Star Mechanical

Contract Award Date: May 22, 2009

Project Budget: \$5,208,000

Funding Source(s): HB 1641, Laws of 2008; self-generated funds

24. UM-IHL 207-258, New Law School

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$18,385.19 and twenty-four (24) additional days to the contract of W.G. Yates and Sons Construction Co.

Staff Approval Date: October 29, 2009

Change Order Justification: The change order is necessary for the addition of items that will increase LEED certification and for latent conditions.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$218,644.05

Project Initiation Date: April 21, 2005

Design Professional: Eley and Associates

General Contractor: W.G. Yates and Sons Construction

Contract Award Date: May 13, 2008

Project Budget: \$50,000,000

Funding Source(s): HB 246, Laws of 2007; university self-generated funds

25. UM-IHL 207-279, Old Chemistry Interiors

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$49,013.69 and zero (0) additional days to the contract of Panola Construction Company.

Staff Approval Date: October 21, 2009

Change Order Justification: The change order is necessary to provide for waterproofing of all brick and stone surfaces, demolition and replacement of sidewalk, and additional door hardware.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$69,686.33

Project Initiation Date: May 18, 2006

Design Professional: McCarty Company

General Contractor: Panola Construction Company

Contract Award Date: February 18, 2009

Project Budget: \$4,500,000

Funding Source(s): HB 1641, Laws of 2008; university self-generated funds

26. UM-IHL 207-287, Johnson Commons West-ID Center Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$18,844.61 and twenty-eight (28) additional days to the contract of D. Carroll Construction, LLC.

Staff Approval Date: December 7, 2009

Change Order Justification: The change order is necessary due to items not constructed as shown on the plans that were identified after they were exposed during demolition.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$27,746.91

Project Initiation Date: August 16, 2006

Design Professional: University Facilities Planning

General Contractor: D. Carroll Construction, LLC

Contract Award Date: N/A

Project Budget: \$400,000

Funding Source(s): Self-generated funds

27. UM-IHL 207-291, Faser Hall COBRE Grant Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Hooker Construction, Inc. the lower of eleven (11) bidders for a total contract amount of \$653,000.

Staff Approval Date: December 16, 2009

Project Initiation Date: November 15, 2006

Design Professional: Cooke Douglass Farr Lemons, Ltd.

General Contractor: Hooker Construction, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$653,000

Funding Source(s): COBRE (Center of Bio-Medical Research Excellence) grant #1P20RR021929-01

28. UM-IHL 207-294, Residential Colleges

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #15** in the amount of \$97,942.00 and zero (0) additional days to the contract of Harrell Construction Group, LLC.

Staff Approval Date: October 29, 2009

Change Order Justification: The change order is necessary to add fire alarms, exit lights, handicap lights, wireless access control lock sets, and shunt trip breakers at the discretion of the fire marshall.

Total Project Change Orders and Amount: Fifteen (15) change orders for a total amount of \$2,089,242.00

Project Initiation Date: January 18, 2007

Design Professional: Cooke Douglass Farr Lemons, Ltd and Eley & Associates, A Joint Venture

General Contractor: Harrell Construction Group, LLC

Contract Award Date: February 28, 2008

Project Budget: \$46,500,000

Funding Source(s): University of Mississippi EBC bonds

29. UM-IHL 207-303, Research Park-Infrastructure and Initial Buildings Design

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Hooker Construction, Inc. the lower of ten (10) bidders for a total contract amount of \$1,768,000.

Staff Approval Date: December 16, 2009

Project Initiation Date: August 16, 2007

Design Professional: Cooke Douglass Farr Lemons, Ltd.-Howorth & Associates-A Joint Venture

General Contractor: Hooker Construction, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$1,768,000

Funding Source(s): U.S. Congress Grant #SBAHQ-06-I-007, Grant #SBAHQ-08-1-0173; HUD Grants B-04-SP-MS-0383 and B-06-SP-MS-0544

30. UM-IHL 207-306A, Center of Manufacturing Excellence-Carrier Hall-Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Cooke Douglass Farr Lemons, Ltd., design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Cooke Douglass Farr Lemons, Ltd., design professional.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Panola Construction, Inc. the lower of nine (9) bidders for a total contract amount of \$3,258,000.

Staff Approval Date: (#1) October 29, 2009; (#2) October 29, 2009; (#3) December 16, 2009

Project Initiation Date: August 20, 2009

Design Professional: Cooke Douglass Farr Lemons, Ltd.

General Contractor: Panola Construction, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$4,500,000

Funding Source(s): Mississippi Development Authority

31. UM-IHL 207-311, New Building for UMMC School of Pharmacy

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Eley Guild Hardy Architects, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Eley Guild Hardy Architects, design professional.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Eley Guild Hardy Architects, design professional.

Staff Approval Date: (#1-3) December 16, 2009

Project Initiation Date: May 22, 2008

Design Professional: Eley Guild Hardy Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$9,730,789

Funding Source(s): Federal Grants (#6C76HF09730 and #C76HF09730); Internal R&R funds; Indirect costs reimbursements generated by the research enterprise

32. UM-IHL 207-320, Mississippi Small Business Center Development

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to re-advertise for receipt of bids.**

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Murphy & Sons, Inc. the lower of twelve (12) bidders for a total contract amount of \$1,422,100.

Staff Approval Date: (#1) November 19, 2009; (#2) December 16, 2009

Project Initiation Date: February 19, 2009

Design Professional: The McCarty Group

General Contractor: Murphy & Sons, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$2,000,000

Funding Source(s): United States Congress Grant #SBAHQ-06-I-0032

33. UM-IHL 207-321, North Residential College, Bid Package C

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$1,200.00 and zero (0) additional days to the contract of SMSA, Inc.

Staff Approval Date: October 29, 2009

Change Order Justification: The change order is necessary to furnish and install quadrovent in lieu of the rope weeps as originally specified.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$1,200.00

Project Initiation Date: March 19, 2009

Design Professional: Cooke Douglass Farr Lemons, Ltd

General Contractor: SMSA, Inc.

Contract Award Date: July 1, 2009

Project Budget: \$25,000,000

Funding Source(s): University of Mississippi EBC bonds and self-generated funds

34. UM-IHL 207-321, North Residential College, Bid Package N

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$6,586.01 and zero (0) additional days to the contract of Advance Electric Co., Inc.

Staff Approval Date: October 29, 2009

Change Order Justification: The change order is necessary to add separate metering and add fire alarm strobes to the handicap rooms.

Total Project Change Orders and Amount: No previous change orders

Project Initiation Date: March 19, 2009

Design Professional: Cooke Douglass Farr Lemons, Ltd

General Contractor: Advance Electric Co., Inc.

Contract Award Date: July 1, 2009

Project Budget: \$25,000,000

Funding Source(s): University of Mississippi EBC bonds and self-generated funds

35. UM-IHL 207-326, Elevator Replacements at Martin Hall

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by SSR Ellers, design professional.

Staff Approval Date: December 3, 2009

Project Initiation Date:

Design Professional: SSR Ellers

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$805,000

Funding Source(s): Student housing auxiliary repair and renovation funds

36. UM-IHL 207-327, Meek Hall Forge

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Chad Hunter, AIA., UM Facilities Planning Department, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Chad Hunter, AIA., UM Facilities Planning Department, design professional.

Staff Approval Date: (#1) November 3, 2009; (#2) November 19, 2009

Project Initiation Date: September 17, 2009

Design Professional: Chad Hunter, AIA, UM Facilities Planning Department

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$300,000

Funding Source(s): Internal R&R funds and indirect cost recoveries

37. UM-IHL 207-328, MEMA/FEMA Generator Project

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids**.

January 21, 2010

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to J.M. Moore Contractors, Inc. the lower of seven (7) bidders for a total contract amount of \$308,000.

Staff Approval Date: (#1- 2) November 19, 2009; (#3) December 16, 2009

Project Initiation Date: September 17, 2009

Design Professional: Corbett Legge and Associates

General Contractor: J.M. Moore Contractors, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$350,000

Funding Source(s): DRU Mitigation Emergency Generators-DR-1604-MS-0245-CFA No. 97.039

38. UM-IHL 207-329, Triplett Alumni Center Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Foil Wyatt Architects, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved Construction Documents** as submitted by Foil Wyatt Architects, design professionals.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.**

Staff Approval Date: (#1) December 3, 2009; (#2-3) December 16, 2009

Project Initiation Date: September 17, 2009

Design Professional: Foil Wyatt Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$1,998,104

January 21, 2010

Funding Source(s): Self-generated funds

39. UM-IHL 207-330, Law School Audio-Visual Equipment & Installation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Eley Guild Hardy Architects, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: (#1-2) December 16, 2009

Project Initiation Date: November 19, 2009

Design Professional: Eley Guild Hardy Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$500,000

Funding Source(s): Private donations

40. UM-IHL 207-331, Data Center Generator Project

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: (#1-2) December 16, 2009

Project Initiation Date: November 19, 2009

Design Professional: Corbett Legge and Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$600,000

Funding Source(s): Internal R&R funds

41. UMMC-IHL 209-504 A, Cath Lab S027 and Pavilion Cath Lab Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$5,442.10 and zero (0) additional days to the contract of Wilkinson Construction Company.

Staff Approval Date: November 3, 2009

Change Order Justification: The change order is necessary to provide owner requested revisions to the fire protection system and to revise the roofing system due to latent conditions.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$5,442.10

Project Initiation Date: November 16, 2007

Design Professional: Barlow Eddy Jenkins

General Contractor: Wilkinson Construction

Contract Award Date: November 13, 2008

Project Budget: \$597,067

Funding Source(s): Hospital patient revenues

42. UMMC-IHL 209-505, New Pediatric Emergency Room Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Dale/Morris Architects, PLLC, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: (#1-2) November 17, 2009

Project Initiation Date: November 16, 2007

Design Professional: Dale/Morris Architects, PLLC

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$5,304,371

Funding Source(s): Pediatrics Outpatient Clinic Fund

43. UMMC-IHL 209-512, Elevator Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Sunbelt Construction the lower of five (5) bidders for a total contract amount of \$532,800. This contract is for the base bid plus alternate #1.

Staff Approval Date: October 26, 2009

Project Initiation Date: October 16, 2008

Design Professional: Simmons Architects, AIA

General Contractor: Sunbelt Construction

Contract Award Date: October 26, 2009

Project Budget: \$590,710

Funding Source(s): Interest income

44. UMMC-IHL 209-514, Hospital Generator 2008

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$16,669.00 and zero (0) additional days to the contract of Fountain Construction Company.

Staff Approval Date: November 3, 2009

Change Order Justification: The change order is necessary to repair an existing mud slab that is in conflict with proper installation of the steel framework to support the new generator.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$16,669.00

Project Initiation Date: October 16, 2008

Design Professional: Watkins & O’Gwynn Electrical Engineers

General Contractor: Fountain Construction Co.

Contract Award Date: April 20, 2009

Project Budget: \$1,178,323

Funding Source(s): Hospital patient revenues

45. UMMC-IHL 209-516, Emergency Room Fast Track Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$1,171.00 and zero (0) additional days to the contract of McMillan Pitts Construction Company.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$41,760.00 and thirty-seven (37) additional days to the contract of McMillan Pitts Construction Company.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$2,127.00 and zero (0) additional days to the contract of McMillan Pitts Construction Company.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$55,182.00 and fifty-six (56) additional days to the contract of McMillan Pitts Construction Company.

Staff Approval Date: (#1) October 26, 2009; (#2) November 3, 2009; (#3) December 2, 2009; (#4) December 7, 2009

Change Order Justification: The change order is necessary to provide for a fully functional pneumatic tube station distribution system.

January 21, 2010

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$100,240.00.

Project Initiation Date: November 21, 2008

Design Professional: The McCarty Group

General Contractor: McMillan Pitts Construction Co.

Contract Award Date: June 10, 2009

Project Budget: \$2,000,000

Funding Source(s): Hospital patient revenues

46. UMMC-IHL 209-519, Exterior Graphics Phase I-2009

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to 1 Stop Sign and Safety, Inc. the lower of three (3) bidders for a total contract amount of \$176,878.

Staff Approval Date: November 3, 2009

Project Initiation Date: March 20, 2009

Design Professional: The K Group

General Contractor: 1 Stop Sign and Safety, Inc.

Contract Award Date: November 3, 2009

Project Budget: \$317,000

Funding Source(s): Interest income

47. UMMC-IHL 209-521, Pediatric Intensive Care Unit Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Fountain Construction Co. Inc. the lower of eleven (11) bidders for a total contract amount of \$1,997,000.

Staff Approval Date: December 2, 2009

Project Initiation Date: March 19, 2009

Design Professional: The McCarty Group

General Contractor: Fountain Construction Co.

Contract Award Date: December 2, 2009

Project Budget: \$3,122,978

Funding Source(s): Hospital patient revenue

48. UMMC-IHL 209-523, S013 Area Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Simmons Associates, AIA, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: (#1) October 28, 2009; (#2) October 28, 2009

Project Initiation Date: August 20, 2009

Design Professional: Simmons Associates, AIA

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$1,947,239

Funding Source(s): Hospital patient revenues

49. UMMC-IHL 209-528, 2009 Stadium Parking Paving

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Cooke Douglass Farr Lemons, LTD, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids.**

Staff Approval Date: (#1) October 26, 2009; (#2) October 26, 2009

Project Initiation Date: September 17, 2009

Design Professional: Cooke Douglass Farr Lemons, LTD

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$892,500

Funding Source(s): Hospital patient revenue and interest income

50. UMMC-IHL 209-529, 4 East Renovations

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Mark Vaughn, design professional.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Mark Vaughn, design professional.

Staff Approval #3: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Mark Vaughn, design professional.

Staff Approval #4: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved request to advertise for receipt of bids.**

Staff Approval Date: (#1-4) October 26, 2009

Project Initiation Date: October 14, 2009

Design Professional: Mark Vaughn

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$580,425

Funding Source(s): Tuition and fees

51. USM-GS 108-217, Health and Science Lab/Gulf Park Campus

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the university's request to re-start the above project** in order to allow for design changes made necessary since Hurricane Katrina. Approval is requested from the Bureau of Building, Grounds, and Real Property Management.

Staff Approval Date: December 3, 2009

Project Initiation Date: N/A

Design Professional: Studio South Architects, PLLC

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$7,659,700

Funding Source(s): SB 2988, Laws of 2003; SB 2010, Laws of 2004

52. USM-GS 108-230, Polymer Institute Product Processing Unit/Plant

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$10,080 and forty-two (42) additional days to the contract of Mac's Construction Co.

Staff Approval Date: December 14, 2009

Change Order Justification: The change order is necessary due to additional cost for building signage, to change IDF racks to enclosed and lockable data racks, and to provide power connections to compressors in warm rooms and cold rooms.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$3,135,182.00

Project Initiation Date: August 19, 2003

Design Professional: Eley and Associates

General Contractor: Mac's Construction Co.

Contract Award Date: May 17, 2007

Project Budget: \$26,800,000

Funding Source(s): SB 2988, Laws of 2003 (\$2,000,000); NIST Grant (\$21,700,000); university funds (\$3,100,000)

53. USM-GS 110-089A, Research Office/Lab Facility-Cedar Point Campus Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$5,139 and eighty (80) additional days to the contract of C. Perry Builders, Inc.

Staff Approval Date: December 14, 2009

Change Order Justification: The change order is necessary to replace unsuitable soils discovered that are above and beyond the 2,500 CY allowance in the contract, and to re-route the new road in order to leave existing trees in place.

Total Project Change Orders and Amount: No previous change orders

Project Initiation Date: February 24, 2005

Design Professional: Allred/McNabb Architects

General Contractor: C. Perry Builders, Inc.

Contract Award Date: January 8, 2009

Project Budget: \$9,041,697.88

Funding Source(s): SB 2010, Laws of 2004; Mississippi DMR and NOAA grant GRO 02733

54. USM-GS 115-002, 2005 Oceanographic Facility/Infrastructure Modifications

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$45,136.04 and one hundred eight (108) additional days to the contract of Kenneth R. Thompson Jr. Builders. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 14, 2009

January 21, 2010

Change Order Justification: The change order is necessary to address unsuitable soil that was discovered on the project, and to comply with NASA requirements that were not in place when the plans were approved.

Total Project Change Orders and Amount: No previous change orders

Project Initiation Date: February 22, 2005

Design Professional: Studio South Architects

General Contractor: Kenneth R. Thompson Jr. Builders

Contract Award Date: April 8, 2008

Project Budget: \$4,157,000.00

Funding Source(s): SB 3197, Laws of 2002; SB 2010, Laws of 2004; HB 246, Laws of 2007

55. USM-IHL 208-263, The Ogletree House

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$22,177.23 and zero (0) additional days to the contract of DC General Contractors, Inc.

Staff Approval Date: December 3, 2009

Change Order Justification: The change order is necessary for additional masonry restoration, drywall work and adjusting of allowances.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of (\$4,242.44)

Project Initiation Date: October 20, 2005

Design Professional: Albert & Associates Architects, P.A.

General Contractor: DC General Contractors, Inc.

Contract Award Date: N/A

Project Budget: \$5,000,000

Funding Source(s): Private donations and university sources

56. USM-IHL 208-285, Hub Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$13,371 and forty-five (45) additional days to the contract of DC General Contractors, Inc.

Staff Approval Date: December 16, 2009

Change Order Justification: The change order is necessary for door signage, changes in demolition, additional conduit for data, fire system, and lights, and to upgrade finishes to the ceiling, floors, and millwork.

Total Project Change Orders and Amount: No previous change orders

Project Initiation Date: April 16, 2008

Design Professional: Landry and Lewis Architects, P.A.

General Contractor: DC General Contractors, Inc.

Contract Award Date: February 17, 2009

Project Budget: \$995,000

Funding Source(s): university bookstore, student services, student annual, and the student union

57. USM-IHL 210-241, Red Snapper Growout Building; Aquatic Wet Lab; Fish Health Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Dan Hensarling, Inc. the lower of ten (10) bidders for a total contract amount of \$1,868,000. This project is a combination of three (3) projects that were bid as one in order to save on cost.

Staff Approval Date: October 26, 2009

Project Initiation Date: August 21, 2008

Design Professional: Allred-McNabb Architects

General Contractor: Dan Hensarling, Inc.

Contract Award Date: October 26, 2009

Project Budget: \$2,900,000

Funding Source(s): NOAA grant #GR00321

58. Education and Research Center-GS 111-040, Fire Alarm System

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Construction Documents** as submitted by Watkins & O’Gwynn Consulting Electrical Engineers, design professional.

Staff Approval Date: December 2, 2009

Project Initiation Date: July 19, 2006

Design Professional: Wakins & O’Gwynn Consulting Electrical Engineers

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$500,000

Funding Source(s): SB 2988, Laws of 2003; HB 1634, Laws of 2006; HB 1641, Laws of 2008

January 21, 2010

LEGAL

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 Phelps Dunbar (statements dated 10/28/09 and 11/20/09 from the funds of Mississippi State University. (These statements, in the amounts of \$4,062.50 and \$1,151.47, respectively, represent services and expenses in connection with *Charlie F. Wade vs. MS Cooperative Extension.*)

TOTAL DUE.....\$ 5,213.97

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 11/30/09, 11/30/09, 12/1/09 and 12/1/09) from the funds of Mississippi State University. (These statements, in the amounts of \$2,000.00, \$405.80, \$1,500.00 and \$1,500.00, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 5,405.80

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statement dated 10/14/09) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with legal fees related to the purchase of Campus Walk Apartments from American Campus Communities- \$1,666.00.)

TOTAL DUE.....\$ 1,666.00

Payment of legal fees for professional services rendered by Baker, Donelson, Bearman, Caldwell & Berkowitz (statement dated 10/13/09) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with *MS Commission on Environmental Quality vs. UMMC* - \$7,574.46.)

TOTAL DUE.....\$ 7,574.46

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 10/20/09) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with General Rep. of the Medical School and Facility Family Practice Plans-UMMC North Clinic - \$1,204.00 and General Advice-UMMC-North Clinic - \$279.50.)

TOTAL DUE.....\$ 1,483.50

Payment of legal fees for professional services rendered by Page, Mannino, Peresich & McDermott (statements dated 10/26/09, 10/26/09, 10/26/09, 10/27/09,10/27/09, 10/27/09, 11/24/09, 11/24/09, 11/24/09, 11/24/09 and 11/24/09) from the funds of the University of

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Mississippi Medical Center. (These statements represent services and expenses in connection with cases styled *Kermode* - \$1,089.00, *Kermode* - \$2,128.50, *Thornton* - \$1,980.00, *Flowers* - \$6,834.48, *Rhoden* - \$330.00, *Seid* - \$1,470.00, *Kermode* - \$2,359.50, *Kermode* - \$2,574.00, *Thornton* - \$3,697.44, *Flowers* - \$3,906.31 and *Seid* - \$3,627.00, respectively.)

TOTAL DUE.....\$ 29,996.23

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 10/15/09) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Compact Time-of-Flight Mass Spectrometer-Canada” - \$2,655.25; “Organic Wood Preservatives” - \$672.00; “High Power Density, Full-Bridge Parallel Loaded Resonant DC-Converter for Low-Voltage, High-Current Applications” - \$556.20; “CIP Termite Control System” - \$360.00; “Silicon Carbide and Related Wide-Band Gap Transistors” - \$19.28; “Live Attenuated Catfish Vaccine and Method of Making” - \$50.00; “Steele-Prov. Patent on Anhydrosugar Production” - \$144.00; “Soiless Sod” - \$1,340.00; “Ventilating Dehumidifying System” - \$1,340.00; “Substituted Phenylheterocyclic Herbicides” - \$60.00; “Simultaneous and Selective Chemotherapeutic-Immunoconjugate Targeting” - \$870.00 and “In-vitro Diagnostic Methodologies for Neoplastic Disease and Neurodegenerative Conditions” - \$870.00.)

TOTAL DUE.....\$ 8,936.73

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 11/9/09) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Self-Aligned Methods Based on Low-Temperature Selective Epitaxial” - \$1,062.50; “MSU-Fischer-Tropsch Catalysts and Process for Liquid” - \$641.25; “MSU Patent-Small Peptide Induction Technology” - \$790.00; “MSU-Crepe Myrtle Plant Patent” - \$1,060.00; “Single Nucleotide Polymorphism Markers for Bull Fertility” - \$110.00; “MSU-Temporal Mapping and Analysis” - \$1,572.50; “MSU-Change Analyst” - \$702.50; “MSU MSA-2-3-98 St. Augustine Grass ‘Polaris’ Trademark” - \$233.75; “MSU MSA-31 St. Augustine Grass ‘Veranda’ Trademark” - \$106.25; “Oral Delivery of Attenuated *Edwardsiella Ictaluri*” - \$191.25; “MSU-Provisional Patent Switchgrass Seed Safener” - \$85.00; “Reduced Fat Ground Beef with Preferred Texture and Flavor” - \$110.00; “Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$1,203.75; “St. Augustine Plant Named ‘Polaris’ formerly ‘Aurora’” - \$895.00; “Global Proteomic Screen for Reducing Drug Candidate Attrition” - \$110.00; “Variable Stage Humidity Control for Poultry Hatcheries” - \$103.75; “Delta Jazz Trademark” - \$1,182.50 and “Giant *Myscanthis* Trademark Application ‘wordmark’” - \$1,161.25.)

TOTAL DUE.....\$ 11,321.25

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 2/16/09, 2/16/09, 4/14/09, 5/11/09, 5/18/09, 6/15/09, 6/18/09 and 8/25/09) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Negotiations with Bloodstone Ventures" - \$204.17; "Cache Mapping Technology" - \$230.00; "Negotiations with Bloodstone Ventures" - \$230.00; "Murthy-Provisional Patent Filing" - \$264.00; "Sulfka-Patent Application" - \$85.00; "Sulfka-Patent Application" - \$2,452.50; "Negotiations with Bloodstone Ventures" - \$2,967.20 and "Negotiations with Bloodstone Ventures" - \$3,222.20, respectively.)

TOTAL DUE.....\$ 9,655.07

Payment of legal fees for professional services rendered by Hunton & Williams (statements dated 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/0, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 6/25/09, 7/13/09, 7/13/09, 7/13/09, 7/13/09, 7/13/09, 7/13/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09, 9/21/09 and 9/23/09) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Stable Suppository Formulations Effecting Bioavailability of Delta 9-THC" - \$305.00; "8-Aminoquinolones" - \$1,240.00; "Design and Synthesis of Optimized Ligands for PPAR" - \$156.32; "Transmucosal Delivery of Cannabinoids" - \$56.25; "Transmucosal Delivery of Cannabinoids" - \$56.25; "Transmucosal Delivery of Cannabinoids" - \$120.00; "Synthesis of Epothilones and Related Analogs" - \$40.00; "Method of Preparing Delta 9-Tetrahydrocannabinol" - \$40.00; "Method of Preparing Delta 9-Tetrahydrocannabinol" - \$160.00; "Method of Preparing Delta 9-Tetrahydrocannabinol" - \$154.20; "Method of Preparing Delta 9-Tetrahydrocannabinol Esters" - \$375.00; "Method of Preparing Delta 9-Tetrahydrocannabinol Esters" - \$56.25; "Method of Preparing Delta 9-Tetrahydrocannabinol Esters" - \$722.45; "Dihydroartemisinin and Dihydroartemisitene Dimers and Anticancer Agents" - \$40.00; "Dihydroartemisinin and Dihydroartemisitene Dimers and Anticancer Agents" - \$591.00; "Method of Preparing Delta 9-Tetrahydrocannabinol" - \$56.25; "Method of Preparing Delta 9-Tetrahydrocannabinol" - \$56.25; "Potent Immunostimulatory Extracts from Microalgae" - \$40.00; "Potent Immunostimulatory Extracts from Microalgae" - \$65.00; "Dimers with Desirable Chemical Functionalities" - \$80.00; "Dimers with Desirable Chemical Functionalities" - \$40.00; "Dimers with Desirable Chemical Functionalities" - \$56.25; "8-Aminoquinolones" - \$40.00; "Provisional Application Nail Fungus Treatment" - \$80.00; "PRPVA Method for Derivatization of Hydroxy Metabolites" - \$80.00; "Method of Preparing Delta 9-Tetrahydrocannabinol Esters" - \$200.00; "Method of Preparing Delta 9-Tetrahydrocannabinol Esters" - \$312.50; "Transmucosal Delivery of Cannabinoids" - \$3,096.80; "Dimers with Desirable Chemical Functionalities" - \$40.00; "Method of Controlling Toxicity of Aminoquinoline Compounds" - \$120.00; "High Molecular Weight Polysaccharide Fraction" - \$40.00; "USPA Divisional Application Potent Immunostimulants Microalgae" - \$240.00; "USPA Divisional Application Potent Immunostimulants Microalgae" - \$405.00 and "8-Aminoquinolones" - \$40.00; "Transmucosal Delivery of Cannabinoids" - \$40.00 "Canada-Method of Preparing Delta-9-Tetrahydrocannabinol" - \$40.00; "Hungary-Method of Preparing Delta-9-Tetrahydrocannabinol" - \$80.00; "Norway-Method of Preparing Delta-9-

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Tetrahydrocannabinol” - \$40.00; “Norway-Method of Preparing Delta-9-Tetrahydrocannabinol” - \$40.00; “Potent Immunostimulatory Component in Microalgae Extract” - \$40.00; “Dihydroartemisinin and Dihydroartemisinin Dimers as Anticancer and Anti-infective Agents” - \$45.00; “Potent Immunostimulatory Component in Microalgae Extract” - \$80.00; “Method of Preparing Delta-9-Tetrahydrocannabinol” - \$317.00; “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$3,330.00; “Canada-Potent Immunostimulatory Component in Microalgae Extract” - \$120.00; “Potent Immunostimulatory Component in Microalgae Extract” - \$40.00 and “Method of Preparing Delta-9-Tetrahydrocannabinol” - \$80.00, respectively.)

TOTAL DUE.....\$ 13,492.77

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 8/26/09, 8/26/09, 8/26/09, 8/26/09, 8/26/09, 8/26/09, 8/26/09, 8/26/09, 8/26/09, 8/26/09, 8/26/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09, 9/17/09) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Effective Reburning by Natural Gas Substitutes” - \$2,459.06; “Pretreatment of Coal by CO2” - \$134.06; “In-Furnace Reduction of Nitrogen Oxide” - \$3,750.78; “Highly Purified Amphotericin-B” - \$217.00; “Highly Purified Amphotericin-B” - \$889.38; “High-Speed Data Compression” - \$40.50; “High-Speed Data Compression” - \$96.00; “High-Speed Data Compression” - \$137.30; “Bioadhesive Polyethylene Glycol Ointment for Aphthous Ulcers” - \$250.00; “Delivery of Medicaments to the Nail and Perionychium via Etching” - \$2,480.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$186.00; “Underwater Biomass Assessment Device and Method” - \$992.00; “Feeding Particles at Various Modes without Moving Connections at System Periphery” - \$40.00; “Highly Purified Amphotericin-B” - \$248.00; “Australia: High Speed Data Compression Based on Set Associative Cache Mapping” - \$871.00; “Vietnam: High Speed Data Compression Based on Set Associative Cache Mapping” - \$136.50; “Bioadhesive Polyethylene Glycol Ointment for Aphthous Ulcers” - \$2,055.00; “Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$299.80; “China: Stabilized Formulation of Triamcinolone Acetonide” - \$134.34; “Mexico: Stabilized Formulation of Triamcinolone Acetonide” - \$174.00; “US: Stabilized Formulation of Triamcinolone Acetonide” - \$1,322.50; “A Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$133.92 and “Agents with Selective K-Opioid Receptor Activity” - \$245.50.)

TOTAL DUE.....\$ 17,293.14



Multi-Year Resident Tuition Increase Request FY 2011 – FY 2013



| Institution | Resident Tuition | | |
|-----------------------|------------------|-------------|---------|
| | FY 2011 | FY 2012 | FY 2013 |
| ASU | 8.0% | 8.0% | |
| DSU | 9.0% | 9.0% | |
| JSU | 9.0% | 9.0% | |
| MSU | 6.0% | 6.3% | |
| MUW | 5.0% | 5.0% | |
| MVSU | 4.5% | 4.5% | |
| UM | 6.5% | 6.5% | |
| UMMC | 6.5% | 6.5% | |
| USM | 7.0% | 7.0% | |
| System Average | 6.8% | 6.9% | |

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EXHIBIT 4



**Multi-Year
Resident Tuition Request
FY 2011 – FY 2013**



| Institution | Resident Tuition | | | |
|-----------------------|------------------|-----------------|-----------------|---------|
| | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
| ASU | \$ 4,498 | \$ 4,858 | \$ 5,247 | |
| DSU | 4,449 | 4,851 | 5,287 | |
| JSU | 4,634 | 5,051 | 5,506 | |
| MSU | 5,151 | 5,461 | 5,805 | |
| MUW | 4,423 | 4,644 | 4,876 | |
| MVSU | 4,575 | 4,781 | 4,996 | |
| UM | 5,107 | 5,439 | 5,792 | |
| UMMC | 5,107 | 5,439 | 5,792 | |
| USM | 5,096 | 5,453 | 5,834 | |
| System Average | \$ 4,742 | \$ 5,067 | \$ 5,418 | |



**Multi-Year Non-Resident Tuition
Percentage Recommendation
FY 2011 – FY 2013**



| Institution | Non-Resident Tuition Surcharge Increase Request | | |
|-----------------------|---|-------------|---------|
| | FY 2011 | FY 2012 | FY 2013 |
| ASU | 8.0% | 8.0% | |
| DSU | 9.0% | 9.0% | |
| JSU | 9.0% | 9.0% | |
| MSU | 6.0% | 6.3% | |
| MUW | 5.0% | 5.0% | |
| MVSU | 4.5% | 4.5% | |
| UM | 6.5% | 6.5% | |
| UMMC | 6.5% | 6.5% | |
| USM | 0.0% | 0.0% | |
| System Average | 6.1% | 6.1% | |

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EXHIBIT 6



Multi-Year Resident Tuition Increase Request FY 2011 – FY 2013



| Institution | Resident Tuition | | |
|-----------------------|------------------|-------------|---------|
| | FY 2011 | FY 2012 | FY 2013 |
| ASU | 8.0% | 8.0% | |
| DSU | 9.0% | 9.0% | |
| JSU | 9.0% | 9.0% | |
| MSU | 6.0% | 6.3% | |
| MUW | 5.0% | 5.0% | |
| MVSU | 4.5% | 4.5% | |
| UM | 6.5% | 6.5% | |
| UMMC | 6.5% | 6.5% | |
| USM | 7.0% | 7.0% | |
| System Average | 6.8% | 6.9% | |

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EXHIBIT 4



**Multi-Year
Resident Tuition Request
FY 2011 – FY 2013**



| Institution | Resident Tuition | | | |
|-----------------------|------------------|-----------------|-----------------|---------|
| | FY 2010 | FY 2011 | FY 2012 | FY 2013 |
| ASU | \$ 4,498 | \$ 4,858 | \$ 5,247 | |
| DSU | 4,449 | 4,851 | 5,287 | |
| JSU | 4,634 | 5,051 | 5,506 | |
| MSU | 5,151 | 5,461 | 5,805 | |
| MUW | 4,423 | 4,644 | 4,876 | |
| MVSU | 4,575 | 4,781 | 4,996 | |
| UM | 5,107 | 5,439 | 5,792 | |
| UMMC | 5,107 | 5,439 | 5,792 | |
| USM | 5,096 | 5,453 | 5,834 | |
| System Average | \$ 4,742 | \$ 5,067 | \$ 5,418 | |



**Multi-Year Non-Resident Tuition
Percentage Recommendation
FY 2011 – FY 2013**



| Institution | Non-Resident Tuition Surcharge Increase Request | | |
|-----------------------|---|-------------|---------|
| | FY 2011 | FY 2012 | FY 2013 |
| ASU | 8.0% | 8.0% | |
| DSU | 9.0% | 9.0% | |
| JSU | 9.0% | 9.0% | |
| MSU | 6.0% | 6.3% | |
| MUW | 5.0% | 5.0% | |
| MVSU | 4.5% | 4.5% | |
| UM | 6.5% | 6.5% | |
| UMMC | 6.5% | 6.5% | |
| USM | 0.0% | 0.0% | |
| System Average | 6.1% | 6.1% | |



**Multi-Year Non-Resident Tuition Price
Recommendation
FY 2011 – FY 2013**



| Institution | Non-Resident Tuition Price | | |
|-----------------------|----------------------------|------------------|------------------|
| | FY 2010 | FY 2011 | FY 2012 |
| ASU | \$ 11,064 | \$ 11,949 | \$ 12,905 |
| DSU | 11,519 | 12,556 | 13,685 |
| JSU | 11,359 | 12,381 | 13,496 |
| MSU | 13,019 | 13,801 | 14,670 |
| MUW | 12,051 | 12,654 | 13,287 |
| MVSU | 11,410 | 11,923 | 12,460 |
| UM | 13,046 | 13,894 | 14,797 |
| UMMC | 13,046 | 13,894 | 14,797 |
| USM | 13,051 | 13,408 | 13,789 |
| System Average | \$ 12,065 | \$ 12,821 | \$ 13,636 |

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Budget, Finance, and Audit Committee

EXHIBIT 7

BUDGET, FINANCE, AND AUDIT

1. UMMC - APPROVAL OF CONTRACTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a reagent (chemical substances and supplies) rental agreement with **Cepheid**.

Contractor's Legal Name: Cepheid

History of Contract: New Agreement.

Specific type of contract: Rental Agreement

Purpose: The instrument and associated chemicals/supplies are used to identify patients with specific bacterial staph infections.

Scope of Work: The rental agreement provides usage of the GeneXpert 16 equipment instrument in return for a commitment by UMMC to agree to purchase a minimum monthly amount of testing procedures. The monthly rental fee covers the purchase of the required chemical substances and supplies needed to perform the testing in conjunction with using the equipment provided by Cepheid.

Term of contract: Five-year period (60 months), February 22, 2010 to February 21, 2015

Termination Options: Contract may be terminated upon 60 days written notice of either party.

Contract Amount: The agreement requires a minimum monthly testing commitment. The monthly rental fee is \$32,880.40 for a total contract cost of \$1,972,824.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: Sole source – Usage of the equipment requires purchasing the chemical substances and supplies required for testing purposes from the same entity.

Staff Recommendation: This agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests permission to enter into a professional services agreement with **Global Healthcare Exchange, LLC**.

Contractor's Legal Name: Global Healthcare Exchange (GHX), LLC

History of Contract: New Agreement

Specific type of contract: Professional Consulting Services

Purpose: The purpose is to engage professional consulting services to assist in the cleansing (edit, validation and formatting) of vendor-related data from UMMC's legacy system to ready the vendor master file and associated product listing for loading into the Lawson Enterprise Resource Planning application for UMMC's procurement activities.

Scope of Work: GHX will provide a comprehensive process for cleansing and standardization of UMMC files. The baseline services agreement provides for up to 35,000 line items to be cleansed and built for the Lawson Item Master. Services include vendor file validation of up to 25,000 vendors and file upload.

Term of contract: Three -year period, March 1, 2010 to February 28, 2013

Termination Options: As per the master statement of work, this agreement may be terminated for convenience upon thirty (30) days written notice to GHX.

Contract Amount: The agreement maximum cost is \$602,900. This amount includes baseline services totaling \$315,400 which includes up to 35,000 data line items and validation of 25,000 vendors and \$287,500 which provides for additional lines above 35,000 (priced at \$6.50 per line) and additional vendor validations of 20,000 (priced at \$3.00 per vendor.)

| | |
|--|--------------------------|
| Baseline services package - includes 35,000 lines and 25,000 vendors | \$ 315,400 |
| Additional Services: | |
| Additional lines above 35,000 @ \$6.00 per item | 227,500 |
| Additional vendors above 25,000 @ \$3.00 per vendor | 60,000 |
| Total Contract | <u><u>\$ 602,900</u></u> |

Funding Source for Contract: This contract will be funded by hospital patient revenue and interest income.

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Contractor Selection Process: A formal competitive process was not followed. UMMC selected this entity from a pool of vendors. No further detail was provided by UMMC.

Staff Recommendation: The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

- c. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a rental therapy agreement with **Hill-Rom Company, Inc.**

Contractor's Legal Name: Hill-Rom Company, Inc.

History of Contract: The Board approved the existing contract in January 2009 for total cost of \$577,138. The one year contract was later extended for a one-month period through February 28, 2010 without the need for additional funding.

Specific type of contract: New contract is replacing the expiring one.

Purpose: The purpose of the agreement is to provide clinical bed therapy rental services to UMMC. These products include specialized beds and shower aids that are required to prevent pressure ulcers for long term, immobile, or otherwise at risk patients.

Scope of Work: Hill-Rom will be UMMC's exclusive provider of clinical therapy product service needs.

Term of contract: Three-year period, March 1, 2010 to February 28, 2013

Termination Options: Either party may cancel the agreement with ninety (90) days prior written notice to the other party.

Contract Amount: This is a capped pricing agreement. The total estimated cost is \$1,033,344.

Funding Source for Contract: The contract will be funded by hospital patient revenue.

Contractor Selection Process: Original contract was selected via Novation, LLC which is the health care industry's leading Group Purchasing Organization (GPO).

The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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- d. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a professional services agreement with **Labyrinth Solutions, Inc.**

Contractor's Legal Name: Labyrinth Solutions, Inc. (LSI)

History of Contract: The Board previously approved a contract with Labyrinth Solutions, Inc. in September 2008. The contract was related to the first phase of the student information system project and encompassed system analysis, design and implementation of the SAP Student Life Cycle software. The contract expired December 31, 2009 and was for a total of \$2,648,000.

Specific type of contract: Professional Consulting Services

Purpose: The purpose of this contract is to focus on the second phase of the student system project, which entails shifting the control of the system from LSI to UMMC Academic Information Systems staff via extensive training.

Scope of Work: LSI will provide requirements definition, planning and hands-on technical training related to specific areas stipulated in the statement of work.

Term of contract: It is estimated the training will be conducted within a four-month period - March 1, 2010 or upon execution to June 30, 2010, or until this contract is terminated by agreement of the parties.

Termination Options: Either party may terminate upon thirty (30) days notice.

Contract Amount: \$423,400

Funding Source for Contract: This contract will be funded by interest income.

Contractor Selection Process: The initial selection of this contractor in September 2008 was via Request for Proposals process. Two proposals were submitted for the implementation project: Labyrinth Solutions, Inc. (LSI) and CORE Education and Consulting Solutions. After comparison of the bids, the LSI proposal was the lower bid. The selection of LSI for this contract is based on their knowledge of the UMMC implementation.

Staff Recommendation: The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

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- e. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into a lease agreement with **Select Specialty Hospital – Jackson, Incorporated.**

Contractor’s Legal Name: Select Specialty Hospital – Jackson, Incorporated

History of Contract: UMMC is currently leasing space at this location for cardiac diagnostic testing, the Heart Failure Disease Management Program, Anti-Coagulation Clinic and the Device Monitoring Clinic.

Specific type of contract: Lease Agreement

Purpose: The purpose of the contract is to lease 1,765 square feet located at 5903 Ridgewood Road, Jackson, MS on the 4th floor known as Suite 450. The space will be used for clinical and office space and will allow expansion of the University Heart Cardiovascular Rehabilitation Program.

Scope of Work: In addition to use of the 1,765 sq. ft., Select Specialty will provide at its expense, utilities, such as heating, air conditioning, electricity, gas, sewer and water; routine maintenance services; real property taxes if any; and janitorial services in addition to the leasehold improvements specified within the agreement.

Term of contract: Five–year period, March 1, 2010 to February 28, 2015

Termination Options: Upon the expiration of the first year of the term, either party shall have the right to terminate the lease by providing no less than ninety (90) days written notice to the other party of their intent to terminate the lease. In the event this lease is terminated within the first year, the parties agree not to enter into a same or similar agreement for a term of one year after the termination date.

Contract Amount: The cost is \$17.50 per sq. ft. annually with a total cost of \$154,438 for the agreement period.

Funding Source for Contract: The contract will be funded by patient revenue.

Contractor Selection Process: UMMC is currently leasing space from Select Specialty to house two of University Heart’s clinical suites. As such, UMMC wants to house the Cardiovascular Rehabilitation Program Clinic within the same proximity of the other University Heart clinics.

Staff Recommendation: The agreement has been reviewed and approved by the Attorney General’s Office. Board staff recommends approval of this item.

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REAL ESTATE

Note: Project numbers beginning with the prefix "GS" designate projects that the Bureau of Building provides management oversight for and are funded partially or wholly with state Bureau of Building bond revenues. Project numbers beginning with the prefix "IHL" designate projects that are funded from university self-generated sources including but not limited to donations, fees, and grants.

Board Policy §902, Initiation of Construction Projects

The Board must approve the initiation of a project for the construction of new facilities, repairs and renovations to existing facilities and requests for a capital outlay with a total project budget of \$250,000 or more regardless of how the projects are financed. It is the intent of the Board that its appropriate staff under the direction of the Commissioner shall be involved in all phases of building projects requiring approval by the Board. All construction, repairs, and renovation projects with a total budget under \$250,000 may be approved by the Institutional Executive Officer.

Board Policy §904(A), Board Approval

When funding has been secured from whatever source, each institution shall bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects. This request shall include a detailed description of the work to be accomplished, the total budget, the funding source and the design professional recommended to the Board for approval.

After the Board has granted approval of both the initiation of a project and the appointment of a design professional, no further Board action or approval is required for the completion of the project if the following conditions are met:

- 1. The detailed description of the work to be accomplished, as specifically approved by the Board within the project initiation, has not changed.*
- 2. The total project budget has not increased beyond the amount specifically approved by the Board as part of the project initiation;*
- 3. The funding source has not changed from that specifically approved by the Board as part of the project initiation; and*
- 4. The design professional previously approved by the Board has not changed.*

If the above four conditions have been met, the Board's Real Estate and Facilities staff, through the Commissioner, shall have the authority to approve any and all necessary documents related to the completion of the subject construction project, including the approval of construction documents, the advertisement and receipt of bids, the approval of a bid, the award of a contract and any change orders.

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Prior to the commencement of construction, the Board must approve the exterior design of the major buildings that have aesthetic impact on the overall campus, regardless of the cost of the project. This requirement applies to all buildings and facilities on an institution's property even if the land is leased to an institution's affiliated entity or a private developer.

Board Policy §917, Naming Buildings and Facilities

Board approval must be obtained prior to naming or re-naming any institutional building or facility. Board approval must also be obtained prior to naming or renaming any building or facility built on university property leased to a university affiliated entity, a private developer or any other individual or entity.

APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. MVSU- GS 106-219, Administration Building Enhancements

Project Request: Mississippi Valley State University requests permission to initiate a project for Administration Building Enhancements and to appoint Pryor and Morrow Architects as design professionals.

Design Professional: Pryor and Morrow Architects

Purpose: Mississippi Valley State University is requesting this project in order to complete all items associated with transitioning Mississippi Valley State University employees from the current modular units to the Sutton Administration Building. These items include completion of the information technology and security systems, furnishings and equipment, and removal of modular units. Mississippi Valley State University is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 18, 2010

Date of Original Construction: 2000

Date of Last Renovation: N/A

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Project Budget:

| | <i>Estimated</i> |
|-------------------------------------|----------------------|
| Construction Cost: | \$ 746,590.00 |
| Architectural and Engineering Fees: | 72,960.00 |
| Miscellaneous Project Costs: | 1,250.00 |
| Contingency: | <u>91,200.00</u> |
| Total Project Budget | \$ 912,000.00 |

Funding Source(s): DFA Discretionary Fund (\$312,000); HB 246, Laws of 2007 (\$600,000)

Staff Recommendation: Board staff recommends approval of this item.

2. MVSU- GS 106-224, Re-Roof of Harrison Health, Physical Education and Recreation (HPER) Building

Project Request: Mississippi Valley State University requests permission to initiate a project for the re-roofing of the Harrison Health, Physical Education and Recreation Building and to appoint Pryor and Morrow Architects as design professionals.

Design Professional: Pryor and Morrow Architects

Purpose: Mississippi Valley State University is requesting this project to provide a new roof and mechanical system to the existing HPER Building. The existing roof is dilapidated beyond repair and continues to allow water damage in the educational classrooms as well as the athletic facilities. Mississippi Valley State University is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 18, 2010

Date of Original Construction: 1952

Date of Last Renovation: N/A

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Project Budget:

| | <i>Estimated</i> |
|-------------------------------------|-----------------------|
| Construction Cost: | \$1,190,000.00 |
| Architectural and Engineering Fees: | 157,500.00 |
| Miscellaneous Project Costs: | 2,500.00 |
| Contingency: | <u>150,000.00</u> |
| Total Project Budget | \$1,500,000.00 |

Funding Source(s): DFA Discretionary Fund (\$1,500,000)

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

3. MSU-IHL 205-252, Tennis Court Parking Lot

Project Request: Mississippi State University requests permission to initiate a project that will build a new 124 space parking lot on the south side of the existing tennis courts at Mississippi State University and to appoint Michael T. Muzzi, AIA, AUA, (MSU employee) as design professional.

Design Professional: Michael T. Muzzi, AIA, AUA

Purpose: Mississippi State University is requesting this project in order to provide additional parking on the south side of campus within close walking distance to major classroom facilities. The parking lot will provide an additional 124 parking spaces on the south side of the existing tennis courts. Mississippi State University is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 18, 2010

Date of Original Construction: N/A

Date of Last Renovation: N/A

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Project Budget:

| | <i>Estimated</i> |
|-------------------------------------|---------------------|
| Construction Cost: | \$350,528.00 |
| Architectural and Engineering Fees: | 0 |
| Miscellaneous Project Costs: | 1,000.00 |
| Contingency: | <u>48,472.00</u> |
| Total Project Budget | \$400,000.00 |

Funding Source(s): Parking services at MSU (\$400,000)

Staff Recommendation: Board staff recommends approval of this item.

4. UM-IHL 207-337, Faser Hall Electrical Upgrade

Project Request: The University of Mississippi requests permission to initiate a project to replace the electrical distribution system in Faser Hall and to appoint Cooke Douglass Farr Lemons as design professionals.

Design Professional: Cooke Douglass Farr Lemons, P.A.

Purpose: The University of Mississippi is requesting this project in order to conduct the replacement of the main distribution board and system installation of automatic emergency power system with generator capacity in Faser Hall. The system is currently in critical condition and poses a risk of catastrophic failure if not replaced. The University of Mississippi is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 18, 2010

Date of Original Construction: 1969

Date of Last Renovation: 2009-on-going

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Project Budget:

| | <i>Estimated</i> |
|-------------------------------------|-----------------------|
| Construction Cost: | \$1,024,361.72 |
| Architectural and Engineering Fees: | 94,247.80 |
| Miscellaneous Project Costs: | 5,200.00 |
| Contingency: | <u>56,190.48</u> |
| Total Project Budget | \$1,180,000.00 |

Funding Source(s): Internal R&R funds (\$1,180,000)

Staff Recommendation: Board staff recommends approval of this item.

5. UM-IHL 207-338, Boiler Replacement at Tad Smith Coliseum

Project Request: The University of Mississippi requests permission to initiate a project to replace the existing steam boiler at Tad Smith Coliseum and to appoint Corbett Legge & Associates as design professionals.

Design Professional: Corbett Legge & Associates

Purpose: The University of Mississippi is requesting this project in order to replace the existing steam boiler and install three new heating water boilers and three new domestic water heaters, associated piping, boiler venting, electrical, and AHU heating water coil. The replacement would provide excellent partial load operation and redundancy for both the space heating and domestic water heating systems. The University of Mississippi is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 18, 2010

Date of Original Construction: 1967

Date of Last Renovation: 2002

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Project Budget:

| | <i>Estimated</i> |
|-------------------------------------|---------------------|
| Construction Cost: | \$250,334.00 |
| Architectural and Engineering Fees: | 25,179.38 |
| Miscellaneous Project Costs: | 10,200.00 |
| Contingency: | <u>14,286.62</u> |
| Total Project Budget | \$300,000.00 |

Funding Source(s): Internal R&R (\$300,000)

Staff Recommendation: Board staff recommends approval of this item.

6. UMMC-IHL 209-532, Cardiovascular Renovations, 2010

Project Request: The University of Mississippi Medical Center requests permission to initiate a project to renovate the Cardiovascular Service Area and to appoint Cooke Douglas Farr Lemons as design professionals.

Design Professional: Cooke Douglas Farr Lemons, P.A.

Purpose: The University of Mississippi Medical Center is requesting this project in order to renovate approximately 25,000 sq. ft. of existing space of the original 1955 Hospital Outpatient Clinic Area and building expansion of approximately 22,000 additional sq. ft to provide a new, modern Cardiovascular Service Area. The University of Mississippi Medical Center is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 18, 2010

Date of Original Construction: 1955

Date of Last Renovation: 1977

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Project Budget:

| | <i>Estimated</i> |
|-------------------------------------|------------------------|
| Construction Cost: | \$12,971,563.00 |
| Architectural and Engineering Fees: | 1,151,225.00 |
| Miscellaneous Project Costs: | 813,000.00 |
| Contingency: | <u>746,264.00</u> |
| Total Project Budget | \$15,682,052.00 |

Funding Source(s): (EBC) Educational Building Corporation (\$15,382,052);
Hospital Patient Revenues (\$300,000)

Staff Recommendation: Board staff recommends approval of this item.

7. UMMC-IHL 209-533, Occupational Therapy Renovations, 2010

Project Request: The University of Mississippi Medical Center requests permission to initiate a project to renovate the Occupational Therapy Unit and to appoint The McCarty Company as design professionals.

Design Professional: The McCarty Company

Purpose: The University of Mississippi Medical Center is requesting this project in order to renovate approximately 1,500 sq. ft. of existing space on the first floor of the North Wing. The new space will allow for relocation of the existing Occupational Therapy Unit. The University of Mississippi Medical Center is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: February 18, 2010

Date of Original Construction: 1955

Date of Last Renovation: N/A

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Project Budget:

| | <i>Estimated</i> |
|-------------------------------------|---------------------|
| Construction Cost: | \$265,906.00 |
| Architectural and Engineering Fees: | 36,100.00 |
| Miscellaneous Project Costs: | 0 |
| Contingency: | <u>15,994.00</u> |
| Total Project Budget | \$318,000.00 |

Funding Source(s): (EBC) Educational Building Corporation (\$268,000); Hospital Patient Revenues (\$50,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF BUDGET INCREASES AND/OR CHANGES OF SCOPE

IHL PROJECTS

8. UM- IHL 207-331, Data Center-Generator Upgrade

Project Request: The University of Mississippi requests approval to increase the project budget for the Data Center-Generator Upgrade project from \$600,000 to \$900,000 for an increase in the amount of \$300,000.

Design Professional: Corbett Legge & Associates

General Contractor: Robinson Electric Company, Inc.

Purpose: The escalation in the project budget is necessary to upsize the generators in the original scope of the work to accommodate the cooling system for the Data Center and to add maintenance by-pass switch gear to provide for greater protection for the data system equipment and reduce system shut-downs. This is the first budget increase request for this project by the university. The University of Mississippi is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increase to the Board for approval.

Project Initiation Date: November 19, 2009

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Project Budget:

| | Original Budget | Proposed Budget | Amount (+/-) |
|------------------------------------|------------------------|------------------------|---------------------|
| Construction Costs | \$495,899.60 | \$710,233.00 | \$214,333.40 |
| Architectural and Engineering Fees | \$ 42,054.95 | \$ 58,625.71 | \$ 16,570.76 |
| Miscellaneous Project Costs | \$ 10,000.00 | \$ 10,000.00 | \$ 0.00 |
| Contingency | \$ 52,045.45 | \$121,141.29 | \$ 69,095.84 |
| | | | |
| Total Project Budget | \$600,000.00 | \$900,000.00 | \$300,000.00 |

Funding Source(s): Internal R&R funds (\$900,000)

Staff Recommendation: Board staff recommends approval of this item.

9. UMMC- IHL 209-528, Stadium Parking Paving

Project Request: The University of Mississippi requests approval to increase the project budget for the Stadium Parking Paving project from \$892,500 to \$1,020,000 for an increase in the amount of \$127,500.

Design Professional: Cooke Douglass Farr Lemons, P.A.

General Contractor: NA

Purpose: The escalation in the project budget is necessary due to the low bid received on December 8, 2009 exceeding the project budget. The low bid was higher than anticipated due to an increase on asphalt prices which occurred after the project budget estimate was established. This is the first budget increase request for this project by the university. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increase to the Board for approval.

Project Initiation Date: August 17, 2009

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Project Budget:

| | Original Budget | Proposed Budget | Amount (+/-) |
|------------------------------------|------------------------|------------------------|---------------------|
| Construction Costs | \$763,862.00 | \$ 884,000.00 | \$120,138.00 |
| Architectural and Engineering Fees | \$ 60,534.95 | \$ 56,000.00 | \$ (4,534.00) |
| Miscellaneous Project Costs | \$ 30,000.00 | \$ 30,500.00 | \$ 500.00 |
| Contingency | \$ 38,104.00 | \$ 49,500.00 | \$ 11,396.00 |
| | | | |
| Total Project Budget | \$892,500.00 | \$1,020,000.00 | \$127,500.00 |

Funding Source(s): Hospital Patient Revenue (\$510,000) and Interest Income (\$510,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUEST

10. USM-Naming of Speech and Hearing Building, Hattiesburg Campus

Project Request: The University of Southern Mississippi requests permission to name the Speech and Hearing Building located on the Hattiesburg Campus, J.B. George Building in honor of former University of Southern Mississippi President Jennings Burton George.

Purpose: The J.B. George University Commons was recently demolished (Board Approved March 2009) requiring the need to name another building on the Hattiesburg campus in honor of the former President George. The University of Southern Mississippi is acting in accordance with Board Policy §917, Naming Buildings and Facilities, that requires Board approval be obtained prior to naming or re-naming any institutional building or facility.

Staff Recommendation: Board staff recommends approval of this item.

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PERSONNEL

APPROVAL OF PERSONNEL ACTION REQUESTS

1. Change of Status

ASU

Vivek Bhargava, *from* Associate Professor/Interim MBA Director, School of Business; salary of \$125,000 (nine-month contract) E&G Funds; *to* effective January 1, 2010, Interim Dean, Director of the MBA Program and Associate Professor, School of Business; salary of \$130,000 (twelve-month contract) per annum, pro rata; E&G Funds

John Igwebuike, *from* Associate Professor, School of Business; salary of \$61,325 (nine-month contract), E&G Funds; *to* effective August 20, 2009, Associate Dean and Associate Professor, School of Business; salary of \$102,000 (twelve-month contract) per annum, pro rata; E&G Funds

William Piper, *from* Dean and Professor, School of Business; salary of \$130,000 (twelve-month contract); E&G Funds; *to* effective January 1, 2010, Professor of Marketing, MBA Program; salary of \$88,500 (nine-month contract); E&G Funds

MSU

Extension to multi-year athletic contract

Daniel Mullen, Head Football Coach, Athletics; *from* a contract period of December 11, 2008 to December 10, 2012; salary of \$1,200,000 per annum, (\$250,000 from Auxiliary Funds and \$950,000 from Foundation funds); *to* effective December 11, 2009 a one-year contract extension to December 10, 2013; no change in salary

MVSU

Board approved the employment contract of Karl Morgan for the period January 15, 2010 through June 30, 2010. MVSU is requesting approval to issue a multi-year contract.

Karl Morgan, Head Football Coach, *from* a contract period January 15, 2010 to June 30, 2010, salary of \$75,000 per annum; E&G Funds; *to* a contract period of January 15, 2010 to January 15, 2013; no change in salary

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UMMC

James E. Keeton, M.D., *from* Interim Vice Chancellor for Health Affairs, Professor of Surgery, and Professor of Pediatrics; annual salary of \$386,432 (\$263,090 E&G Funds and \$123,342 Externally Funded Grant Funds); *to* Vice Chancellor for Health Affairs and Dean, School of Medicine, Professor of Surgery and Professor of Pediatrics; annual salary of \$588,835 (\$465,493 E&G Funds and \$123,342 Externally Funded Grant Funds); effective February 19, 2010

USM

Robert Pierce; *from* Executive Director of the Southern Miss Alumni Association; salary of \$104,200; \$87,335 E&G Funds and \$16,865 from Alumni Association Funds; *to* Acting Vice President of Advancement and Executive Director of the USM Foundation and Executive Director of the Southern Miss Alumni Association; no change in salary; effective February 15, 2010

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1. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1375.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

2. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1513.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

3. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1569.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

4. UMMC – APPROVAL TO SETTLE TORT CLAIM

The University of Mississippi Medical Center is seeking Board approval for settlement of Tort Claim No. 1578.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

5. DSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY DSU AND THE DELTA STATE UNIVERSITY FOUNDATION, INC.

DSU requests Board approval of the following alternative language to that set out in Section I. of Board Policy 301.0806 to be used in the affiliation agreement between DSU and the DSU Foundation, Inc.:

In the event that the President notifies IHL that the relationship between the President and the Foundation is detrimental to the well being of the University, IHL shall attempt to reconcile the parties, including through mediation if advisable. However, if the IHL determines and notifies the President that it is in the best interest of the University to substitute new members of the Board of Directors of the Foundation, the President may direct that at the expiration of a ninety-day period, the terms of office of 60% of the total

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number of Directors shall be deemed to have expired. Upon such event, a five person Commission shall be selected as follows: (1) one member appointed by the President, (2) one member appointed by IHL, (3) one member appointed by the President of the Delta State University National Alumni Association, (4) one member appointed by the immediate Past President of the Delta State University Foundation, Inc. and (5) one member appointed by a majority vote of the then living and competent individuals (not including entities such as corporations or foundations) who are members of the James K. Broom donor group of the Foundation, or the then existing equivalent donor groups with a lifetime giving of \$1,000,000 or greater by whatever name. The Commission shall then appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Foundation.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

6. MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE MISSISSIPPI STATE UNIVERSITY ALUMNI ASSOCIATION

MSU requests Board approval of the following alternative language to that set out in Section I. of Board Policy 301.0806 to be used in the affiliation agreement between MSU and the MSU Alumni Association:

In the event that the MSU President notifies IHL that the relationship between the MSU President and the Alumni Association is detrimental to the well being of the University, IHL shall attempt to reconcile the parties, including through mediation if advisable. However, if the IHL determines and notifies the MSU President that it is in the best interest of the University to substitute new members of the Board of Directors of the Alumni Association, the MSU President may direct that at the expiration of a ninety-day period, the terms of office of 60% of the total number of Directors shall be deemed to have expired. Upon such event a five person Commission shall be selected as follows: (1) one member appointed by the MSU President, (2) one member appointed the IHL, (3) one member appointed by the Board of Directors of the Mississippi State University Foundation, Inc., (4) one member appointed by the Board of Directors of the Bulldog Club, and (5) one member appointed by the Vice President for the Division of Development and Alumni. The Commission shall then appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Alumni Association.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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7. **MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE MISSISSIPPI STATE UNIVERSITY FOUNDATION, INC.**

MSU requests Board approval of the following alternative language to that set out in Section I. of Board Policy 301.0806 to be used in the affiliation agreement between MSU and the MSU Foundation, Inc.:

In the event that the MSU President notifies IHL that the relationship between the MSU President and the Foundation is detrimental to the well being of the University, IHL shall attempt to reconcile the parties, including through mediation if advisable. However, if the IHL determines and notifies the MSU President that it is in the best interest of the University to substitute new members of the Board of Directors of the Foundation, the MSU President may direct that at the expiration of a ninety-day period, the terms of office of 60% of the total number of Directors shall be deemed to have expired. Upon such event a five person Commission shall be selected as follows: (1) one member appointed by the MSU President, (2) one member appointed the IHL, (3) one member appointed by the Board of Directors of the Mississippi State University Alumni Association, (4) one member appointed by the Board of Directors of the Bulldog Club, and (5) one member appointed by a majority vote of the then living and competent individuals (not including entities such as corporations or foundations) who are members of the Zacharias Roundtable, McComas Benefactors, and Giles Partners donor groups of the Foundation, or the then existing equivalent donor groups with a lifetime giving of \$5,000,000 or greater by whatever name. The Commission shall then appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Foundation.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

8. **MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE BULLDOG CLUB**

MSU and the Bulldog Club expect there to exist a cooperative relationship between them. There have been situations in other states where foundations were alleged to have attempted to use the leverage provided by control of funds contributed to the foundation for the benefit of the university to require the university to take action desired by the foundation. Exercise of such power would interfere with the power of the MSU President and, ultimately, the power of its Board. To provide for the eventuality in which it appears that the MSU President and the Bulldog Club have irreconcilable differences that

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interfere with MSU serving the purposes for which it is intended and to allow a resumption of normal relationships to benefit the university, MSU requests Board approval of the following alternative language to that set out in Section I. of Board Policy 301.0806 to be used in the affiliation agreement between MSU and the Bulldog Club:

In the event that the MSU President notifies the Board of Trustees of Institutions of Higher Learning (IHL) that the relationship between the MSU President and The Bulldog Club, Inc.'s governing authorities is detrimental to the well being of the university, then IHL shall attempt to reconcile the parties. If informal methods are not successful, mediation will be undertaken. Should all efforts for reconciliation fail, as determined by IHL, the IHL Commissioner shall oversee the process of and set a date for finalization of the replacement of 12 directors or 60% of the total number of elected directors, whichever is greater, said directors to be replaced to be selected by an Appointment Commission consisting of 5 members with the IHL Commissioner, the MSU President, the MSU Athletic Director, the Bulldog Foundation Board and the MSU Foundation Board each appointing one member to the Commission. All replacement directors are to be selected from a slate of Bulldog Club members who have at least \$10,000.00 in lifetime giving to the Bulldog Club.

Once all directors have been selected and have accepted the appointment, the IHL Commissioner will call a re-organization meeting of directors at which there is to be an election to fill all officer positions. All board members shall be eligible for election as an officer.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

9. **MSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MSU AND THE BULLDOG FOUNDATION**

MSU and the Bulldog Foundation expect there to exist a cooperative relationship between them. There have been situations in other states where foundations were alleged to have attempted to use the leverage provided by control of funds contributed to the foundation for the benefit of the university to require the university to take action desired by the foundation. Exercise of such power would interfere with the power of the MSU President and, ultimately, the power of its Board. To provide for the eventuality in which it appears that the MSU President and the Bulldog Foundation have irreconcilable differences that interfere with MSU serving the purposes for which it is intended and to allow a resumption of normal relationships to benefit the university, MSU requests Board approval of the following alternative language to that set out in Section I. of Board Policy 301.0806 to be used in the affiliation agreement between MSU and the Bulldog Foundation:

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In the event that the MSU President notifies the Board of Trustees of Institutions of Higher Learning (IHL) that the relationship between the MSU President and The Bulldog Foundation, Inc.'s governing authorities is detrimental to the well being of the university, then IHL shall attempt to reconcile the parties. If informal methods are not successful, mediation will be undertaken. Should all efforts for reconciliation fail, as determined by IHL, the IHL Commissioner shall oversee the process of and set a date for finalization of the replacement of 6 directors or 60% of the total number of elected directors, whichever is greater, said directors to be replaced to be selected by an Appointment Commission consisting of 5 members with the IHL Commissioner, the MSU President, the MSU Athletic Director, the Bulldog Club Board and the MSU Foundation Board each appointing one member to the Commission. All replacement directors are to be selected from a slate of Bulldog Foundation members who have at least \$100,000.00 in lifetime giving to the Bulldog Foundation.

Once all directors have been selected and have accepted the appointment, the IHL Commissioner will call a re-organization meeting of directors at which there is to be an election to fill all officer positions. All board members shall be eligible for election as an officer.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

10. MVSU – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY MVSU AND THE MVSU FOUNDATION, INC.

MVSU proposes the following alternative process in lieu of that set out in Section I. of Board Policy 301.0806 for the replacement of the governing board of the MVSU Foundation:

In the event that the President notifies IHL that the relationship between the President and the Foundation is detrimental to the well being of the University, IHL shall attempt to reconcile the parties, including through mediation, if advisable. However, if IHL determines and notifies the President that it is in the best interest of the University to substitute new members of the Board of Directors of the Foundation, the President may direct that at the expiration of a ninety-day period, the terms of office of 60% of the total number of Directors shall be deemed to have expired. Upon such event, a five person Commission shall be selected as follows:

(1) one member appointed by the President, (2) two members appointed by IHL, (3) one member appointed by the MVSU Alumni Association, and (4) one member appointed by the MVSU Foundation.

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The Commission shall then appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Foundation.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

11. **UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE UNIVERSITY OF MISSISSIPPI RESEARCH FOUNDATION**

Within Section I. of the recently amended Board Policy 301.0806 dealing with relationships between Mississippi's public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university's mission and the affiliate's. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and the University of Mississippi Research Foundation ("UMRF") as the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of IHL Policy 301.0806 I.

As described more completely below, existing Mississippi law, the present governance of the UMRF, and the existing affiliation agreement provide an adequate remedy for the concerns expressed in Section I. of IHL Policy 301.0806.

UMRF is a research corporation formed by the University under the authority of Mississippi Code Section 37-147-15. By statute, the Chancellor of the University has the power to select UMRF's Board of Directors. *See* Miss. Code § 37-147-15(2).

Consistent with this statutory requirement, UMRF's Articles of Incorporation provide that the non-profit corporation has a single member, the Chancellor of the University. *See* UMRF Art. of Inc. at Art. IX. As its sole member, the Chancellor elects the entire Board of Directors of the UMRF each year at an annual meeting. *See* UMRF Bylaws at Art. II, § 5 & Art. III, § 1.

Under the Mississippi Nonprofit Corporation Act, Miss. Code § 79-11-101, *et seq.*, the members of a non-profit corporation may remove at-will any director of the corporation, and can even remove the entire board. *See* Miss. Code § 79-11-245(1) & (7).

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In light of these provisions, it is highly unlikely the University and UMRF will experience discord or divergence of vision or mission. In the event they experience irreconcilable differences, as the sole member of UMRF, the Chancellor of the University has the power to elect a new board each year or to replace the entire UMRF Board of Directors, at-will.

The University of Mississippi and UMRF respectfully submit the present governance of the UMRF complies with the requirements of IHL Policy 301.0806 I. and effectively addresses the Trustees' concerns. Please find attached excerpts from the relevant provisions of existing statutes, UMRF governing documents, and the existing affiliation agreement.

**RELEVANT PROVISIONS OF EXISTING STATUTES,
UMRF GOVERNING DOCUMENTS, AND AFFILIATION AGREEMENT**

Mississippi Code § 37-147-15. University formed research corporations.

(1) With the approval of the Board of Trustees of State Institutions of Higher Learning, any university may form, pursuant to the provisions of the Mississippi Nonprofit Corporation Act or the Mississippi Business Corporation Act, one or more research corporations, separate and apart from the state and the university, to promote, develop and administer enterprises arising from research or technological innovations in order to take advantage of opportunities of scientific, educational and economic development.

(2) **Each such corporation shall be governed by, and all of the functions, powers and duties of it shall be exercised by, a board of directors appointed by the president of the university.** Members of the board of directors may include the president of the university, officers and employees of the university, and other persons selected by the president of the university. Officers and employees of the university may have ownership or financial interests in such corporations.

(3) The board of directors of each such corporation shall adopt bylaws, in accordance with the provisions of the Mississippi Nonprofit Corporation Act or the Mississippi Business Corporation Act, as appropriate, governing the conduct of the corporation in the performance of its duties under its charter and this act.

UMRF Articles of Incorporation -- Article IX

Members

The sole member of this Research Foundation shall be the Chancellor of The University of Mississippi.

UMRF Bylaws – Article II, Section 5

5. Members. The corporation shall have one (1) member, who shall be the Chancellor of the University of Mississippi. Such person shall serve as member for so long as he or she

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occupies the office of Chancellor of the University of Mississippi. No other persons may be admitted as members of the Corporation without the approval of the member.

UMRF Bylaws – Article III, Section 1

Board of Directors

1. Number, Tenure and Qualifications. The number of the Directors of the Corporation shall be not less than three (3) nor more than fifteen (15), with the actual number thereof serving from time to time to be determined, within such variable minimum and maximum range, by resolution of the member. **All of the Directors shall be elected at each annual member meeting. . . .**

Mississippi Code § 79-11-177. Rights and obligations of members.

All members shall have the same rights and obligations with respect to voting, dissolution, redemption and transfer, unless the articles or bylaws establish classes of membership with different rights or obligations. All members shall have the same rights and obligations with respect to any other matters, except as set forth in or authorized by the articles or bylaws.

Mississippi Code § 79-11-245. Removal of directors.

(1) The members may remove one or more directors elected by them without cause.

* * * *

(7) An entire board of directors may be removed under subsections (1).

Other Protections:

UM/UMRF Affiliation Agreement – Article 3. UMRF Obligations

3.12 RF further agrees that it may not amend its Articles of Incorporation during the life of this Agreement unless UM consents to the proposed amendment.

UMRF Articles of Incorporation -- Article VII

Dissolution

In the event of dissolution of the Research Foundation for any reason, the Board of Directors shall cause residual assets to be applied and distributed as follows:

The Board may convey all of the residual (after all liabilities have been paid) assets of the Research Foundation to a successor entity affiliated with the University if said entity shall qualify as an exempt organization under 501(c)(3) and 170(c)(2) of the Internal Revenue code of 1986 or corresponding sections of any prior or future law and whose purpose is consistent with the purpose of the Research Foundation. Otherwise, all of the residual (after all liabilities have been paid) assets of the Research Foundation shall be conveyed to the University of Mississippi Foundation if said corporation or its successor shall qualify as an exempt organization under 501(c)(3) and 170(c)(2) of the Internal Revenue code of 1986 or corresponding sections of any prior or future law and if the

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University of Mississippi Foundation is affiliated with the University at the time of dissolution. If said corporation or its successor shall not so qualify or is no longer affiliated with the University, the residual assets shall be conveyed to the University of Mississippi if it is qualified as an exempt organization(s) under 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Code, and if the University of Mississippi. If the University is not so qualified, the residual assets shall be conveyed to some other organization(s), organized and operated exclusively for scientific charitable, educational, or literary purposes that are qualified as an exempt organization(s) under 501 (c)(3) of the Internal Revenue Code of 1986 or the corresponding provision of any future United States Internal Revenue Code.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

12. UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE UMAA FOUNDATION

Within Section I. of the recently amended Board Policy 301.0806 dealing with relationships between Mississippi’s public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university’s mission and the affiliate’s. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and its athletics support foundation, the UMAA Foundation (“UMAA”), as the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of IHL Policy 301.0806 I.

As described more completely below, existing Mississippi law, the present governance of the UMAA, and the existing affiliation agreement provide an adequate remedy for the concerns expressed in Section I. of IHL Policy 301.0806.

UMAA is an athletics support foundation formed in 1969 as a non-profit corporation to advance the mission of the University. UMAA’s Articles of Incorporation provide that the non-profit corporation has seven members, including the Chancellor of the University, the Director of Intercollegiate Athletics, and four other University administrators, all serving by virtue of their official positions. Only one member is not an employee of the University, the President/CEO of the University of Mississippi Foundation. *See* UMAA Bylaws at Art. III, § 2.

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These seven members elect UMAA's Board of Governors, with one-third of the Governors elected at each year's annual meeting of the members. *See* UMAA Bylaws at Art. III, §§ 4 & 13 and Art. IV, § 2.

Under the Mississippi Nonprofit Corporation Act, Miss. Code § 79-11-101, *et seq.*, the members of a non-profit corporation may remove at-will any director of the corporation, and can even remove the entire board. *See* Miss. Code § 79-11-245(1) & (7).

In light of these provisions, it is highly unlikely the University and UMAA will experience discord or divergence of vision or mission. In the event they experience irreconcilable differences, the members, six of whom are employed by the University and ultimately by the IHL, have the power to replace one-third of the Governors each year or to replace the entire UMAA Board of Governors, at-will.

The University of Mississippi and UMAA respectfully submit the present governance of the UMAA complies with the requirements of IHL Policy 301.0806 I. and effectively addresses the Trustees' concerns. Please find attached excerpts from the relevant provisions of existing statutes, UMAA governing documents, and the existing affiliation agreement.

**RELEVANT PROVISIONS OF EXISTING STATUTES,
UMAA GOVERNING DOCUMENTS, AND AFFILIATION AGREEMENT**

UMAA Bylaws – ARTICLE III – Members

2. MEMBERS. The members of this corporation shall be the Director of Intercollegiate Athletics of the University of Mississippi, the Chancellor of the University of Mississippi, the Vice-Chancellor for Administration and Finance at the University of Mississippi, the President/CEO of the University of Mississippi Foundation, the Vice Chancellor for University Relations of the University of Mississippi, the Executive Director of Alumni Affairs of the University of Mississippi and the Chair of the Committee on Intercollegiate Athletics of the University of Mississippi. Such persons shall serve as members for so long as they occupy their offices. No other persons may be admitted as members of the Corporation without the approval of the members.

4. ANNUAL MEETING. . . . In addition, with respect to Governors whose terms are expiring at the annual meeting, the members shall elect Governors for such positions.

13. VOTING IN ELECTION OF GOVERNORS. Governors are elected by the affirmative vote of the votes represented, voting and entitled to vote in the election at a meeting at which a quorum is present (which affirmative votes also constitute a majority of the required quorum). Cumulative voting is prohibited.

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UMAA Bylaws – ARTICLE IV – Board of Governors

2. NUMBER, TENURE AND QUALIFICATIONS. The number of the Governors of the Corporation, in addition to any individuals either designated as Governors of the Corporation in the Articles or in this Section 2 of these Bylaws, shall be not less than one (1) nor more than fifteen (15), with the actual number thereof serving from time to time to be determined, within such variable minimum and maximum range, by resolution of the members. All of the Governors shall be elected at each annual meeting at which the Governor's term is scheduled to expire. The terms of Governors shall be staggered and shall expire at the third (3rd) annual membership meeting following their election, except as provided below during the transition period. The total number of Governors shall be divided into three (3) groups, with each group containing one-third (1/3) of the total, as near as may be. For the first annual members' meeting following the adoption of these Bylaws, the terms of Governors of the first group shall expire at the first annual members' meeting following their election, the terms of the second group shall expire at the second annual members' meeting after their election, and the terms of the third group shall expire at the third annual members' meeting following their election. At each annual members' meeting held thereafter, Governors shall be chosen for a term of three (3) years to succeed those whose terms expire. Governors may be re-elected and thus serve two successive terms; a Governor may thereafter serve an additional term(s) only after a minimum of two (2) years following the completion of his last term. Despite the expiration of the Governors' terms, such Governors shall continue to serve until their successors shall have been elected, designated or appointed and qualified or until their earlier death, incapacity, resignation, or removal. Governors must be individuals but need not be residents of the State of Mississippi, citizens or residents of the United States, or members of the Corporation.

13. REMOVAL. Any one (1) or more of the Governors elected by the members may be removed by a vote of the members, either with or without cause, but only at a meeting of the members called for that purpose, with the notice of the meeting being required to state that the purpose, or one of the purposes, of the special meeting is consideration of the removal of the Governor or Governors; provided, however, a Governor may be removed for failing to attend more than fifty percent (50%) of the regular or special meetings of the Board by during any twelve-month period the vote of a majority of the Governors then in office. The Board may remove a Governor without cause who has been elected by the Board by the vote of two-thirds (2/3rds) of the Governors then in office.

UMAA Bylaws -- ARTICLE XIII. - AMENDMENTS AND RECORDS

1. AMENDMENT. An amendment to the Corporation's Bylaws must be approved by the Board (if the amendment does not relate to the number of governors, the composition of the Board, the term of office of governors, or the method or way in which

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governors are elected or selected), and by the members, at any annual or special meeting of the members, by an affirmative two-thirds (2/3rds) vote of the votes cast or a majority of the voting power, whichever is less, in order to be adopted.

Mississippi Code § 79-11-177. Rights and obligations of members.

All members shall have the same rights and obligations with respect to voting, dissolution, redemption and transfer, unless the articles or bylaws establish classes of membership with different rights or obligations. All members shall have the same rights and obligations with respect to any other matters, except as set forth in or authorized by the articles or bylaws.

Mississippi Code § 79-11-245. Removal of directors.

(1) The members may remove one or more directors elected by them without cause.

* * * *

(7) An entire board of directors may be removed under subsections (1).

Other Protections:

UMAA Articles of Incorporation – Section 6

6. Dissolution. Upon dissolution of the corporation, the Board of Governors shall, after paying or making provision for payment of all of the liabilities of the corporation, convey all of the assets of the corporation exclusively to the University of Mississippi.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

13. UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE UNIVERSITY OF MISSISSIPPI FOUNDATION

Within Section I. of the recently amended Board Policy 301.0806 dealing with relationships between Mississippi’s public universities and their affiliated foundations or entities, the IHL Board has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university’s mission and the affiliate’s. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and its academic support foundation, the University of Mississippi Foundation (“UMF”), as the

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appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of Board Policy 301.0806 I.

As described more completely below, the present governance of UMF, and the proposed amendment to the affiliation agreement provide an adequate remedy for the concerns expressed in Subsection I. of Board Policy 301.0806.

UMF is a private not-for-profit charitable and civic improvement corporation created under and by virtue of the laws of the State of Mississippi on July 31, 1973. The purposes for which UMF was created are set forth in Paragraph 6 of its Charter and include, among others, to operate exclusively for the benefit of the University of Mississippi and its students, alumni, faculty, and staff; to promote, encourage, and assist all forms of educational, scientific, literary, and service activities provided by the University; and to receive, solicit, accept, hold, administer, invest, and disburse any and every kind of property in support of the University's educational, scientific, literary, research, and service purposes. As more fully explained in its Charter, UMF serves solely to advance the mission of the University.

UMF's By-Laws provide that its membership consists of the incorporators of UMF, all members of the Board of Directors and all other persons, firms and corporations elected to membership by the affirmative vote of two-thirds of the directors present at a board meeting having a quorum of directors present. *See* UMF By-Laws at Article II, Section 1.

The By-Laws state further that the Board of Directors shall consist of thirty (30) "at-large" directors elected on a rotating basis, with ten (10) being elected at the annual meeting each year for a three (3) year term. In addition to the thirty at large members, the President and President-elect of the University of Mississippi Alumni Association shall be members of the Board of Directors with the Chancellor being an ex officio, non-voting member. A nominating committee shall nominate at least ten (10) prospective directors at the Annual Meeting each year. *See* UMF By-Laws at Article IV, Section 3.

The Charter, By-Laws, mission and the historical relationship between the University and UMF, support the assertion that it is highly unlikely the University and UMF will experience discord or divergence of vision or mission. However, given the concerns expressed by the IHL Trustees, the University and UMF propose to add the following language to the Affiliation Agreement between the University and UMF to ensure this historical cooperation continues:

"The University and Foundation expect there to exist a cooperative relationship between them. In the event that the University Chancellor determines that such cooperation is not in place and is thus, in the Chancellor's view, detrimental to the well being of the University, the Chancellor shall notify the IHL Board of Trustees ("IHL") to allow the IHL to intervene to reconcile the parties. However, if the IHL determines

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and notifies the Chancellor that it is in the best interest of the University to substitute new members of the Board of directors of the Foundation, the Chancellor may direct that at the expiration of a ninety-day period, the terms of office of 60% of the total number of Directors shall be deemed to have expired. Upon such event, a five-person Commission shall be selected as follows: (1) one member appointed by the Chancellor, (2) one member appointed by the IHL, (3) one member appointed by the Board of Directors of the UMAA Foundation, (4) one member appointed by a majority vote of the Board of Directors of the University of Mississippi Alumni Association, and (5) one member appointed by a majority vote of the then living members of the Barnard Society, or the then existing equivalent donor group with a lifetime giving of \$5 million or greater. The Commission shall then appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired. The reconstituted Board of Directors shall then elect new officers of the Foundation.”

The University of Mississippi and UMF respectfully submit the present governance and proposed amendment to the current Affiliation Agreement complies with the requirements of Board Policy 301.0806 I. and effectively addresses the Trustees’ concerns.

Because IHL policy requires the University to submit all information necessary to evaluate this proposal, please find attached excerpts from the relevant provisions of the UMF governing documents and the existing affiliation agreement.

**RELEVANT PROVISIONS OF EXISTING STATUTES,
UMF GOVERNING DOCUMENTS, AND AFFILIATION AGREEMENT**

UMF By-Laws – ARTICLE II - Membership

Section 1. Election of Members. The membership of the corporation shall consist of the incorporators of the corporation, all members of the Board of Directors and all other persons, firms and corporations which are elected to membership by the affirmative vote of two-thirds (2/3) of the directors present at a board meeting having a quorum of directors present.

Section 2. Voting Rights. Each member shall be entitled to one vote on each matter submitted to a vote of the members.

Section 3. Termination of Membership. By the affirmative vote of two-thirds (2/3) of the directors present at a board meeting having a quorum present, the Board of Directors may suspend or expel a member for any reason deemed advisable and in the corporation's best interest. Any member of the corporation who became a member by virtue of having

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been a director as provided in Section 1 shall cease to be a member of the corporation at the same time he ceases to be a member of the Board of Directors.

UMF By-Laws – ARTICLE III – Meetings of the Membership

Meetings of the Membership

Section 1. Annual Meeting. The annual meeting of the membership shall be held on a date determined by the Executive Committee between July 1 and December 31 of each year, for the purpose of electing directors and for the transaction of any other business which may come before the meeting.

Section 2. Special Meetings. Special meetings of the membership may be called by the Chair, the Executive Committee, or not less than five (5) members of the corporation.

Section 3. Place of Meetings. The annual meeting and any other meetings of the membership shall be held at the principal office of the corporation, unless in its discretion the Executive Committee determines that the meeting shall be held at some other place.

Section 4. Notice of Meetings. Written or printed notice stating place, date, and hour of any membership meeting shall be delivered, either personally or by mail, to each member entitled to vote at the meeting, not less than ten (10) nor more than thirty (30) days before the date of the meeting, by the Secretary, or the persons calling the meeting. In case of a special meeting or when required by statute or by these By-Laws, the purpose or purposes for which the meeting is called shall be stated in the notice and no business not so stated shall be transacted or considered at the meeting. If mailed, the notice of a meeting shall be deemed to be delivered when deposited in the United States mail addressed to the member at his address as it appears on the records of the corporation with postage prepaid.

Section 5. Informal Action by Members. Any action required by law to be taken at a meeting of the membership or any action which may be taken at a meeting of membership may be taken without a meeting if a consent in writing, setting for the action to be taken, shall be signed by all members entitled to vote with respect to the subject matter of the action.

Section 6. Quorum. Fifty-one percent (51%) of the membership of the corporation shall constitute a quorum at any regular or special meeting of the membership of the corporation.

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UMF By-Laws – ARTICLE IV – Board of Directors

Board of Directors

Section 1. General Powers. The affairs of the corporation shall be managed by its Board of Directors which shall have the authority to exercise or delegate all of its powers and rights, except to the extent limited or prohibited by law.

Section 2. Organization of Board of Directors. The initial Board of Directors shall elect the initial membership of the corporation, and shall then call a meeting of the membership for the purpose of electing the other members of the Board of Directors.

Section 3. Number, Tenure and Qualifications of Directors. The Board of Directors shall consist of thirty (30) "at-large" directors, of whom at least twelve (12) shall be alumni of the University of Mississippi. Each of the thirty (30) directors shall be elected on a rotating basis, with ten (10) being elected at the annual meeting each year for a three (3) year term. Each director shall hold office until his successor shall have been elected and qualified.

In addition to the thirty (30) "at large" directors enumerated above, the President and President-Elect of the University of Mississippi Alumni Association shall be members of the Board of Directors. The Chancellor of the University of Mississippi shall be an ex officio, non-voting member of the Board of Directors.

A nominating committee composed of the Chair and Past-Chair of the University of Mississippi Foundation, the Chancellor, and two members of the Board of Directors appointed by the Chair shall nominate at least ten (10) prospective directors at the Annual Meeting each year. In addition to these nominations, any director may make nominations from the floor; however, an elected director who has served two (2) three-year terms shall not be eligible for re-election to the Board for a period of one (1) year after the date of his retirement, except that the term of an elected director who shall have served as Chair of the corporation during the last year of his term will automatically be extended for one additional year.

Any person who is serving as director by virtue of holding a position enumerated above shall cease to be a director immediately upon his vacating that position or office. However, with the mutual consent of the retiring director and the Board (by affirmative vote of two-thirds (2/3) of all directors), the director may continue to serve until his successor in office is named.

Individuals do not have to be residents of the State of Mississippi to be eligible to serve on the Board of Directors.

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UMF By-Laws -- ARTICLE XII. – Amendments to By-Laws

Amendments to By-Laws

These By-Laws may be altered, amended or repealed and new By-Laws may be adopted by a majority vote of a quorum present at any regular or special meeting of the Board of Directors, provided written notice of the proposed action has been given each director at least ten (10) days prior to the date of the meeting.

Other Protections:

University/UMF Affiliation Agreement – Pertinent Provisions

TERMS AND CONDITIONS

1.0 Foundation Support of and Obligations to the University

- 1.1 The Foundation’s primary purpose is to provide support to the University in accord with the provisions of its Articles of Incorporation, Charter, and By-laws, which support includes, but is not limited to, researching, raising, receiving, acknowledging, investing, accounting for, and administering funds for the University to use for its charitable, scientific, and educational purposes.
- 1.2 The Foundation, acting through its Board of Directors and staff, shall assist the University’s Office of Development in its fund-raising activities and development programs with individuals, corporations, foundations, governmental, and other external organizations.
* * * *
- 4.4 If the Foundation should cease to exist, its Board of Directors shall, in consultation with the University, dispose of the Foundation’s assets, consistent with the provisions set forth in Paragraph 14 of the Foundation’s Charter, as well as applicable state and federal laws.
- 4.5 The Foundation shall not assign or delegate the authority to use University’s name or registered marks or logos to any person or entity without the written approval of the Chancellor of the University and the Director of the University’s Licensing Program.
- 4.6 The Foundation agrees to cease using University’s name, marks, and logos in the event that the Foundation dissolves, ceases to be a non-profit corporation, ceases to be recognized by the Internal Revenue Service as a tax exempt entity under Section 501(c)(3) of the Internal Revenue code, or this Agreement is terminated.
* * * *

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6.0 Term

- 6.1 The term of this Agreement shall be for a period of five years, beginning on July 1, 2007 and ending on June 30, 2012.
- 6.2 Either party may terminate this Agreement upon providing ninety days' written notice to the other party.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

14. UM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UM AND THE UNIVERSITY ALUMNI ASSOCIATION

Within Section I. of the recently amended Board Policy 301.0806 dealing with relationships between Mississippi's public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university's mission and the affiliate's. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

To that end, please accept this proposal of the University of Mississippi and the Alumni Association of the University of Mississippi ("AA"), as the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of Board Policy 301.0806 I.

As described more completely below, the present governance of AA, and the proposed amendment to the affiliation agreement provide an adequate remedy for the concerns expressed in Subsection I. of Board Policy 301.0806.

AA is a private not-for-profit charitable and civic improvement corporation created under and by virtue of the laws of the State of Mississippi that traces its roots back to 1852. The purposes for which AA was created are set forth in Paragraph 6 of its Articles of Incorporation and in Article II of its Bylaws. These purposes include, among others, "to foster and increase the unending love between the Alumni of The University of Mississippi and The University of Mississippi so that The University of Mississippi may prosper and grow in all facets of its educational activities"; and "to encourage the high scholastic, cultural, and social purposes of The University of Mississippi by the administration of gifts, contributions, endowments, dues, and grant funds, which may be collected or deposited in the Association for the benefit of The University of Mississippi."

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The By-Laws state further that the Board of Directors shall consist of the officers of the Association and forty-two (42) "at-large" directors selected each year by the President, President-elect, and the Executive Director of Alumni Affairs, who is not an employee of AA but is an employee of the University and serves at the will of the Chancellor. See AA By-Laws at Article V.

The Articles, By-Laws, mission and the historical relationship between the University and AA, support the assertion that it is highly unlikely the University and AA will experience discord or divergence of vision or mission. However, given the concerns expressed by the IHL Trustees, the University and AA propose to add the following provisions to the Affiliation Agreement between the University and AA to ensure the historical cooperation continues:

"The University and Association expect there to exist a cooperative relationship between them. In the event that the University Chancellor determines that such cooperation is not in place and is thus, in the Chancellor's view, detrimental to the well being of the University, the Chancellor shall notify the IHL Board of Trustees ("IHL") to allow the IHL to intervene to reconcile the parties. However, if the IHL determines and notifies the Chancellor that it is in the best interest of the University to substitute new members of the Board of directors of the Association, the Chancellor may direct that at the expiration of a ninety-day period, the terms of office of 60% of the total number of Directors shall be deemed to have expired. Upon such event, a five-person Commission shall be selected as follows: (1) one member shall be the Chancellor or his designee, (2) one member shall be the University's Executive Director of Alumni Affairs, (3) one member shall be the President of the Association, (4) one member shall be the President-elect of the Association, and (5) one member shall be the President of the University of Mississippi Foundation. The Commission shall then appoint, by majority vote, members to the Board of Directors to replace the Directors whose terms shall be deemed to have expired.

The University of Mississippi and AA respectfully submit the present governance and proposed amendments to the current Affiliation Agreement comply with the requirements of Board Policy 301.0806 I. and effectively address the Trustees' concerns.

Because IHL policy requires the University to submit all information necessary to evaluate this proposal, please find attached excerpts from the relevant provisions of the AA governing documents and the existing affiliation agreement.

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**RELEVANT PROVISIONS OF EXISTING STATUTES,
AA GOVERNING DOCUMENTS, AND AFFILIATION AGREEMENT**

AA By-Laws – ARTICLE II – Purposes and Objectives

The purposes and objectives of the Association for which it is created are:

- (a) To foster and increase the unending love between the Alumni of The University of Mississippi and The University of Mississippi so that The University of Mississippi may prosper and grow in all facets of its educational activities.
- (b) To foster a spirit of loyalty and fraternity among the graduates and the former students of The University of Mississippi and to effect united action in promoting the general welfare of The University of Mississippi as an educational institution.
- (c) To promote the traditions, culture, historical development, general welfare, and best interests of the people of the State of Mississippi through the continued development, promotion, and support of The University of Mississippi.
- (d) To encourage the high scholastic, cultural, and social purposes of The University of Mississippi by the administration of gifts, contributions, endowments, dues, and grant funds, which may be collected or deposited in the Association for the benefit of The University of Mississippi.
- (e) To receive contributions from the Alumni and other friends of The University of Mississippi, to be used by the Association in furthering its purposes.
- (f) To make contributions, gifts, and grants to The University of Mississippi which, in the opinion of the Board of Directors of the Association, will advance its objectives and purposes.
- (g) To make grants and award scholarships to deserving students who may wish to attend The University of Mississippi based on their outstanding scholastic merit or talent or their financial need.

AA By-Laws – ARTICLE III – Eligibility for Membership

Pursuant to this purpose, all former students, as well as graduates of the University, and all faculty and professional staff members who have served five years or more, shall be eligible for membership in this Association. A former student is one who has attended the University for at least two full semesters of a regular session as a regularly enrolled student taking a full course of study as defined by the regulations of the University or those students who successfully accumulate a minimum of thirty-six (36) semester hours within The University of Mississippi system including credit work at all off-campus locations. All persons who have or have had children in attendance at The University of Mississippi and/or who have shown an interest in the University shall be eligible for Associate Membership in the General Alumni Association. Associate members have full privileges except voting and holding office in the General Alumni Association.

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AA By-Laws – ARTICLE V – Officers and Directors

The officers of the Alumni Association shall be a President, a President-elect, a Vice President, two representatives to The University of Mississippi Intercollegiate Athletic Committee, the Executive Director of Alumni Affairs, and such other officers and employees as the Board of Directors may designate. The titles of any such above named officer or officers may be changed from time to time as the Board of Directors determine. The President-elect and Vice President shall be duly elected by a majority vote of alumni: (1) who are present on each Homecoming Day; (2) and who meet the requirements of Article VII. The President-elect shall automatically become President after serving one year as President-elect. The election and term of office of the two alumni representatives to The University of Mississippi Intercollegiate Athletic Committee are as described in Article X.

* * * * *

There shall be a Board of Directors which shall consist of the President, the President-elect, the Vice President, the Executive Director of Alumni Affairs, and other officers and staff members designated by the Board of Directors, and not more than forty-two (42) other members of the Association who shall be selected annually by the President, the President-elect, and the Executive Director of Alumni Affairs, six (6) to be chosen from each supreme court district, and twenty-four (24) at-large.

The appointive membership of the Board shall be divided into three classes, each class serving for a period of three years, and so arranged that one class will retire at the end of each year. A retiring member shall not be eligible for reappointment to the Board for a period of one year after the date of retirement. In the event of a vacancy, a successor may be appointed by the President to complete the unexpired term. A retired member shall automatically become an associate member of the Board with the privilege of attendance and debate, but not of voting.

Other Protections:University/AA Affiliation Agreement – Pertinent Provisions

ARTICLE 2. ASSOCIATION OBLIGATIONS

2.4 The Association agrees that it may only use its resources to advance the University's mission as outlined in its Articles of Incorporation. The Association further agrees that it may not amend its Articles of Incorporation or By-Laws during the life of this Agreement unless the University consents to the proposed amendment.

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2.20 The Association shall provide the Chancellor reasonable notice of any regular, annual, or special meetings of its Board of Directors or of its Executive Committee, and the Chancellor have the right to attend any such meetings as well as the meetings of any other Association committees.

2.21 If the Association should cease to exist, any Association assets donated to the Association for the benefit of the University must be transferred to the University or to another non-profit entity designated by the University.

ARTICLE 8. TERMINATION AND RENEWAL

8.1 This Agreement shall have a term of five years, if not renewed by mutual consent of the parties before that date.

8.2 This agreement may be terminated for any reason by written approval and consent of the University and the Association upon ninety (90) days written notice.

8.3 Either party may terminate this Agreement for cause, including a breach of this Agreement, upon thirty (30) days written notice.

8.5 The Association agrees to cease using the University's name, marks, and logos in the event the Association dissolves, ceases to be a non-profit corporation, ceases to be recognized as a tax exempt entity under Section 501(c)(3) of the Internal Revenue Code, or this Agreement is terminated.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

15. UMMC – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY UMMC AND THE UNIVERSITY OF MISSISSIPPI MEDICAL CENTER RESEARCH DEVELOPMENT FOUNDATION (MCRDF)

Section I. of the recently amended Board Policy 301.0806 dealing with relationships between Mississippi's public universities and their affiliated foundations or entities, the IHL has required each university and affiliate to provide a mechanism for assuring continued alignment between the supported university's mission and the affiliate's. The IHL has also required each university and supporting affiliate to provide a remedy in the event that irreconcilable differences arise between the supported university and the supporting affiliate.

Attached below is the proposal of the University of Mississippi Medical Center and the University of Mississippi Medical Center Research Development Foundation (MCRDF)

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for the appropriate remedy with respect to their relationship and affiliation and in full compliance with the requirements of IHL Policy 301.0806 I.

The University of Mississippi Medical Center Research Development Foundation (MCRDF) is a research corporation formed by the University of Mississippi Medical Center under the authority of M.C.A. Section 37-147-15 by statute, the President of the University, in our case the Vice Chancellor for Health Affairs, has the power to select UMRF's Board of Directors. *See* Miss. Code § 37-147-15(2).

MCRDF's Articles of Incorporation are consistent with this statutory requirement. In Article X, Section 1, the articles provide that the MCRDF's affairs "shall be managed by the Board of Directors, appointed by the Vice Chancellor for Health Affairs of the University of Mississippi Medical Center. See Articles of Incorporation of the University of Mississippi Medical Center Research Development Foundation, Article X. The directors are elected on an annual basis.

Thus, we think that it is unlikely that UMMC and MCRDF will experience discord or differences of vision or mission. However, in the event of irreconcilable differences, the Vice Chancellor of Health Affairs has the power to select new directors each year or to replace the entire MCRDF Board of Directors.

The board of directors of the MCRDF met on December 14, 2009 and approved this proposal.

The University of Mississippi Medical Center and MCRDF respectfully submit the present governance of the MCRDF complies with the requirements of IHL Policy 301.0806 I. and effectively addresses the Trustee's concerns. Please find attached excerpts from the relevant provisions of existing statutes, and the Articles of Incorporation.

**RELEVANT PROVISIONS OF EXISTING
STATUTES AN ARTICLES OF
INCORPORATIONS**

Mississippi Code § 37-147-15. University formed research corporations.

- (1) With the approval of the Board of Trustees of State Institutions of Higher Learning, any university may form, pursuant to the provisions of the Mississippi Nonprofit Corporation Act or the Mississippi Business Corporation Act, one or more research corporations, separate and apart from the state and the university, to promote, develop and administer enterprises arising from research or technological innovations in order to take advantage of opportunities of scientific, educational and economic development.

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- (2) **Each such corporation shall be governed by, and all of the functions, powers and duties of it shall be exercised by, a board of directors appointed by the president of the university.** Members of the board of directors may include the president of the university, officers and employees of the university, and other persons selected by the president of the university. Officers and employees of the university may have ownership or financial interests in such corporations.
- (3) The board of directors of each such corporation shall adopt bylaws, in accordance with the provisions of the Mississippi Nonprofit Corporation Act or the Mississippi Business Corporation Act, as appropriate, governing the conduct of the corporation in the performance of its duties under its charter and this act.

MCRDF Articles of Incorporation – Article X Board of Directors/Incorporators and Article VII Dissolution

ARTICLE X**Board of Directors/Incorporators**

Section 1. The affairs of the Research and Development Foundation shall be managed by the Board of Directors, appointed by the Vice Chancellor for Health Affairs of the University of Mississippi Medical Center, which shall have full power to conduct all business and affairs of the Research and Development Foundation, including, but not limited to, adoption of the bylaws of the Research and Development Foundation, not contrary to law or in conflict with these Articles of Incorporation.

ARTICLE VII**Dissolution**

In the event of dissolution of the Research and Development Foundation for any reason, the Board of Directors shall cause residual assets to be applied and distributed as follows: All of the residual (after all liabilities have been paid) assets of the Research and Development Foundation shall be conveyed to The University of Mississippi Medical Center if said corporation or its successor shall qualify as an exempt organization under 501(c)(3) and 170 (c)(2) of the Internal Revenue code of 1954 or corresponding sections of any prior or future law. If said corporation or its successor shall not so qualify, the residual assets shall be conveyed to some other organization(s), organized and operated exclusively for scientific charitable, educational, or literary purposes that are qualified as an exempt organization(s) under 501(c)(3) of the Internal Revenue Code of 1954 or the

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corresponding provision of any future United States Internal Revenue Code of the federal, state, or local government and used for exclusive public purposes.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

16. **USM – APPROVAL OF ALTERNATE PROCEDURE TO THAT SET OUT IN SECTION I. OF BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES TO BE USED BY USM AND THE USM ATHLETIC FOUNDATION**

USM proposes the following alternative process in lieu of that set out in Section I. of Board Policy 301.0806 for dealing with irreconcilable differences between USM and the USM Athletic Foundation:

The University expects a cooperative relationship to exist between the Foundation and the University President. In an event that the University President determines that irreconcilable differences exist between the University President and the Foundation that interfere with the Foundation serving the purposes for which it is intended, the University President shall provide written notice to the Foundation and IHL that the University President believes it is in the best interest of the University for new voting directors to be selected for the Foundation. Upon the receipt of this notice, IHL may intervene in an effort to reconcile the parties.

Should IHL choose not to intervene or should IHL determine new voting directors should be selected for the Foundation, then the entire voting Board shall be replaced by a new voting Board by the following process: (i) 50% plus one (1) member of each voting category of the Board of Directors shall be appointed by the University President; and, (ii) the remaining voting members of the Board of Directors shall be appointed by the Athletic Director, or in the event there is no Athletic Director, by the acting Athletic Director. Should the University President fail to appoint 50% plus one (1) of the Honorary Lifetime Directors or the Past Presidents, then the Athletic Director, or in the event there is no Athletic Director, the acting Athletic Director, shall nominate a lesser number of the Honorary Lifetime Directors or Past Presidents so that the number of persons nominated to the Board by the University President shall be 50% plus one (1) of all voting directors.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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17. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 701.07 DEPOSITORY POLICY

In order to make Board Policy 701.07 Depository Policy consistent with applicable state law, as set out within Miss. Code Ann. §7-9-43 (1972), as amended, the following amendment is proposed for the Board's consideration:

701.07 DEPOSITORY POLICY

The state institutions of higher learning and the State Department of Public Welfare, after receiving the written approval of the State Fiscal Officer as provided in §7-9-41, shall select and make a contract with some bank to serve as depository for institutional funds. The contract shall be for two and one-half years.

Miss. Code Ann., §7-9-43, as amended.

~~Funds may only be deposited in depositories approved by the Board.~~ If the depository is not a participant in the state collateral pool, the institution shall monitor the collateralization of deposits by the depository to ensure compliance with state statutes.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

18. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 707.01 LAND, PROPERTY AND SERVICE CONTRACTS

Due to the normal inflation over time of the costs of goods and services, as well as to lease real property, the following amendments to Board Policy 707.01 Land, Property and Service contracts are proposed for Board consideration:

707.01 LAND, PROPERTY, AND SERVICE CONTRACTS

Board approval prior to execution of the purchase contract is required for all land acquisitions that exceed \$100,000. An institution acquiring real property shall receive two appraisals prior to purchase, and the purchase price of the property shall not exceed the average of the two appraisals. Board approval prior to the execution of a contract for the sale of real property is required for all land sales regardless of sale price. An institution disposing of real property shall receive two independent appraisals. The sale price shall be no less than the average of the two appraisals. Requests for Board approval of land contracts shall include property descriptions, terms of purchase, lease or sale and intended use of the property, if applicable. See Board Policy 905 (B) for environmental

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report requirements prior to the purchase or acceptance of real property from any source.

Board approval prior to execution of all ~~leases~~, easements, oil, gas and mineral leases and timber sales is required. An institution planning on selling timber or entering into oil, gas or mineral leases must follow all applicable provisions of Miss. Code Ann. §37-101-141 through §37-101-161 (1972), as amended. Board approval prior to execution of the contract is required for all other ~~land~~ real property, personal property, and service contracts that require an aggregate total expenditure of more than ~~\$250,000~~ \$1,500,000, while those real property, personal property and service contracts that require an aggregate total expenditure of from \$500,000 to \$1,500,000 must be approved by the Commissioner. The Commissioner is authorized and empowered to approve renewals of service expenditure contracts if the original contract was previously approved by the Board of Trustees, and if the contract amount does not exceed 110% of the current contract. An information item will be presented to the Board of Trustees monthly of any and all contracts approved by the Commissioner on behalf of an institution.

Board approval prior to execution of the contract is required for any revenue ~~bookstore, food service, or athletic concession~~ contract projected to generate aggregate total revenues for a university of more than \$1,500,000 ~~\$250,000~~ or if the term of such contract exceeds four years. Any revenue contracts projected to generate aggregate total revenues for a university of from \$500,000 to \$1,500,000 and which are not over four years in length must be approved by the Commissioner. The Commissioner is also authorized and empowered to approve renewal revenue contracts ~~for bookstores, food service, or athletic concession~~ ~~contracts~~ where the contract results in additional revenues to the institution. An information item will be presented to the Board of Trustees monthly of any and all contracts approved by the Commissioner on behalf of an institution.

Approval by the Board is not required for the following purchases: natural gas, utility services, entertainment services paid for with student fees and/or ticket sales receipts.

Institutional Executive Officers and the Commissioner are authorized and empowered to approve and execute on behalf of their respective institutions all other real property ~~land~~, personal property and service

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contracts. All such contracts shall be executed in accordance with state law and board policy.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

19. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 902 INITIATION OF CONSTRUCTION CONTRACTS

Due to the normal inflation over time of the costs of construction projects, the following amendments to Board Policy 902 Initiation of Construction Projects are proposed for Board consideration:

902 INITIATION OF CONSTRUCTION PROJECTS

The Board must approve the initiation of a project for the construction of new facilities, repairs and renovations to existing facilities and requests for a capital outlay with a total budget of \$2,000,000 ~~\$250,000~~ or more regardless of how these projects are financed. It is the intent of the Board that its appropriate staff under the direction of the Commissioner shall be involved in all phases of building projects requiring approval by the Board. All construction, repairs and renovation projects with a total budget under \$2,000,000 ~~\$250,000~~ may be approved by the Institutional Executive Officer.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

20. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 905 REAL ESTATE MANAGEMENT

Due to the normal inflation over time of the costs of construction projects and real property, the following amendments to Board Policy 905 Real Estate Management are proposed for Board consideration:

905 REAL ESTATE MANAGEMENT

A. The Mississippi Code of 1972, as amended, allows all institutions of higher learning governed by the Board to purchase real property; however, only Alcorn State University, Mississippi State University, The University of Mississippi and The University of Southern Mississippi Gulf Coast Research Laboratory may sell land without seeking specific legislative approval. Alcorn State University, Mississippi State University, The University of

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Mississippi and The University of Southern Mississippi Gulf Coast Research Laboratory must still receive Board approval prior to selling real property. Delta State University, Jackson State University, Mississippi University for Women, Mississippi Valley State University and The University of Southern Mississippi must all receive specific Board and legislative approval to sell real property.

- Board approval prior to the execution of a contract for the sale of real property is required for all land sales, regardless of the sale price.
- Board approval prior to execution of the purchase contract is required for all real property purchases that exceed \$100,000.
- Prior Board approval is required for the execution of all ~~leases~~, easements, oil, gas and mineral leases and timber sales. An institution planning on selling timber or entering into oil, gas or mineral leases must follow all applicable provisions of Miss. Code Ann. §37-101-41 through §37-101-161 (1972), as amended.
- Board approval prior to the execution of the contract is required for all other real property ~~land~~ contracts requiring an aggregate total expenditure of more than ~~\$250,000~~ \$1,500,000, but any such expenditure contracts of from \$500,000 to \$1,500,000 shall be submitted to the Commissioner for approval. All contracts approved by the Commissioner shall be subsequently reported to the Board as an information item.

Requests for approval of land contracts shall include property descriptions, terms of purchase, lease or sale and intended use of the property.

An institution acquiring or disposing of real property shall receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The sale price of real property shall be no less than the average of the two appraisals.

- B. Prior to Board consideration of the purchase or acceptance of real estate from any source, a Phase I or more detailed Environmental Report shall be completed by qualified personnel and submitted to

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the Board's Real Estate and Facilities Office. In the event hazardous substances are confirmed as having existed in the past or as presently existing, the Board reserves the right to cancel the transaction without liability, or to permit the other party or parties to remove the hazardous substances at its or their expense in a manner sufficient to receive a "no further action" letter from the State's Department of Environmental Quality. Wetlands or other environmental restrictions on the property are to be identified.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

21. **SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 1201.01 THE LAW**

Parts of the Board's ethics policies are inconsistent with the state ethics statutes. The following proposed amendments are suggested in order to make the Board's ethics policies consistent with state law:

1201.01 THE LAW

The Board of Trustees of State Institutions of Higher Learning, as well as all officers and employees of the Board, shall abide by the state ethics statutes, as set out in Miss. Code Ann. §25-4-101, et. seq. (1972), as amended.

~~The Board of Trustees of Institutions of Higher Learning recognizes that the integrity of Board members, staff, Institutional Executive Officers and employees in the conduct of the public's business should be unquestioned and of the highest order. The Board further recognizes that the Mississippi Legislature has declared its intent that public officers comport themselves in a manner which is above question through the adoption of Miss. Code Ann., §25-4-101, et seq., which states:~~

~~The legislature declares that elective and public office and employment is a public trust and any effort to realize personal gain through official conduct, other than as provided by law, or as a natural consequence of the employment or position, is a violation of that trust. Therefore, public servants shall endeavor to pursue a course of conduct which will not raise suspicion among the public that they are likely to be engaged in acts that are in violation of this trust and which will not reflect unfavorably upon the state and local government.~~

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~~And pursuant to Miss. Code Ann., §25-4-105(1), which states:~~

~~No public servant shall use his official position to obtain pecuniary benefit for himself other than that compensation provided for by law, or to obtain pecuniary benefit for any relative or any business with which he is associated.~~

~~Therefore, the Board adopts as its policy that Board members, Board staff, Institutional Executive Officers and all employees of the various institutions of higher learning shall observe the ethics law.~~

STAFF RECOMMENDATION: Board staff recommends approval of this item.

22. SYSTEM – APPROVAL FOR FIRST READING OF DELETION OF BOARD POLICY 1201.0101 BOARD MEMBERS

Parts of the Board's ethics policies are inconsistent with the state ethics statutes. The following proposed deletion of Board Policy 1201.0101 Board Members is suggested in order to make the Board's ethics policies consistent with state law:

~~1201.0101~~ **BOARD MEMBERS**

~~The formal policy of this Board applicable to all Board members is as follows:~~

- ~~A. In this regard, Board members shall advise the executive office of the Board of any interest in any banking institution or other enterprise likely to do business with the executive office so that the appearance of impropriety can be avoided. Should such interest in a banking institution or other enterprise be created or acquired by any Board member in the future, then notice will immediately be given to the executive office.~~

- ~~B. In addition, the Board further adopts as its policy that no Board member or Board member's spouse, dependent child or parent shall serve on any board of directors of any banking institution or other enterprise with which the executive office does business or own any interest in said business or receive any income from said business.~~

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- C. ~~In addition, Board members shall be prohibited from having an interest in a contract with IHL or the universities during their term of office or within one year after termination of their office.~~

STAFF RECOMMENDATION: Board staff recommends approval of this item.

23. SYSTEM – APPROVAL FOR FIRST READING OF DELETION OF BOARD POLICY 1201.0102 EXECUTIVE OFFICERS AND PERSONNEL

Parts of the Board's ethics policies are inconsistent with the state ethics statutes. The following proposed deletion of Board Policy 1201.0102 Executive Officers and Personnel is suggested in order to make the Board's ethics policies consistent with state law:

~~1201.0102 EXECUTIVE OFFICERS AND PERSONNEL~~

~~The Board further adopts as a policy and directs that each institution of higher learning which has been entrusted to this Board shall adopt and publish a policy that:~~

- A. ~~All officers and all employees making or having the responsibility for financial decisions involving the expenditure, safekeeping or investments of funds of all institutions shall advise the Institutional Executive Officer of any interest in any banking institution or other enterprise likely to do business with the institution so that the appearance of impropriety can be avoided. Should such interest in a banking institution or other enterprise be created or acquired by any officer or any employee in the future, then notice will immediately be given to the Institutional Executive Officer.~~
- B. ~~No officer or employee making or having the responsibility for financial decisions involving the expenditure, safekeeping or investments of funds, or spouse, dependent child or a parent of such officer or employee shall serve on any board of directors of any banking institution or other enterprise with which the institution does business or have a material financial interest* in said business.~~
- C. ~~All officers or employees shall be prohibited from being a contractor, subcontractor or vendor with the governmental entity of which he is a member other than his contract of employment or have a material financial interest* in any business which~~

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~~subcontractor or vendor with the governmental entity of which he is a member.~~

STAFF RECOMMENDATION: Board staff recommends approval of this item.

24. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 1201.0103 BIDS FOR DEPOSITORY CONTRACTS

Parts of the Board’s ethics policies are inconsistent with the state ethics statutes. The following amendments are suggested in order to make the Board’s ethics policies consistent with state law:

~~1201.0103~~ 1201.02 BIDS FOR DEPOSITORY CONTRACTS

Public bidding shall be utilized to obtain all depository contracts for the Board executive office and for all institutions which have been entrusted to this Board. At least three written bids for such services shall be obtained.

~~*"Material financial interest" means a personal and pecuniary interest, direct or indirect, accruing to a public servant or spouse, either individually or in combination with each other. Notwithstanding the foregoing, the following shall not be deemed to be a material financial interest with respect to a business with which a public servant may be associated:~~

~~(i) Ownership of any interest of less than ten percent (10%) in a business where the aggregate annual net income to the public servant therefrom is less than One Thousand Dollars (\$1,000.00);~~

~~(ii) Ownership of any interest of less than two percent (2%) in a business where the aggregate annual net income to the public servant therefrom is less than Five Thousand Dollars (\$5,000.00);~~

~~(iii) The income as an employee of a relative if neither the public servant or relative is an officer, director or partner in the business and any ownership interest would not be deemed material pursuant to subparagraph (i) or (ii) herein; or~~

~~(iv) The income of the spouse of a public servant when such spouse is a contractor, subcontractor or vendor with the governmental entity that employs the public servant and the public servant exercises no control, direct or indirect, over the contract between the spouse and such governmental entity.~~

~~**Interpretation – Pursuant to Mississippi Ethics Commission official opinion No. 88-17-E rendered February 15, 1988, an interpretation based on certain facts was made for a faculty member having a consulting contract with a company contracting with the university under the following circumstances:~~

- ~~1. The faculty member does not have a material financial interest or~~
- ~~2. The faculty member is not an employee, stockholder or continuing contractor with the company, and~~
- ~~3. The existence of either contract is not contingent upon the other.~~ **Interpretations for similar situations must be made on a case by case basis.**

STAFF RECOMMENDATION: Board staff recommends approval of this item.

25. SYSTEM – APPROVAL FOR FIRST READING OF DELETION OF BOARD POLICY 1201.0104 DECORUM

Parts of the Board’s ethics policies are inconsistent with the state ethics statutes. The following proposed deletion of Board Policy 1201.0104 Decorum is suggested in order to make the Board’s ethics policies consistent with state law:

~~1201.0104~~ DECORUM

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~~Board members, Board staff, Institutional Executive Officers, Chief Financial Officers and employees of all institutions which have been entrusted to this Board shall use every effort to avoid even the appearance of impropriety or conflict of interest regardless of whether or not the activity involved might be permitted under the Ethics in Government Act or the provisions of Mississippi Constitution Section 109.~~

STAFF RECOMMENDATION: Board staff recommends approval of this item.

26. SYSTEM – APPROVAL FOR FIRST READING OF DELETION OF BOARD POLICY 1201.0105 INDIVIDUAL RESPONSIBILITIES

Parts of the Board's ethics policies are inconsistent with the state ethics statutes. The following proposed deletion of Board Policy 1201.0105 Individual Responsibilities is suggested in order to make the Board's ethics policies consistent with state law:

~~1201.0105 INDIVIDUAL RESPONSIBILITIES~~

~~In addition to the provisions of the foregoing policies by which the Board and the institutions undertake to minimize the incidence of conflicts of interest, be advised that the ultimate responsibility, civil or criminal, remains with the individual member, officer or employee to see that such violations do not occur and that Miss. Code Ann., §25-4-105 contains additional provisions to be followed. These policies are merely a supplement to the conflict of interest laws.~~

STAFF RECOMMENDATION: Board staff recommends approval of this item.

27. SYSTEM – APPROVAL FOR FIRST READING OF AMENDMENTS TO BOARD POLICY 1201.02 BOARD MEMBER RESPONSIBILITY GUIDELINES

Parts of the Board's ethics policies are inconsistent with the state ethics statutes. The following proposed amendments are suggested in order to make the Board's policies consistent with state law:

~~1201.02~~ 1203.03 BOARD MEMBER RESPONSIBILITY GUIDELINES

The purpose of the Board of Trustees of State Institutions of Higher Learning (IHL) is to govern Mississippi's eight public universities. Such governance requires a strong, well-informed board wherein each member functions constructively and with integrity. These guidelines describe the responsibilities ~~and code of ethical conduct~~ of IHL board members.

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- A. Members of the IHL Board should make every effort to become well informed about the Mississippi university system and each of its institutions.

This includes:

1. understanding system, board, and institutional missions, policies, budgets, programs, support organizations, and activities;
2. understanding academia and its similarities and differences when compared to business and other governmental entities;
3. understanding state financing and decision-making regarding all of public education; and
4. understanding regional and national issues and trends in higher education.

- B. Members of the IHL Board should understand the limits of their authority as individual board members and the resultant necessity for the board to function as a cohesive, effective team. In this regard, board members should:

1. Regularly attend board meetings; thoughtfully prepare for and participate in discussions; seek consensus; and vote independently;
2. Actively engage in policy formation and decision-making, speaking up at board and committee meetings, but understanding the need to support policies and decisions once established;
3. Focus their efforts on policy making and dealing with the major issues facing our university system and avoid involvement in administrative and management activities;
4. Allow the President and the Commissioner to serve as the official speakers for the Board of Trustees and university presidents to serve as the official speakers for their institutions – nothing in this guideline seeks to hinder board members from expressing individual opinions about higher education matters;
5. Publicly support and sustain system and university executive officers while privately assessing and exercising critical judgment on performance, all the while maintaining

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- decent respect for differing opinions and offering criticism in a constructive manner; and
6. Communicate promptly to the Commissioner any significant concern or complaint and allow him or her the opportunity to deal with it.
- C. Members of the IHL Board should serve as champions and advocates for both the citizens of Mississippi and the system of higher education. In this regard, board members should:
1. Cultivate a commitment to the success of the entire system rather than to any single institution, group of institutions, or institutional constituency;
 2. ~~1.~~ Seek to act in the best interests all the Mississippi citizens and not cater to any particular area, community, or constituent interests;
 3. ~~2.~~ Seek to enhance the public image of the universities, the system, and the board;
 4. ~~3.~~ Show respect for all individuals and conduct business in a professional and ethical manner that fosters trust throughout the system, with public officials, and with the public at-large; and
 5. ~~4.~~ Promote initiatives to improve the performance of the system of higher education on behalf of Mississippi's citizens.
- D. Members of the IHL Board are constitutionally challenged to serve with "the highest order of intelligence, character, learning, and fitness." In this regard, each board member should abide by the following code of ~~ethical~~ conduct:
1. In conducting business, board members should endeavor at all times:
 - a. to place the interests of the state and the universities above their own – this accountability supersedes any conflicting loyalty such as that to other associations or interest groups and/or membership on other boards;
 - b. to avoid both the actuality and appearance of self-interest or self-dealing;
 - c. to avoid both the actuality and appearance of acting on behalf of others' private interests;

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and

- d. never to make any request or demand for action that violates system or university policies, rules, and regulations or state or federal law.

2. ~~Board members must avoid conflict of interest with respect to their fiduciary responsibility:~~

- a. ~~There must be no conduct of private business or personal services between any board member and the universities, except as procedurally controlled, to assure openness and competitive opportunity.~~
- b. ~~Board members may speak on their area of expertise at workshops and conferences for honoraria; but if an individual is participating in his or her capacity as a board member, it is inappropriate to accept an honorarium. It is important to avoid even the appearance of a conflict of interest.~~
- e. ~~When the Board is to decide upon an issue about which a member has an unavoidable conflict of interest, that member shall recuse herself or himself, without comment, from both the deliberation and the vote.~~
- d. ~~No board member may hire, cause to be hired, or supervise any relative or other close relation. Hiring decisions (employees and consultants) will be based on need, knowledge, experience, and ability, not familial relationships.~~
- e. ~~Board members will annually disclose their involvement with other organizations, with vendors, or any other associations that might produce a conflict.~~

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3. 2. Board members will exercise professional judgment and respect confidentiality in personnel matters, legal matters, executive session matters, and other items of a clearly sensitive nature.

4. 3. Board members, on a regular basis, will under activities to improve Board governance and to evaluate Board performance.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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ACADEMIC AFFAIRS

1. SYSTEM – APPROVAL OF NEW ACADEMIC PROGRAMS

In accordance with Board Policy 501: Academic Programs and Units “*All new curricula, departments, programs of study, organized research or services being proposed by any or all of the institutions must be submitted to the Board and must be approved by the Board before being initiated.*” Board approval is requested for establishing eight new academic programs.

- a. *Delta State University* requests permission to offer the *Master of Science in Sport and Human Performance* degree.

CIP: 13.1314

Hours to Degree: 36 credit hours

State Need: The proposed program will meet the needs of students seeking advanced studies needed for careers as collegiate trainers, collegiate coaches, or fitness/wellness center trainers. Currently, these students are enrolling in Delta State’s MED in Health, Physical Education, and Recreation program; however, the curriculum for this program aligns students for advanced training in K-12 physical education instruction.

Employment: The proposed program will provide advanced studies for students that are already in the workforce.

Funding: Tuition revenue, existing (no additional) state appropriations, and external grants will be used to fund the proposed program. No additional faculty will be needed to deliver instruction within the proposed program.

Enrollment: Based on the percentage of students enrolled in Delta State’s MED in Health, Physical Education, and Recreation program that do not seek K-12 teacher certification and demand from potential new students, approximately 130 students are projected to enroll and 115 are expected to graduate within the 1st six years.

Duplication: USM currently offers a MS in Human Performance degree. For academic years 2006-2008, a sum total of 26 students were enrolled and 14 graduated.

Staff Recommendation: Board staff recommends approval of this item.

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- b. *Mississippi State University* and *Mississippi University for Women* request permission to offer the *Bachelor of Science in Culinary@* degree.

CIP: 01.1099

Hours to Degree: 124 credit hours

State Need: The proposed program is collaborative effort between MSU and MUW designed to meet the needs of the food industry in Mississippi and throughout the Southeast by supplying graduates with expertise in both culinary arts and food science. Students will take the food science portion of the curriculum through MSU's Department of Food Science, Nutrition and Health Promotions and the culinary arts portion through MUW's Culinary Arts Institute. Students may obtain their degree from either institution.

Employment: Based on 2006-2016 Mississippi Occupational Employment Projections, the need for chefs, head cooks, and supervisors/managers of food preparation and service workers will increase 17% (420 job openings annually).

Funding: Tuition revenue, existing (no additional) state appropriations, and external grants will be used to fund the proposed program. No additional faculty at MSU or MUW will be needed to deliver instruction within the proposed program.

Enrollment: Based on student inquiries and historical enrollment in MSU's Food Science, Nutrition and Health Promotions department and MUW's Culinary Arts Institute, approximately 90 students are projected to enroll and 70 are expected to graduate within the 1st six years.

Duplication: None. No other IHL institution offers a similar program.

Staff Recommendation: Board staff recommends approval of this item.

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2. SYSTEM – APPROVAL FOR FIRST READING OF PROPOSED BOARD POLICY ADDITIONS AND AMENDMENTS

In accordance with Board Policy 201.0402: 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*”, Board approval is requested for approval for first reading of the following proposed policy additions and changes.

PROPOSED NEW POLICY

a. 609 TRANSFER OF THE ASSOCIATE OF ARTS DEGREE FROM A MISSISSIPPI COMMUNITY/JUNIOR COLLEGE

General Policy

IHL institutions will accept all transferable courses with a grade of “C” or better completed as part of an Associate of Arts degree from a Mississippi community/junior college. Upon transferring to an IHL institution, these students may begin taking courses within a declared major or to fulfill prerequisites for a major. Acceptance into some majors may require a higher grade point average and/or additional pre-major/prerequisite courses beyond requirements for the Associate of Arts degree.

1. Students who graduate with an Associate of Arts degree from a Mississippi community/junior college and complete the 30-hour IHL Board core curriculum (Board Policy Section 512 “Core Curriculum”) with a grade of “C” or better in each core course will satisfy the IHL core curriculum requirement at each IHL institution. General education requirements for baccalaureate programs at the receiving institution may exceed the minimum IHL core curriculum. In such cases, transfer students may need to take additional courses to satisfy these requirements.
2. All non-IHL core curriculum courses in the Associate of Arts degree program may be assigned to fulfill the major, pre-major or elective requirements, dependent upon the non-IHL core curriculum courses taken within the Associate of Arts degree program and the declared major at the IHL institution.

Transferable Courses

When students transfer to an IHL institution from a Mississippi community/junior college, IHL institutions will use the Articulation Agreement between the Mississippi

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Board of Trustees of State Institutions of Higher Learning and the Mississippi State Board for Community and Junior Colleges to articulate the transfer of courses.

Staff Recommendation: Board staff recommends approval of this item for 1st reading.

PROPOSED POLICY AMENDMENTS

b. 403.0101 MINIMUM STANDARDS FOR TENURED EMPLOYMENT

All faculty contracts will specify whether the appointment is with tenure, tenure track, or non-tenure track. Beginning with a tenure track appointment to any professorial rank (assistant professor, associate professor, or professor), a faculty member must be reviewed for tenure during the sixth academic year of the probationary period. The review shall include, but not be limited to, the criteria set forth in Section 402.03 Promotions in Rank. Upon written agreement between the institution and the faculty member, credit up to a maximum of five (5) years toward fulfillment of the minimum probationary period may be allowed for service at an institution of higher education. Such credit toward the probationary period must be determined at the time of initial appointment to rank. Such allowance is to be granted only to an individual who possesses exceptional professional qualifications and achievements and is not to be construed as exempting said individual from any other institutional policies and procedures governing the award of tenure.

Tenure-track faculty may request an extension of their probationary period for an approved leave of absence for health emergencies, activation of military service, pregnancy, childcare, modified work assignment, or other circumstances to be approved at the discretion of the institution.

Once the probationary period has been completed, a tenure track professor of any rank, if reappointed, must be awarded tenure or a terminal contract. For tenure to be awarded, the Institutional Executive Officer must make a recommendation to the Board in writing. Only faculty members of professorial rank can be awarded tenure. The award of tenure is not vested until notice of the award is given in writing by the Institutional Executive Officer, after approval by the Board, and the written notice is actually received by the faculty member.

At the time of initial employment by the Board, a faculty member or an administrative employee whose preceding employment included faculty rank at the level of assistant professor, associate professor, or professor and tenure may be granted tenure only if so recommended by the President/Chancellor and approved by the Board. There shall be appropriate tenure/grievance committees at the institutions.

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Staff Recommendation: Board staff recommends approval of this item for 1st reading.

c. 600 STUDENT AFFAIRS AND ADMISSIONS

This document begins on the following page.

601 ADMISSION STANDARDS

The Board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the Board may establish. The manual (*Admission Standards, Developmental Education Curriculum and Core Undergraduate Requirements for University System Institutions*), designed to assist the institutions in proper implementation of *Board Policy* and to assure compliance with the requirements set forth by the Board, is given to university personnel and a copy is on file at the Office of the Commissioner.

Admission policies are to be included in materials disseminated to the high schools and in university catalogs. IHL and university websites are to relate the means by which admission policies may be readily obtained.

Miss. Code Ann., §37-101-15, as amended
(BT Minutes, 9/90; 9/93; 1/98; 1/2003; 2/2009)

602 FRESHMAN ADMISSION REQUIREMENTS FOR UNIVERSITY SYSTEM INSTITUTIONS

The high school course requirements set forth below are applicable to students graduating from high school and entering a public institution of higher learning.

- A. HIGH SCHOOL COURSE REQUIREMENTS (College Preparatory Curriculum)
Chemistry, Advanced Chemistry, Physics, and Advanced Physics or any other science course with comparable rigor and content. One Carnegie unit from a Physical Science course with content at a level that may serve as an introduction to Physics and Chemistry may be used. Two of the courses chosen must be laboratory based.

| Subject | Carnegie Units | Contents and Remarks |
|----------------|----------------|--|
| English | 4 | All must require substantial communication skills components (i.e., reading, writing, listening, and speaking). |
| Mathematics | 3 | Includes Algebra I, Geometry, and Algebra II. A fourth class in higher level mathematics is highly recommended. |
| Science | 3 | Choice of Biology, Advanced Biology, |
| Social Studies | 3 | Courses should include United States History (1 unit), World History (1 unit with substantial geography component), Government (1/2 unit), and Economics (1/2 unit) or Geography (1/2 unit). |

Advanced Electives 2 Requirements may be met by earning 2 Carnegie units from the following areas/courses, one of which must be in Foreign Language or World Geography:

Foreign Language World Geography 4th year
lab-based Science 4th year Mathematics

Computer Applications 1/2

Course should emphasize the computer as a productivity tool. Instruction should include the use of application packages, such as word processing and spreadsheets. The course should also include basic computer terminology and hardware operation.

Pre-High
School Units

Algebra I, first year Foreign Language, ~~or~~ Mississippi Studies, or Computer Applications Studies taken prior to high school will be accepted for admission provided the course content is the same as the high school course.

B. FULL ADMISSION

Full admission will be granted to the following:

- (1) All students completing the College Preparatory Curriculum (CPC) with a minimum of a 3.20 high school grade point average (GPA) on the CPC; or
- (2) All students completing the College Preparatory Curriculum (CPC) with (a) a minimum of a 2.50 high school GPA on the CPC or a class rank in the top 50%, and (b) a score of 16 or higher on the ACT (Composite); or
- (3) All students completing the College Preparatory Curriculum (CPC) with (a) a minimum of a 2.00 high school GPA on the CPC and (b) a score of 18 or higher on the ACT (Composite): or
- (4) NCAA Division I standards for student athletes who are "full qualifiers" are accepted as equivalent to the admission standards established by the Board.

In lieu of ACT scores, students may submit equivalent SAT scores. Students scoring below 16 on the ACT (Composite) or the equivalent SAT are encouraged to participate in the Year-Long Academic Support Program during their freshman year.

C. ACADEMIC PLACEMENT RESULTING FROM VARIOUS DEFICIENCIES

Those Mississippi residents who applied and failed to meet Full Admission Standards along with any Mississippi high school graduate regardless of academic performance may, as a result of review, be admitted to the summer or fall semester. The ACT is not a requirement in this category. The review shall involve a consideration of high school performance, ACT scores ~~02/16/2010~~

available), placement testing, special interests and skills as well as other non-cognitive factors. The review shall result in placement in one of the following categories:

1. Full Admission

As a result of the review, students in this category may be placed as if admitted under Section B. In addition, students may be required to enroll in selected college level courses in science and social science equivalent to high school courses in which their background is inadequate. These courses will yield institutional credit.* Other students in this category may be required to participate in the Year-Long Academic Support Program.

2 Full Admission with Academic Deficiencies

Students who have not demonstrated adequate readiness in English or Reading or Mathematics will be granted Full Admission with Academic Deficiencies to the Summer Developmental Program. This is an intensive program that concentrates on high school subject areas (English, Reading, and Mathematics) that are applicable to success in first-year college courses. These courses carry institutional credit. * Students who successfully complete the summer program by passing developmental English, developmental Mathematics, developmental Reading and the Learning Skills Laboratory courses, will receive admission to the fall term with mandatory participation in the Year-Long Academic Support Program. Students who fail to successfully complete the Summer Developmental Program are not eligible for enrollment in the regular academic year and will be counseled to explore other postsecondary opportunities, including those offered by community colleges.

D. YEAR-LONG ACADEMIC SUPPORT PROGRAM

This program is designed to assist those students admitted with academic deficiencies, as well as other volunteer students, with their freshman courses. The Year-Long Academic Support Program will consist of classroom, individual, and computer-assisted instruction along with career counseling in a laboratory setting. The Program carries institutional credit. *

* Institutional credit courses do not count toward graduation but carry all other academic requirements.

(BT Minutes, 5/92; 9/93; 9/94; 3/95; 10/95; 9/96; 1/98; 2/2005; 8/2006; 2/2009)

E. GENERAL TRANSFER POLICY ADMISSION FOR STUDENTS WHO WERE NOT ELIGIBLE FOR REGULAR ADMISSION

Any student who was not eligible for regular admission and who has not successfully completed the Summer Developmental Program must attend an accredited institution of higher education other than those under the governance of the Board of Trustees and must attain a "C" average (2.0 GPA) on a 4.0 scale, as calculated by the admitting IHL institution) in the following 24 30 transferable semester credit hours to be eligible to transfer to an IHL institution:

- 3 semester hours College Algebra, Quantitative Reasoning, or higher level mathematics ~~or above~~
- 6 semester hours ~~Laboratory~~ Natural Science
- 9 semester hours ~~Transferable Electives~~ Humanities and Fine Arts
- 6 semester hours Social or Behavioral Sciences

All other transfer admissions-students are subject to the requirements outlined in policy 602 Freshman Admission Requirements for University System Institutions (sections A and B)

(BT Minutes, 9/90; 1/98; 2/2009)

F. NONRESIDENT ADMISSIONS

Any student identified as a nonresident will be admitted to a Mississippi institution of higher learning based on equivalent preparation as determined by the admitting institution.

BEGINNING IN THE SUMMER OF 2012, THE FOLLOWING COLLEGE PREPARATORY CURRICULUM WILL APPLY.

FRESHMAN ADMISSION REQUIREMENTS FOR UNIVERSITY SYSTEM INSTITUTIONS

- A. *HIGH SCHOOL COURSE REQUIREMENTS (College Preparatory Curriculum) State/Local Government course in any other state may stand in lieu of Mississippi Studies.)*

| <i>Subject</i> | <i>Carnegie Units</i> | <i>Contents and Remarks</i> |
|--------------------|-----------------------|---|
| <i>English</i> | <i>4</i> | <i>Compensatory Reading and Compensatory Writing may not be included.</i> |
| <i>Mathematics</i> | <i>4</i> | <i>Includes Algebra I, Geometry, Algebra II, and any one Carnegie Unit of comparable rigor and content. (e.g., Advanced Algebra, Trigonometry, Pre-Calculus, Calculus, AP Calculus AB, AP Calculus BC, Discrete Mathematics, Probability and Statistics, or AP Statistics.)</i> |
| <i>Science</i> | <i>4</i> | <i>Includes Biology I, Chemistry I, and any two Carnegie Units of comparable rigor and content. (e.g., Physics, Physical Science, Biology II, Chemistry II, AP</i> |

| | | |
|----------------------------------|----------|---|
| | | <i>Chemistry, Physics II, AP Physics B, AP Physics C – Electricity and Magnetism, AP Physics C – Mechanics, Botany, Microbiology, or Human Anatomy and Physiology.)</i> |
| <i>Social Studies</i> | <i>4</i> | <i>Includes World History, U.S. History, Introduction to World Geography, U.S. Government, Economics, and Mississippi Studies. (Credit earned for a</i> |
| <i>Arts</i> | <i>1</i> | <i>Includes any one Carnegie Unit of visual and performing arts course(s) meeting the requirements for high school graduation.</i> |
| <i>Advanced Electives</i> | <i>2</i> | <i>Includes any two Carnegie Units of Foreign Language (I and II), Advanced World Geography, and a Foreign Language (I) or any combination of English, mathematics, or lab-based science courses of comparable rigor and content to those required above.</i> |
| <i>Computer Applications 1/2</i> | | <i>Course should emphasize the computer as a productivity tool. Instruction should include the use of application packages, such as word processing and spreadsheets. The course should also include basic computer terminology and hardware operation.</i> |
| <i>Pre-High School Units</i> | | <i>Algebra I, first year Foreign Language, or <u>Mississippi Studies, or Computer Applications Studies taken prior to high school will be accepted for admission provided the course content is the same as the high school course.</u></i> |

(BT Minutes, 5/92; 9/93; 9/94; 3/95; 10/95; 9/96; 1/98; 2/2005; 5/2005; 9/2005; 8/2006; 2/2007; 2/2009)

606-603 APPLICANTS TWENTY-ONE YEARS OF AGE OR OVER

An applicant who is at least twenty-one (21) years old and does not meet the regular freshman admission requirements may apply for admission as a non-degree seeking student. Non-degree seeking students may enroll in a maximum of twelve (12) semester hours during a regular term, six (6) semester hours during a five-week summer term, or equivalent hours for alternate terms as determined by the admitting institution To transition from non-degree-seeking to degree-seeking status, students must satisfactorily complete twelve (12) hours with a “C” or better average in the general education core Once admitted to a degree program, a maximum of eighteen (18) semester hours credit earned as a non-degree-seeking student may be applied toward a baccalaureate 02/16/2010

degree; if approved by the dean of the college or school from which the degree is sought.

(BT Minutes, 5/99; 2/2009)

~~607~~ 604 **APPLICANTS WITHOUT A HIGH SCHOOL DIPLOMA**

Applicants who have not graduated from a regionally accredited high school and were not home-schooled must submit qualifying scores on the General Education Development Test (GED) and any transcripts reflecting academic performance in high school. Home-schooled students must present portfolios summarizing his or her home-school education. Submission of scores on the ACT or SAT is strongly encouraged. Applicants may be required, at the discretion of the admitting IHL institution, to appear for an on-campus interview.

(BT Minutes, 1/2003; 2/2009)

~~608~~ 605 **PROOF OF IMMUNIZATION**

A. MEASLES, MUMPS, AND RUBELLA

Proof of immunization of measles, mumps, and rubella is required (two doses of the MMR vaccine) of all students, unless exempt because of (a) actual or suspected pregnancy (measles or rubella vaccines are not required for females who are pregnant; if pregnancy is suspected, a valid certificate of medical exception from a health provider is required until pregnancy is resolved), (b) medical contraindication, or (c) birth prior to 1957.

(BT Minutes, 1/93; 1/98; 2/2005; 2/2009)

B. HEPATITIS B

Proof of hepatitis B vaccination is required for students who are involved in health education programs that cause them to be potentially exposed to blood or other bodily fluids.

(BT Minutes, 1/93; 1/98; 2/2009)

C. TUBERCULOSIS

Proof of test screening for tuberculosis by chest x-ray is required for all international students.

(BT Minutes, 1/93; 1/98; 2/2009)

~~603~~ 606 **CERTIFICATE OF ADMISSION**

Each applicant to any university within the system must receive and have in his possession a letter or certificate of admission signed by the officer designated by the Institutional Executive Officer of the university before presenting him/herself for registration. No student shall be permitted to register or attend classes without such certificate. No officer shall issue a letter or certificate of admission to any student whose application has not been completed in accordance with the policy. 02/16/2010

with the regulations of the Board.

~~604~~ 607 REJECTION OF APPLICATION

A. FUNDAMENTAL REQUIREMENTS

Applications containing false, contradictory, questionable, or uncertain data, or which fail to comply with the fundamental requirements or the policies of the institutions as established by the Board shall be rejected.

(BT Minutes, 9/90; 1/98; 2/2009)

B. FRAUDULENT STATEMENTS AND REPRESENTATIONS

Whoever, with intent to defraud the state or any department, agency, office, board, commission, county, municipality or other subdivision of state or local government, knowingly and willfully falsifies, conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

This section shall not prohibit the prosecution under any other criminal statute of the state.

Miss. Code Ann., §97-7-10, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

~~605~~ 608 INTERMEDIATE COURSES

A. All entering freshmen enrolled at an IHL university with an ACT Mathematics subtest score of 16 or less will be required to take Intermediate Algebra during their first semester of enrollment. At the discretion of the admitting IHL institution, students whose Mathematics subtest score is 17, 18 or 19 may be required to take Intermediate Algebra.

B. All entering freshmen enrolled at an IHL university with an ACT English subtest score of 16 or less will be required to take Intermediate English during their first semester of enrollment. At the discretion of the admitting IHL institution, students whose English subtest score is 17, 18 or 19 may be required to take Intermediate English.

C. All entering freshmen enrolled at an IHL university with an ACT Reading subtest score of 16 or less will be required to take Intermediate Reading during their first semester of enrollment. At the discretion of the admitting IHL institution, students whose Reading subtest score is 17, 18 or may be required to take Intermediate Reading. Students taking Intermediate Reading should not be permitted to take reading-intensive courses, such as History.

D. Students taking two or more intermediate courses must enroll in the Year-Long Academic Support Program and will not be permitted to take more than 17 semester hours, including 02/16/2010

intermediate courses and the Academic Support Program.

(BT Minutes, 2/2000; 2/2005; 2/2009)

609 TRANSFER OF THE ASSOCIATE OF ARTS DEGREE FROM A MISSISSIPPI COMMUNITY/JUNIOR COLLEGE

A. General Policy

IHL institutions will accept all transferable courses with a grade of “C” or better completed as part of an Associate of Arts degree from a Mississippi community/junior college. Upon transferring to an IHL institution, these students may begin taking courses within a declared major or to fulfill prerequisites for a major. Acceptance into some majors may require a higher grade point average and/or additional pre-major/prerequisite courses beyond requirements for the Associate of Arts degree.

- 1) Students who graduate with an Associate of Arts degree from a Mississippi community/junior college and complete the 30-hour IHL Board core curriculum (Board Policy Section 512 “Core Curriculum”) with a grade of “C” or better in each core course will satisfy the IHL core curriculum requirement at each IHL institution. General education requirements for baccalaureate programs at the receiving institution may exceed the minimum IHL core curriculum. In such cases, transfer students may need to take additional courses to satisfy these requirements.
- 2) All non-IHL core curriculum courses in the Associate of Arts degree program may be assigned to fulfill the pre-major or elective requirements, dependent upon the non-IHL core curriculum courses taken within the Associate of Arts degree program and the declared major at the IHL institution.

B. Transferable Courses

When students transfer to an IHL institution from a Mississippi community/junior college, IHL institutions will use the Articulation Agreement between the Mississippi Board of Trustees of State Institutions of Higher Learning and the Mississippi State Board for Community and Junior Colleges to articulate the transfer of courses.

609 610 RESIDENCY REQUIREMENTS

A. RESIDENCE OF A MINOR

For purposes of determining of whether a minor pays out-of- state or in-state tuition for attendance at universities and community and junior colleges, the residence of a person less than 21 years of age is that of the father, the mother or a general guardian duly appointed by a proper court in Mississippi. If a court has granted custody of the minor to one parent, the residence of the minor is that of the parent who was granted custody by the court. If both parents are dead, the residence of the minor is that of the last surviving parent at the time of that parent's death, unless the minor 02/16/2010

with a general guardian duly appointed by a proper court of Mississippi, in which case his/her residence becomes that of the guardian. A minor student who, upon registration at a Mississippi institution of higher learning or community college, presents a transcript demonstrating graduation from a Mississippi secondary school and who has been a secondary school student in Mississippi for not less than the final four years of secondary school attendance shall not be required to pay out-of-state tuition. This policy shall not apply to the residence of a person as it relates to residency for voter registration or voting.

Miss. Code Ann., §37-103-7, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

B. RESIDENCE OF AN ADULT

The residence of an adult is that place where he/she is domiciled, that is, the place where he/she actually physically resides with the intention of remaining there indefinitely or of returning there permanently when temporarily absent.

Miss. Code Ann., §37-103-13, as amended.
(BT Minutes, 9/90; 1/98; 2/2009)

C. REMOVAL OF PARENTS FROM MISSISSIPPI

If the parents of a minor who is enrolled as a student in a community/junior college or in an institution of higher learning move their legal residence from the State of Mississippi, the minor shall be immediately classified as a nonresident student; such a change in classification shall not affect the tuition to be charged until the completion of the semester in which the move takes place.

Miss. Code Ann., §37-103-11, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

D. RESIDENCE REQUIRED

No student may be admitted to any community/junior college or institution of higher learning as a resident of Mississippi unless his/her residence has been in the State of Mississippi preceding his/her admission. Residence shall be as defined in Sections 37103-7 and 37-103-13 unless excepted in Miss. Code Ann., §§37-103-1 through 37-103-29.

Miss. Code Ann., §37-103-3, as amended.
(BT Minutes, 9/90; 1/98; 2/2009)

E. RESIDENCY PETITIONS

Nonresidents may petition the institutions for a change of residency classification. A person who enters the state of Mississippi from another state and enters a system institution is considered a nonresident, unless the person meets the residency requirements set out in subsections A and B above. Provided, however, that any person who has attained 21 years of age and has thereafter actually established residency as defined within section A above and resided within the state of Mississippi for 12 consecutive months after attaining 21 years of age upon sworn affidavit and other representation, may petition the particular institution for a change in residency classification for the purposes of fees and tuition assessment. The institution may make reasonable inquiry into the validity of the petitioner's claim. Such petition for change of residency must be made on or before the last day a student may register at the particular

institution without penalty.

(BT Minutes, 9/90; 1/98; 2/2009)

F. LEGAL RESIDENCE OF A MARRIED PERSON

A married person may claim the residence status of his or her spouse, or he or she may claim independent residence status under the same regulations set forth in Section 37103-13 as any other adult.

Miss. Code Ann., §37-103-15, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

G. CHILDREN OF FACULTY OR STAFF

Children of parents who are members of the faculty or staff of any institution under the jurisdiction of the board of trustees of any community/junior college in this state or the Board of Trustees of State Institutions of Higher Learning may be classified as residents for the purpose of attendance at the institution where their parents are faculty or staff members.

Miss. Code Ann., §37-103-9, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

~~610~~ 611 MILITARY PERSONNEL

A. ACTIVE DUTY STATION IN MISSISSIPPI

Members of the United States Armed Forces on extended active duty and stationed within the State of Mississippi and members of the Mississippi National Guard may be classified as residents, for the purpose of attendance at state-supported institutions of higher learning and community and/or junior colleges of the State of Mississippi. Resident status of such military personnel, who are not legal residents of Mississippi, as defined in Section 37-103-13, shall terminate upon their reassignment for duty in the continental United States outside the State of Mississippi.

Miss. Code Ann., §37-103-17, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

B. SPOUSE OR CHILD OF MILITARY PERSONNEL

Resident status of a spouse or child of a member of the Armed Forces of the United States on extended active duty shall be that of the military spouse or parent for the purpose of attending state-supported institutions of higher learning and community/junior colleges of the State of Mississippi during the time that their military spouse or parent is stationed within the State of Mississippi and shall be continued through the time that the military spouse or parent is stationed in an overseas area with last duty assignment within the State of Mississippi, excepting temporary training assignments en route from Mississippi. Resident status of a minor child terminates upon reassignment under Permanent Change of Station Orders of the military parent for duty in the continental United States outside the State of Mississippi, excepting temporary training assignments en route from Mississippi, and except that children of members of the Armed Forces who attain Mississippi residency in accordance with the above provisions, who begin and

complete their senior year of high school in Mississippi, and who enroll full time in a Mississippi institution of higher learning or community/junior college to begin studies in the fall after their graduation from high school, maintain their residency status so long as they remain enrolled as a student in good standing at a Mississippi institution of higher learning or community/junior college. Enrollment during summer school is not required to maintain such resident status.

The spouse or child of a member of the Armed Forces of the United States who dies or is killed is entitled to pay the resident tuition fee if the spouse or child becomes a resident of Mississippi.

If a member of the Armed Forces of the United States is stationed outside Mississippi and the member's spouse or child establishes residence in Mississippi and registers with a Mississippi institution of higher learning or community/junior college at which the spouse or child plans to attend, the institution of higher education or community/junior college shall permit the spouse or child to pay the tuition, fees and other charges provided for Mississippi residents without regard to length of time that the spouse or child has resided in Mississippi.

A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section while enrolled in a degree or certificate program is entitled to pay tuition and fees at the rate provided for Mississippi residents in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program. A student may withdraw or may choose not to reenroll for no more than one (1) semester or term while pursuing a degree or certificate without losing resident status only if that student provides sufficient documentation by a physician that the student has a medical condition that requires withdrawal or nonenrollment. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program. The person's eligibility to pay tuition and fees at the rate provided for Mississippi residents under this subsection does not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States.

Miss. Code Ann., §37-103-19, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

C. CERTIFICATION OF RESIDENCE OF MILITARY PERSONNEL

A military person on active duty stationed in Mississippi who wishes to avail himself/herself or his/her dependents of the provisions of Section 37-103-17 must submit a certificate from his/her military organization showing the name of the military member; the name of the dependent, if for a dependent; the name of the organization of assignment and its address (may be in the letterhead); that the military member will be on active duty stationed in Mississippi on the date of registration at the state-supported institution of higher learning or community/junior college of the State of Mississippi; that the military member is not on transfer orders; and the signature of the commanding officer, the adjutant, or the personnel officer of the unit of assignment with signer's rank and title. A military certificate must be presented to the registrar of the state-supported institution of higher learning or community/junior college of the State of Mississippi each semester or tri-semester at (or within 10 days prior to) registration each semester for the provisions of said section to be effective.

Miss. Code Ann., §37-103-21, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

612 ~~611~~ OUT-OF-STATE TUITION FOR NONRESIDENTS AUTHORITY TO SET TUITION AND WAIVER OF OUT-OF-STATE TUITION FOR NONRESIDENTS WHO WERE BORN IN MISSISSIPPI AND ARE VETERANS OF THE ARMED FORCES

The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community/junior colleges are authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning and community/junior colleges of the State of Mississippi.

Except as otherwise provided in this subsection, the total tuition to be paid by residents of other states shall not be less than the average cost per student from appropriated funds. However, the tuition to be paid by a resident of another state shall be equal to the tuition amount established in the above paragraph if:

- 1 The nonresident student was born in the State of Mississippi but subsequently relocated and resided outside the state as a minor under the care of the minor's father or mother, or both;
- 2 The nonresident student is a veteran who served in the Armed Forces of the United States;
- 3 The nonresident student is domiciled in Mississippi no later than six months after the nonresident student's separation from service, as evidenced by a Report of Separation from Military Service or other military discharge document, for the purpose of enrolling in a state institution of higher learning or a community/junior college.

Miss. Code Ann., 37-103-25, as amended
(BT Minutes, 12/2005; 2/2009)

612 613 ATHLETICS

A. ATHLETIC RECRUITMENT

The Board endorses the National Collegiate Athletic Association (NCAA) rules and regulations for the recruitment of student athletes. The Board reserves the prerogative to adopt standards more restrictive than those which have been approved by the NCAA but under no conditions shall the Board adopt less restrictive standards. All institutional standards and/or policies relating to institutional athletics will be on file in the Board Office.

(BT Minutes, 9/90; 1/98; 2/2009)

B. INTERCOLLEGIATE AND INTRAMURAL ATHLETICS

The programs of intercollegiate and intramural athletics of the state institutions shall be organized and developed as elements in the total educational programs of the institutions. Athletic programs shall be conducted so as to promote the total welfare of students, including physical and mental health and the development of capacities and talents, and so as to contribute to the morale of students, alumni and friends of the institutions. Programs of intercollegiate athletics shall be ~~02/16~~ 02/16/2010

the complete control of the Institutional Executive Officers, subject to the oversight of the Board. Funds used to support all athletic programs shall be fully controlled by the Institutional Executive Officer of the institution; however, no funds budgeted for instructional purposes may be diverted to athletics and no athletics funds may be diverted to other purposes without approval by the Board. Standards of the NCAA and appropriate regional conferences shall be the standards of the institutions' athletic departments.

(BT Minutes, 9/90; 1/98; 2/2009)

C. ATHELETIC TICKETS

Upon request, Institutional Executive Officers may furnish complimentary athletic tickets for Board members. The number of such tickets for any one event is not to exceed six.

Upon request to the institutions, former Board members may receive two complimentary tickets for athletic events.

The Board delegates to the respective Institutional Executive Officers the administrative responsibility of issuing complimentary athletic tickets to individuals other than those identified in the preceding paragraph. (Universities shall keep accurate records of complimentary tickets distributed by number of tickets and category of recipients and shall file an annual report with the Commissioner.)

(BT Minutes, 9/90; 1/98; 2/2009)

~~613~~ 614 PERSONAL PROPERTY

- A. Lost or abandoned personal property as defined in Miss. Code Ann., §1-3-41, as amended, shall be held by the institution for a period of at least three months.
- B. Designated officers of the institution shall upon the receipt or recovery of any lost, abandoned or misplaced personal property, cause to be posted in three public places at the institution, notice that such property has been received. Such notice shall contain an accurate and detailed description of such property and if the designated officers are advised as to who owns such property, a copy of such notice shall be mailed to such person or persons in addition to being posted. The owner of such property may recover the same upon a determination by the designated officers of the rightful owner and upon the owner paying to the institution its reasonable expenses for handling and storage.
- C. If not claimed and possession resumed by the rightful owner within three months from the date of notice provided for above, the designated officers may cause the same to be sold at public or private sale after first posting notice of such sale in three public places at the institution at least ten (10) days preceding the date of such sale.
- D. The property may be sold by the institution, forfeited for official use, given away for a charitable or needy purpose, or other proper disposition.
- E. The proceeds of institutional sale of said property shall be placed in such fund or funds ~~02/16/2010~~

601 ADMISSION STANDARDS

The Board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the Board may establish. The manual (*Admission Standards, Developmental Education Curriculum and Core Undergraduate Requirements for University System Institutions*), designed to assist the institutions in proper implementation of *Board Policy* and to assure compliance with the requirements set forth by the Board, is given to university personnel and a copy is on file at the Office of the Commissioner.

Admission policies are to be included in materials disseminated to the high schools and in university catalogs. IHL and university websites are to relate the means by which admission policies may be readily obtained.

Miss. Code Ann., §37-101-15, as amended
(BT Minutes, 9/90; 9/93; 1/98; 1/2003; 2/2009)

602 FRESHMAN ADMISSION REQUIREMENTS FOR UNIVERSITY SYSTEM INSTITUTIONS

The high school course requirements set forth below are applicable to students graduating from high school and entering a public institution of higher learning.

- A. HIGH SCHOOL COURSE REQUIREMENTS (College Preparatory Curriculum)
Chemistry, Advanced Chemistry, Physics, and Advanced Physics or any other science course with comparable rigor and content. One Carnegie unit from a Physical Science course with content at a level that may serve as an introduction to Physics and Chemistry may be used. Two of the courses chosen must be laboratory based.

| Subject | Carnegie Units | Contents and Remarks |
|----------------|----------------|--|
| English | 4 | All must require substantial communication skills components (i.e., reading, writing, listening, and speaking). |
| Mathematics | 3 | Includes Algebra I, Geometry, and Algebra II. A fourth class in higher level mathematics is highly recommended. |
| Science | 3 | Choice of Biology, Advanced Biology, |
| Social Studies | 3 | Courses should include United States History (1 unit), World History (1 unit with substantial geography component), Government (1/2 unit), and Economics (1/2 unit) or Geography (1/2 unit). |

Advanced Electives 2 Requirements may be met by earning 2 Carnegie units from the following areas/courses, one of which must be in Foreign Language or World Geography:

Foreign Language World Geography 4th year
lab-based Science 4th year Mathematics

Computer Applications 1/2

Course should emphasize the computer as a productivity tool. Instruction should include the use of application packages, such as word processing and spreadsheets. The course should also include basic computer terminology and hardware operation.

Pre-High
School Units

Algebra I, first year Foreign Language, ~~or~~ Mississippi Studies, or Computer Applications Studies taken prior to high school will be accepted for admission provided the course content is the same as the high school course.

B. FULL ADMISSION

Full admission will be granted to the following:

- (1) All students completing the College Preparatory Curriculum (CPC) with a minimum of a 3.20 high school grade point average (GPA) on the CPC; or
- (2) All students completing the College Preparatory Curriculum (CPC) with (a) a minimum of a 2.50 high school GPA on the CPC or a class rank in the top 50%, and (b) a score of 16 or higher on the ACT (Composite); or
- (3) All students completing the College Preparatory Curriculum (CPC) with (a) a minimum of a 2.00 high school GPA on the CPC and (b) a score of 18 or higher on the ACT (Composite); or
- (4) NCAA Division I standards for student athletes who are "full qualifiers" are accepted as equivalent to the admission standards established by the Board.

In lieu of ACT scores, students may submit equivalent SAT scores. Students scoring below 16 on the ACT (Composite) or the equivalent SAT are encouraged to participate in the Year-Long Academic Support Program during their freshman year.

C. ACADEMIC PLACEMENT RESULTING FROM VARIOUS DEFICIENCIES

Those Mississippi residents who applied and failed to meet Full Admission Standards along with any Mississippi high school graduate regardless of academic performance may, as a result of review, be admitted to the summer or fall semester. The ACT is not a requirement in this category. The review shall involve a consideration of high school performance, ACT scores ~~02/16/2010~~

available), placement testing, special interests and skills as well as other non-cognitive factors. The review shall result in placement in one of the following categories:

1. Full Admission

As a result of the review, students in this category may be placed as if admitted under Section B. In addition, students may be required to enroll in selected college level courses in science and social science equivalent to high school courses in which their background is inadequate. These courses will yield institutional credit.* Other students in this category may be required to participate in the Year-Long Academic Support Program.

2 Full Admission with Academic Deficiencies

Students who have not demonstrated adequate readiness in English or Reading or Mathematics will be granted Full Admission with Academic Deficiencies to the Summer Developmental Program. This is an intensive program that concentrates on high school subject areas (English, Reading, and Mathematics) that are applicable to success in first-year college courses. These courses carry institutional credit. * Students who successfully complete the summer program by passing developmental English, developmental Mathematics, developmental Reading and the Learning Skills Laboratory courses, will receive admission to the fall term with mandatory participation in the Year-Long Academic Support Program. Students who fail to successfully complete the Summer Developmental Program are not eligible for enrollment in the regular academic year and will be counseled to explore other postsecondary opportunities, including those offered by community colleges.

D. YEAR-LONG ACADEMIC SUPPORT PROGRAM

This program is designed to assist those students admitted with academic deficiencies, as well as other volunteer students, with their freshman courses. The Year-Long Academic Support Program will consist of classroom, individual, and computer-assisted instruction along with career counseling in a laboratory setting. The Program carries institutional credit. *

* Institutional credit courses do not count toward graduation but carry all other academic requirements.

(BT Minutes, 5/92; 9/93; 9/94; 3/95; 10/95; 9/96; 1/98; 2/2005; 8/2006; 2/2009)

E. GENERAL TRANSFER POLICY ADMISSION FOR STUDENTS WHO WERE NOT ELIGIBLE FOR REGULAR ADMISSION

Any student who was not eligible for regular admission and who has not successfully completed the Summer Developmental Program must attend an accredited institution of higher education other than those under the governance of the Board of Trustees and must attain a "C" average (2.0 GPA) on a 4.0 scale, as calculated by the admitting IHL institution) in the following 24 30 transferable semester credit hours to be eligible to transfer to an IHL institution:

- 3 semester hours College Algebra, Quantitative Reasoning, or higher level mathematics ~~or above~~
- 6 semester hours ~~Laboratory~~ Natural Science
- 9 semester hours ~~Transferable Electives~~ Humanities and Fine Arts
- 6 semester hours Social or Behavioral Sciences

All other transfer admissions-students are subject to the requirements outlined in policy 602 Freshman Admission Requirements for University System Institutions (sections A and B)

(BT Minutes, 9/90; 1/98; 2/2009)

F. NONRESIDENT ADMISSIONS

Any student identified as a nonresident will be admitted to a Mississippi institution of higher learning based on equivalent preparation as determined by the admitting institution.

BEGINNING IN THE SUMMER OF 2012, THE FOLLOWING COLLEGE PREPARATORY CURRICULUM WILL APPLY.

FRESHMAN ADMISSION REQUIREMENTS FOR UNIVERSITY SYSTEM INSTITUTIONS

- A. *HIGH SCHOOL COURSE REQUIREMENTS (College Preparatory Curriculum) State/Local Government course in any other state may stand in lieu of Mississippi Studies.)*

| <i>Subject</i> | <i>Carnegie Units</i> | <i>Contents and Remarks</i> |
|--------------------|-----------------------|---|
| <i>English</i> | <i>4</i> | <i>Compensatory Reading and Compensatory Writing may not be included.</i> |
| <i>Mathematics</i> | <i>4</i> | <i>Includes Algebra I, Geometry, Algebra II, and any one Carnegie Unit of comparable rigor and content. (e.g., Advanced Algebra, Trigonometry, Pre-Calculus, Calculus, AP Calculus AB, AP Calculus BC, Discrete Mathematics, Probability and Statistics, or AP Statistics.)</i> |
| <i>Science</i> | <i>4</i> | <i>Includes Biology I, Chemistry I, and any two Carnegie Units of comparable rigor and content. (e.g., Physics, Physical Science, Biology II, Chemistry II, AP</i> |

| | | |
|------------------------------|-----|---|
| | | <i>Chemistry, Physics II, AP Physics B, AP Physics C – Electricity and Magnetism, AP Physics C – Mechanics, Botany, Microbiology, or Human Anatomy and Physiology.)</i> |
| <i>Social Studies</i> | 4 | <i>Includes World History, U.S. History, Introduction to World Geography, U.S. Government, Economics, and Mississippi Studies. (Credit earned for a state/local government course in any other state may stand in lieu of Mississippi Studies)</i> |
| <i>Arts</i> | 1 | <i>Includes any one Carnegie Unit of visual and performing arts course(s) meeting the requirements for high school graduation.</i> |
| <i>Advanced Electives</i> | 2 | <i>Includes any two Carnegie Units of Foreign Language (I and II), Advanced World Geography, and a Foreign Language (I) or any combination of English, mathematics, or lab-based science courses of comparable rigor and content to those required above.</i> |
| <i>Computer Applications</i> | 1/2 | <i>Course should emphasize the computer as a productivity tool. Instruction should include the use of application packages, such as word processing and spreadsheets. The course should also include basic computer terminology and hardware operation.</i> |
| <i>Pre-High School Units</i> | | <i>Algebra I, first year Foreign Language, or <u>Mississippi Studies, or Computer Applications</u> Studies taken prior to high school will be accepted for admission provided the course content is the same as the high school course.</i> |

(BT Minutes, 5/92; 9/93; 9/94; 3/95; 10/95; 9/96; 1/98; 2/2005; 5/2005; 9/2005; 8/2006; 2/2007; 2/2009)

606-603 APPLICANTS TWENTY-ONE YEARS OF AGE OR OVER

An applicant who is at least twenty-one (21) years old and does not meet the regular freshman admission requirements may apply for admission as a non-degree seeking student. Non-degree seeking students may enroll in a maximum of twelve (12) semester hours during a regular term, six (6) semester hours during a five-week summer term, or equivalent hours for alternate terms as determined by the admitting institution To transition from non-degree-seeking to degree-seeking

status, students must satisfactorily complete twelve (12) hours with a “C” or better average in the general education core. Once admitted to a degree program, a maximum of eighteen (18) semester hours credit earned as a non-degree-seeking student may be applied toward a baccalaureate degree, if approved by the dean of the college or school from which the degree is sought.

(BT Minutes, 5/99; 2/2009)

~~607~~ 604 **APPLICANTS WITHOUT A HIGH SCHOOL DIPLOMA**

Applicants who have not graduated from a regionally accredited high school and were not home-schooled must submit qualifying scores on the General Education Development Test (GED) and any transcripts reflecting academic performance in high school. Home-schooled students must present portfolios summarizing his or her home-school education. Submission of scores on the ACT or SAT is strongly encouraged. Applicants may be required, at the discretion of the admitting IHL institution, to appear for an on-campus interview.

(BT Minutes, 1/2003; 2/2009)

~~608~~ 605 **PROOF OF IMMUNIZATION**

A. MEASLES, MUMPS, AND RUBELLA

Proof of immunization of measles, mumps, and rubella is required (two doses of the MMR vaccine) of all students, unless exempt because of (a) actual or suspected pregnancy (measles or rubella vaccines are not required for females who are pregnant; if pregnancy is suspected, a valid certificate of medical exception from a health provider is required until pregnancy is resolved), (b) medical contraindication, or (c) birth prior to 1957.

(BT Minutes, 1/93; 1/98; 2/2005; 2/2009)

B. HEPATITIS B

Proof of hepatitis B vaccination is required for students who are involved in health education programs that cause them to be potentially exposed to blood or other bodily fluids.

(BT Minutes, 1/93; 1/98; 2/2009)

C. TUBERCULOSIS

Proof of test screening for tuberculosis by chest x-ray is required for all international students.

(BT Minutes, 1/93; 1/98; 2/2009)

~~603~~ 606 **CERTIFICATE OF ADMISSION**

Each applicant to any university within the system must receive and have in his possession a letter or certificate of admission signed by the officer designated by the Institutional Executive 02/16/2010

Officer of the university before presenting him/herself for registration. No student shall be permitted to register or attend classes without such certificate. No officer shall issue a letter or certificate of admission to any student whose application has not been completed in accordance with the regulations of the Board.

~~604~~ 607 REJECTION OF APPLICATION

A. FUNDAMENTAL REQUIREMENTS

Applications containing false, contradictory, questionable, or uncertain data, or which fail to comply with the fundamental requirements or the policies of the institutions as established by the Board shall be rejected.

(BT Minutes, 9/90; 1/98; 2/2009)

B. FRAUDULENT STATEMENTS AND REPRESENTATIONS

Whoever, with intent to defraud the state or any department, agency, office, board, commission, county, municipality or other subdivision of state or local government, knowingly and willfully falsifies, conceals or covers up by trick, scheme or device a material fact, or makes any false, fictitious or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious or fraudulent statement or entry, shall, upon conviction, be punished by a fine of not more than Ten Thousand Dollars (\$10,000.00) or by imprisonment for not more than five (5) years, or by both such fine and imprisonment.

This section shall not prohibit the prosecution under any other criminal statute of the state.

Miss. Code Ann., §97-7-10, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

~~605~~ 608 INTERMEDIATE COURSES

A. All entering freshmen enrolled at an IHL university with an ACT Mathematics subtest score of 16 or less will be required to take Intermediate Algebra during their first semester of enrollment. At the discretion of the admitting IHL institution, students whose Mathematics subtest score is 17, 18 or 19 may be required to take Intermediate Algebra.

B. All entering freshmen enrolled at an IHL university with an ACT English subtest score of 16 or less will be required to take Intermediate English during their first semester of enrollment. At the discretion of the admitting IHL institution, students whose English subtest score is 17, 18 or 19 may be required to take Intermediate English.

C. All entering freshmen enrolled at an IHL university with an ACT Reading subtest score of 16 or less will be required to take Intermediate Reading during their first semester of enrollment. At the discretion of the admitting IHL institution, students whose Reading subtest score is 17, 18 or may be required to take Intermediate Reading. Students taking Intermediate Reading should not be permitted to take reading-intensive courses, such as History.

D. Students taking two or more intermediate courses must enroll in the Year-Long Academic Support Program and will not be permitted to take more than 17 semester hours, including intermediate courses and the Academic Support Program.

(BT Minutes, 2/2000; 2/2005; 2/2009)

609 TRANSFER OF THE ASSOCIATE OF ARTS DEGREE FROM A MISSISSIPPI COMMUNITY/JUNIOR COLLEGE

A. General Policy

IHL institutions will accept all transferable courses with a grade of “C” or better completed as part of an Associate of Arts degree from a Mississippi community/junior college. Upon transferring to an IHL institution, these students may begin taking courses within a declared major or to fulfill prerequisites for a major. Acceptance into some majors may require a higher grade point average and/or additional pre-major/prerequisite courses beyond requirements for the Associate of Arts degree.

- 1) Students who graduate with an Associate of Arts degree from a Mississippi community/junior college and complete the 30-hour IHL Board core curriculum (Board Policy Section 512 “Core Curriculum”) with a grade of “C” or better in each core course will satisfy the IHL core curriculum requirement at each IHL institution. General education requirements for baccalaureate programs at the receiving institution may exceed the minimum IHL core curriculum. In such cases, transfer students may need to take additional courses to satisfy these requirements.
- 2) All non-IHL core curriculum courses in the Associate of Arts degree program may be assigned to fulfill the pre-major or elective requirements, dependent upon the non-IHL core curriculum courses taken within the Associate of Arts degree program and the declared major at the IHL institution.

B. Transferable Courses

When students transfer to an IHL institution from a Mississippi community/junior college, IHL institutions will use the Articulation Agreement between the Mississippi Board of Trustees of State Institutions of Higher Learning and the Mississippi State Board for Community and Junior Colleges to articulate the transfer of courses.

609 610 RESIDENCY REQUIREMENTS

A. RESIDENCE OF A MINOR

For purposes of determining of whether a minor pays out-of- state or in-state tuition for attendance at universities and community and junior colleges, the residence of a person less than 21 years of age is that of the father, the mother or a general guardian duly appointed by a proper court in02/16/2010

Mississippi. If a court has granted custody of the minor to one parent, the residence of the minor is that of the parent who was granted custody by the court. If both parents are dead, the residence of the minor is that of the last surviving parent at the time of that parent's death, unless the minor lives with a general guardian duly appointed by a proper court of Mississippi, in which case his/her residence becomes that of the guardian. A minor student who, upon registration at a Mississippi institution of higher learning or community college, presents a transcript demonstrating graduation from a Mississippi secondary school and who has been a secondary school student in Mississippi for not less than the final four years of secondary school attendance shall not be required to pay out-of-state tuition. This policy shall not apply to the residence of a person as it relates to residency for voter registration or voting.

Miss. Code Ann., §37-103-7, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

B. RESIDENCE OF AN ADULT

The residence of an adult is that place where he/she is domiciled, that is, the place where he/she actually physically resides with the intention of remaining there indefinitely or of returning there permanently when temporarily absent.

Miss. Code Ann., §37-103-13, as amended.
(BT Minutes, 9/90; 1/98; 2/2009)

C. REMOVAL OF PARENTS FROM MISSISSIPPI

If the parents of a minor who is enrolled as a student in a community/junior college or in an institution of higher learning move their legal residence from the State of Mississippi, the minor shall be immediately classified as a nonresident student; such a change in classification shall not affect the tuition to be charged until the completion of the semester in which the move takes place.

Miss. Code Ann., §37-103-11, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

D. RESIDENCE REQUIRED

No student may be admitted to any community/junior college or institution of higher learning as a resident of Mississippi unless his/her residence has been in the State of Mississippi preceding his/her admission. Residence shall be as defined in Sections 37103-7 and 37-103-13 unless excepted in Miss. Code Ann., §§37-103-1 through 37-103-29.

Miss. Code Ann., §37-103-3, as amended.
(BT Minutes, 9/90; 1/98; 2/2009)

E. RESIDENCY PETITIONS

Nonresidents may petition the institutions for a change of residency classification. A person who enters the state of Mississippi from another state and enters a system institution is considered a nonresident, unless the person meets the residency requirements set out in subsections A and B above. Provided, however, that any person who has attained 21 years of age and has thereafter actually established residency as defined within section A above and resided within the state of Mississippi for 12 consecutive months after attaining 21 years of age upon sworn affidavit and other representation, may petition the particular institution for a change in residency

classification for the purposes of fees and tuition assessment. The institution may make reasonable inquiry into the validity of the petitioner's claim. Such petition for change of residency must be made on or before the last day a student may register at the particular institution without penalty.

(BT Minutes, 9/90; 1/98; 2/2009)

F. LEGAL RESIDENCE OF A MARRIED PERSON

A married person may claim the residence status of his or her spouse, or he or she may claim independent residence status under the same regulations set forth in Section 37103-13 as any other adult.

Miss. Code Ann., §37-103-15, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

G. CHILDREN OF FACULTY OR STAFF

Children of parents who are members of the faculty or staff of any institution under the jurisdiction of the board of trustees of any community/junior college in this state or the Board of Trustees of State Institutions of Higher Learning may be classified as residents for the purpose of attendance at the institution where their parents are faculty or staff members.

Miss. Code Ann., §37-103-9, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

~~610~~ 611 MILITARY PERSONNEL

A. ACTIVE DUTY STATION IN MISSISSIPPI

Members of the United States Armed Forces on extended active duty and stationed within the State of Mississippi and members of the Mississippi National Guard may be classified as residents, for the purpose of attendance at state-supported institutions of higher learning and community and/or junior colleges of the State of Mississippi. Resident status of such military personnel, who are not legal residents of Mississippi, as defined in Section 37-103-13, shall terminate upon their reassignment for duty in the continental United States outside the State of Mississippi.

Miss. Code Ann., §37-103-17, as amended.

(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

B. SPOUSE OR CHILD OF MILITARY PERSONNEL

Resident status of a spouse or child of a member of the Armed Forces of the United States on extended active duty shall be that of the military spouse or parent for the purpose of attending state-supported institutions of higher learning and community/junior colleges of the State of Mississippi during the time that their military spouse or parent is stationed within the State of Mississippi and shall be continued through the time that the military spouse or parent is stationed in an overseas area with last duty assignment within the State of Mississippi, excepting temporary training assignments en route from Mississippi. Resident status of a minor child terminates upon reassignment under Permanent Change of Station Orders of the military parent for duty in th02/16/2010

continental United States outside the State of Mississippi, excepting temporary training assignments en route from Mississippi, and except that children of members of the Armed Forces who attain Mississippi residency in accordance with the above provisions, who begin and complete their senior year of high school in Mississippi, and who enroll full time in a Mississippi institution of higher learning or community/junior college to begin studies in the fall after their graduation from high school, maintain their residency status so long as they remain enrolled as a student in good standing at a Mississippi institution of higher learning or community/junior college. Enrollment during summer school is not required to maintain such resident status.

The spouse or child of a member of the Armed Forces of the United States who dies or is killed is entitled to pay the resident tuition fee if the spouse or child becomes a resident of Mississippi.

If a member of the Armed Forces of the United States is stationed outside Mississippi and the member's spouse or child establishes residence in Mississippi and registers with a Mississippi institution of higher learning or community/junior college at which the spouse or child plans to attend, the institution of higher education or community/junior college shall permit the spouse or child to pay the tuition, fees and other charges provided for Mississippi residents without regard to length of time that the spouse or child has resided in Mississippi.

A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section while enrolled in a degree or certificate program is entitled to pay tuition and fees at the rate provided for Mississippi residents in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program. A student may withdraw or may choose not to reenroll for no more than one (1) semester or term while pursuing a degree or certificate without losing resident status only if that student provides sufficient documentation by a physician that the student has a medical condition that requires withdrawal or nonenrollment. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program. The person's eligibility to pay tuition and fees at the rate provided for Mississippi residents under this subsection does not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States.

Miss. Code Ann., §37-103-19, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

C. CERTIFICATION OF RESIDENCE OF MILITARY PERSONNEL

A military person on active duty stationed in Mississippi who wishes to avail himself/herself or his/her dependents of the provisions of Section 37-103-17 must submit a certificate from his/her military organization showing the name of the military member; the name of the dependent, if for a dependent; the name of the organization of assignment and its address (may be in the letterhead); that the military member will be on active duty stationed in Mississippi on the date of registration at the state-supported institution of higher learning or community/junior college of the State of Mississippi; that the military member is not on transfer orders; and the signature of the commanding officer, the adjutant, or the personnel officer of the unit of assignment with signer's rank and title. A military certificate must be presented to the registrar of the state-supported institution of higher learning or community/junior college of the State of Mississippi each semester or tri-semester at (or within 10 days prior to) registration each semester for the provision

of said section to be effective.

Miss. Code Ann., §37-103-21, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009)

**612 ~~611~~ ~~OUT-OF-STATE TUITION FOR NONRESIDENTS~~ AUTHORITY TO SET
TUITION AND WAIVER OF OUT-OF-STATE TUITION FOR NONRESIDENTS WHO
WERE BORN IN MISSISSIPPI AND ARE VETERANS OF THE ARMED FORCES**

The Board of Trustees of State Institutions of Higher Learning and the boards of trustees of the community/junior colleges are authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning and community/junior colleges of the State of Mississippi.

Except as otherwise provided in this subsection, the total tuition to be paid by residents of other states shall not be less than the average cost per student from appropriated funds. However, the tuition to be paid by a resident of another state shall be equal to the tuition amount established in the above paragraph if:

- 1 The nonresident student was born in the State of Mississippi but subsequently relocated and resided outside the state as a minor under the care of the minor's father or mother, or both;
- 2 The nonresident student is a veteran who served in the Armed Forces of the United States;
- 3 The nonresident student is domiciled in Mississippi no later than six months after the nonresident student's separation from service, as evidenced by a Report of Separation from Military Service or other military discharge document, for the purpose of enrolling in a state institution of higher learning or a community/junior college.

Miss. Code Ann., 37-103-25, as amended
(BT Minutes, 12/2005; 2/2009)

612 613 ATHLETICS

A. ATHLETIC RECRUITMENT

The Board endorses the National Collegiate Athletic Association (NCAA) rules and regulations for the recruitment of student athletes. The Board reserves the prerogative to adopt standards more restrictive than those which have been approved by the NCAA but under no conditions shall the Board adopt less restrictive standards. All institutional standards and/or policies relating to institutional athletics will be on file in the Board Office.

(BT Minutes, 9/90; 1/98; 2/2009)

B. INTERCOLLEGIATE AND INTRAMURAL ATHLETICS

The programs of intercollegiate and intramural athletics of the state institutions shall be organized and developed as elements in the total educational programs of the institutions. Athletic program 02/16/2010

shall be conducted so as to promote the total welfare of students, including physical and mental health and the development of capacities and talents, and so as to contribute to the morale of students, alumni and friends of the institutions. Programs of intercollegiate athletics shall be under the complete control of the Institutional Executive Officers, subject to the oversight of the Board. Funds used to support all athletic programs shall be fully controlled by the Institutional Executive Officer of the institution; however, no funds budgeted for instructional purposes may be diverted to athletics and no athletics funds may be diverted to other purposes without approval by the Board. Standards of the NCAA and appropriate regional conferences shall be the standards of the institutions' athletic departments.

(BT Minutes, 9/90; 1/98; 2/2009)

C. ATHELETIC TICKETS

Upon request, Institutional Executive Officers may furnish complimentary athletic tickets for Board members. The number of such tickets for any one event is not to exceed six.

Upon request to the institutions, former Board members may receive two complimentary tickets for athletic events.

The Board delegates to the respective Institutional Executive Officers the administrative responsibility of issuing complimentary athletic tickets to individuals other than those identified in the preceding paragraph. (Universities shall keep accurate records of complimentary tickets distributed by number of tickets and category of recipients and shall file an annual report with the Commissioner.)

(BT Minutes, 9/90; 1/98; 2/2009)

~~613~~ 614 PERSONAL PROPERTY

- A. Lost or abandoned personal property as defined in Miss. Code Ann., §1-3-41, as amended, shall be held by the institution for a period of at least three months.
- B. Designated officers of the institution shall upon the receipt or recovery of any lost, abandoned or misplaced personal property, cause to be posted in three public places at the institution, notice that such property has been received. Such notice shall contain an accurate and detailed description of such property and if the designated officers are advised as to who owns such property, a copy of such notice shall be mailed to such person or persons in addition to being posted. The owner of such property may recover the same upon a determination by the designated officers of the rightful owner and upon the owner paying to the institution its reasonable expenses for handling and storage.
- C. If not claimed and possession resumed by the rightful owner within three months from the date of notice provided for above, the designated officers may cause the same to be sold at public or private sale after first posting notice of such sale in three public places at the institution at least ten (10) days preceding the date of such sale.
- D. The property may be sold by the institution, forfeited for official use, given away for ~~02/16/2010~~

charitable or needy purpose, or other proper disposition.

- E. The proceeds of institutional sale of said property shall be placed in such fund or funds as assigned by the Institutional Executive Officer.
- F. All policies regarding abandoned motor vehicles should be in compliance with Miss. Code Ann., §63-23-1, et seq., as amended.

Miss. Code Ann., §1-3-41, as amended; Miss. Code Ann., §63-23-1, et seq., as amended
(BT Minutes, 9/90; 1/98; 2/2009)

~~614~~ 615 STUDENT APPEALS

The Board delegates to the various Institutional Executive Officers full authority in all matters concerning student affairs. The decision of the Institutional Executive Officer shall be final so far as the institution is concerned. Upon rendering of a final decision, the aggrieved student will be notified. The Institutional Executive Officer may request the legal assistance of the Attorney General's Office through the Commissioner.

(BT Minutes, 3/91; 1/98; 2/2009)

~~615~~ 616 ALCOHOL ON CAMPUS

The universities are directed to follow all applicable local, state and federal laws as to the possession and consumption of alcohol, light wine and beer on their respective campuses. However, each university is authorized to create more restrictive policies, rules and regulations related to the possession and consumption of alcohol, light wine and beer on campus which do not violate applicable local, state and federal laws. No alcoholic beverages shall be sold or consumed at any public athletic event at any state university. Additionally, each university shall make educational programs on alcohol abuse available to its students.

(BT Minutes, 6/2007; 2/2009)

Staff Recommendation: Board staff recommends approval of this item for 1st reading.

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1. MSU – APPROVAL OF RETIREMENT INCENTIVE PROGRAM

Pursuant to the Retirement Incentive Program General Policy approved by the Board of Trustees of State Institutions of Higher Learning on May 16, 2002, it is requested that the Board select Fiscal Year 2010 as a fiscal year in which the Retirement Incentive Program is offered for eligible employees of Mississippi State University and designate the period beginning on March 5, 2010 and concluding on April 20, 2010 as the enrollment period during which eligible employees may elect to participate in the program. It is further requested that the Board approve the following pertinent documents, which are shown below:

1. Board of Trustees of State Institutions of Higher Learning Retirement Incentive Program Agreement, Waiver and Release
2. Board of Trustees of State Institutions of Higher Learning Retirement Incentive Program Rules and Regulations
3. Exhibit A to the Board of Trustees of State Institutions of Higher Learning Retirement Incentive Program Agreement, Waiver and Release

STAFF RECOMMENDATION: Board Staff recommends approval of this item.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
RETIREMENT INCENTIVE PROGRAM
AGREEMENT, WAIVER, AND RELEASE

The undersigned _____ ID# _____
(hereinafter “Employee”), hereby agrees to retire on June 30, 2010, and to release all claims, more particularly described below, for the reasons set out herein.

The Board of Trustees of State Institutions of Higher Learning (“the Board”) adopted a policy on May 16, 2002, which allows the offer of an opportunity to participate in a voluntary Retirement Incentive Program to all full-time employees who meet certain stated eligibility criteria for length of creditable service in the Mississippi Public Employees’ Retirement System. The eligibility criteria and incentives for this Retirement Incentive Program were described in written material provided to the Employee on or about March 5, 2010. The Employee also received a copy of this Agreement, Waiver, and Release at the same time. The Board designated the period from March 5, 2010 through April 20, 2010 as the time during which eligible employees were required to make known their decision about whether to participate in the Retirement Incentive Program. Employee acknowledges and agrees that he/she was given at least forty-five (45) days within which to consider this Agreement, Waiver, and Release, along with documentation of the terms and conditions of the Retirement Incentive Program. Employee has had ample and

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adequate time to seek personal, financial, and legal advice as to the advantages and disadvantages of the opportunity, and to make a decision about whether to retire.

Employee, for the consideration provided by the incentives available under the Retirement Incentive Program, hereby agrees as follows:

1. Having been given sufficient opportunity to consider the provisions of the Retirement Incentive Program, including this agreement, waiver, and release, Employee voluntarily elects to and agrees to retire pursuant to this agreement, waiver, and release on June 30, 2010.
2. In consideration of execution of this agreement, waiver, and release, Employee will be provided a cash incentive benefit equal to fifty percent (50%) of his/her base salary as of February 1, 2010, subject to federal income tax, state income tax, FICA, and Medicare and other applicable withholdings. Employee agrees that the cash incentive benefit may be paid within sixty (60) days after the Employee's retirement, but only after the expiration of the seven-day revocation period described in paragraph 7 and only if Employee has not exercised the right to revoke this Agreement, Waiver and Release.
3. Employee understands and acknowledges that the cash benefit specified under Benefits in the Retirement Incentive Program, which is not available to persons who retire outside the terms of this program, would not be available except as consideration for the execution of this Agreement, Waiver, and Release.
4. Employee acknowledges that information concerning the job titles and ages of individuals who are eligible and not eligible has been provided to him/her and that the information is also available in the Department of Human Resources.
5. Employee voluntarily releases and forever discharges (and promises not to sue) the Board of Trustees of State Institutions of Higher Learning, or Mississippi State University ("Institution"), or any of their officers, employees, agents, successors, affiliates, insurers, and assigns, individually and/or in their official capacities, of, from, and for any and all actions, claims, causes of actions or suits, whatsoever, in law or equity, that Employee, his or her heirs, executors, administrators, successors, or assigns may have or otherwise be entitled to assert, whether known or unknown and whether contingent or certain, upon or by reason of any matter, cause or event occurring up to the date of this agreement arising out of or related to his or her employment by the Institution and/or the Board of Trustees of State Institutions of Higher Learning or the cessation thereof including, but not limited to, any alleged violation of Title VII of the Civil Rights Act of 1964, the Civil Rights Act of 1991, the Americans with Disabilities Act, the Age Discrimination in Employment Act, the Older Workers Benefits

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Protection Act, the Fair Labor Standards Act, and any other federal or state law, constitutional provision, regulation, or ordinance and/or any public policy, contract, or tort law having any bearing whatsoever on the employee's employment with the Institution and/or the Board of Trustees of State Institutions of Higher Learning or the cessation thereof.

6. Employee further agrees not to accept any recovery or relief from such action of any kind described in paragraph five above, initiated or prosecuted by any other individual or entity.
7. Employee understands that he or she may revoke this agreement, waiver, and release for a period of seven (7) days after having executed it by delivering written notice of revocation to Ann Bell, Director of the Department of Human Resources Management, Box 9603, Mississippi State, MS 39762. Thereafter Employee acknowledges that this agreement, waiver, and release may not be revoked, modified, altered, or changed except upon the express written consent of the Institutional Executive Officer and the Commissioner of Higher Education. Employee agrees that if Employee revokes or modifies this agreement, waiver and release, or if Employee brings a legal action for any claim or cause of action covered by paragraph 5, Employee withdraws Employee's election to participate in the Retirement Incentive Program, and shall waive and immediately tender back to the Institution any cash incentive benefit payable or paid to the Employee pursuant to this Agreement, Waiver and Release.
8. Employee acknowledges that this agreement contains the full and complete agreement between Employee and the Institution and that no other inducement or consideration has been offered by the Institution to Employee for Employee's execution of the Retirement Incentive Program Agreement.
9. Employee agrees that this Agreement, Waiver, and Release is written in language that is easily understood and that the Employee, in fact, fully understands the language and meaning of the Agreement, Waiver, and Release.
10. Employee has been instructed not to sign this Agreement, Waiver and Release until June 30, 2010. Employee understands that if Employee signs this agreement before June 30, 2010, the agreement shall be rendered voidable at the option of the Institution.

Having read and fully considered the foregoing agreement to retire and release claims, and having been afforded a reasonable opportunity to consider this agreement, waiver, and release; and having been told in writing of the advisability of consulting with or seeking advice from any person of his or her choosing including legal counsel; and having elected to execute this agreement, waiver, and release and to fulfill the promises set forth herein and to receive the benefits of the Retirement Incentive Program, including the cash incentive, Employee hereby

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voluntarily and knowingly enters into this agreement, waiver, and release on this _____ day of _____, 2010.

DO NOT SIGN THIS AGREEMENT, RELEASE AND WAIVER BEFORE JUNE 30, 2010.

EMPLOYEE

SWORN TO AND SUBSCRIBED before me this _____ day of _____, 2010.

Notary Public (Signature)

My Commission Expires

**Board of Trustees of State Institutions of Higher Learning
Retirement Incentive Program
Rules and Regulations**

1. Introduction

The Retirement Incentive Program is a program for facilitating the voluntary retirement of those institution and board employees who are current, active contributing members of the Mississippi Public Employees' Retirement System. The Board of Trustees of State Institutions of Higher Learning (Board) shall select the fiscal year in which the program is offered and shall also designate the enrollment period during the fiscal year selected. Subject to Board approval, the institution may elect to participate in the program in the selected fiscal year and the institution may elect to offer the program to eligible faculty and staff.

2. Eligibility

- a. The Retirement Incentive Program is a voluntary plan available to all full-time faculty and staff of the Institutions of Higher Learning, including the Board Office, who, as of the effective date of their retirement, are eligible to retire under

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the laws governing the Public Employees' Retirement System by virtue of:

- i. Having twenty-five (25) years of creditable service, or
 - ii. Being age sixty (60) and having at least four (4) years of creditable service.
- b. An employee who is offered and accepts retirement pursuant to the Retirement Incentive Program must retire and sign an agreement, waiver, and release by June 30 of any fiscal year in which the program is offered.
 - c. The institution of higher learning offering the program shall, in all cases, utilize the records of the Public Employees' Retirement System as the source for determining eligibility.
3. Incentive
- a. The institution of higher learning offering the program shall provide a cash benefit to each participant in the program based upon a percentage of the participant's current salary. The cash benefit is subject to federal income tax, state income tax and Federal Insurance Contributions Act (F.I.C.A.) and Medicare withholding. Subject to Board approval, the institution shall determine the appropriate percentage. The cash benefit shall be at least twenty-five per cent (25%) but shall not exceed fifty per cent (50%) of the participant's current annual base salary, exclusive of stipends, overtime, and other extra payments.
 - b. The percentage of annual salary paid may be in a lump sum or paid over a five (5) calendar year period in equal installments, subject to federal, state, F.I.C.A. and Medicare withholdings. Unused annual leave, if applicable, will be paid in accordance with state law.
4. Requirements
- a. The eligible employee must elect during the enrollment period, in fiscal years selected by the Board, and retire by June 30 of any fiscal year in which the program is offered.
 - b. The eligible employee must waive all rights to sue the institution or the Board of Trustees of State Institutions of Higher Learning, their officers, employees, agents, successors, insurers, and assigns, individually and /or in their official capacities or to receive any recovery or relief from any action of any kind initiated or prosecuted by any other individual or entity in this regard on a form acceptable to and provided by the institution.

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- c. The participant shall be compensated for unused annual leave as otherwise provided by state law.
- d. The cash benefit paid pursuant to this program shall not be subject to employer or employee contributions under the laws governing the Public Employees' Retirement System.
- e. The eligible employee may revoke the agreement, waiver, and release during a period of seven (7) days after having executed it. Thereafter, the agreement, waiver, and release may not be revoked, modified, altered, or changed except upon the express written consent of the Institutional Executive Officer and the Commissioner of Higher Education.

Exhibit A of the Board of Trustees of State Institutions of Higher Learning Retirement Incentive Program Agreement, Waiver and Release

The information on the following pages is being furnished in compliance with the Older Workers' Benefit Protection Act of 1990. The individuals eligible to elect to receive benefits pursuant to the Retirement Incentive Program are those employees who are current and active contributing members of the Public Employees' Retirement System (PERS) and have 25 years of creditable service by June 30, 2010, or will be age 60 or higher and have at least four years of creditable service by June 30, 2010. The Retirement Incentive Program is an "open window" offering a one-time opportunity to eligible employees. The tables list by age the number of individuals who are eligible and those who are not eligible by employment group.

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Administrative/ Executive/ Managerial

| | | | |
|-------|-----|------------|----------|
| Title | Age | Ineligible | Eligible |
|-------|-----|------------|----------|

Faculty

| | | | |
|-------|-----|------------|----------|
| Title | Age | Ineligible | Eligible |
|-------|-----|------------|----------|

Professional

| | | | |
|-------|-----|------------|----------|
| Title | Age | Ineligible | Eligible |
|-------|-----|------------|----------|

Technical/Paraprofessional

| | | | |
|-------|-----|------------|----------|
| Title | Age | Ineligible | Eligible |
|-------|-----|------------|----------|

Clerical

| | | | |
|-------|-----|------------|----------|
| Title | Age | Ineligible | Eligible |
|-------|-----|------------|----------|

Skilled Crafts

| | | | |
|-------|-----|------------|----------|
| Title | Age | Ineligible | Eligible |
|-------|-----|------------|----------|

Service Maintenance

| | | | |
|-------|-----|------------|----------|
| Title | Age | Ineligible | Eligible |
|-------|-----|------------|----------|

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2. SYSTEM – APPROVAL OF THE NEW BOARD POLICY 616 TEXTBOOK POLICY

The IHL Textbook Task Force has completed its work in formulating a proposed textbook policy for consideration by the IHL Board and the Board's Student Affairs Committee, and proposes final approval of the below new policy.

616 Textbook Policy

This Textbook Policy establishes minimum system-wide guidelines and goals aimed at addressing the cost of college textbooks and other instructional materials and at ensuring compliance with Section 133 of the federal Higher Education Opportunity Act (HEOA) of 2008.

By June 1, 2010 each institution in the IHL system shall establish a written policy that includes the following provisions. In this policy, the term textbook is meant to include various types of course materials, including software, electronic files, supplemental materials, and course packs.

1. Textbook Adoption Deadlines – Each institution shall establish firm deadlines and procedures for the adoption of textbooks for upcoming semesters. These deadlines and procedures shall be set to enable the institution to fully comply with the HEOA of 2008, including the requirement that textbook information (including ISBN and prices) be provided to students at the time of registration.

Requirements:

- Institutions shall establish adoption deadlines that are no later than the beginning of the registration period for succeeding semesters and that provide sufficient time to work with affiliated bookstores to meet the HEOA posting requirements. Additionally, these adoption deadlines shall be at least 40 days prior to the end of the preceding semester, whenever possible, as dictated by registration schedules.
- The adoption process will include the indication of whether a textbook is required or recommended and should include to the extent possible an indication of whether an alternate (e.g., earlier) edition of the textbook may be used. Timely adoption of textbooks is required for the following course types: lecture, lecture/lab, laboratory, and recitation/discussion. These course types, as designated and defined by the IHL Data Dictionary, are generally assumed to be courses with textbook requirements. Any other courses which at individual institutions historically require textbooks shall be included in the individual institution's adoption policy.

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- Department chairs/heads will be responsible for ensuring that all pertinent courses under their authority have adoptions submitted by the deadline, even in instances where no instructor has been assigned for a course section as of the announced adoption deadline date.
 - Departments shall be strongly encouraged to adopt the same course materials for all sections of each course.
2. **Minimum Adoption Periods** - Each institution shall establish guidelines that promote a minimum adoption period for textbooks. In this section, textbook refers specifically to a book that is resalable, as opposed to one-time usage materials (e.g., workbooks) or books that have limited resale value.
- Institutions shall set guidelines for a minimum three-year adoption period for lower division courses. These guidelines may include reasonable exceptions to this requirement for instances when editions go out of print, when substantive changes are made in either the course description or the textbook, or when there is a significant change in the body of knowledge pertinent to the course. Procedures for the authorization of exceptions should include approval at the dean level, after recommendation from a department chair/head.
 - Guidelines shall encourage a minimum textbook adoption period of at least two years for upper division courses. However, it is recognized that, to provide current scholarship in a global marketplace, upper division courses will have more advanced and changing content, that students often wish to build a personal library of books in their major, and that there is a more limited potential for establishing a favorable local buy-back market for such upper division textbooks. Because of these factors, institutional policy will balance the benefits of a minimum adoption period with the selection of the best available textbook.
3. **Dissemination of Textbook Information** – Institutions shall be responsible for providing information on best practices in textbook adoptions to faculty and for providing advice to students on ways to save money on textbook purchases.
- The institutions or affiliated bookstores shall provide faculty with information and tools for the selection of textbooks, including pricing information and the availability of alternative formats for course materials (e.g., whether textbooks are available in electronic versions) and of separately available components of a bundled textbook;
 - The institutions or affiliated bookstores shall provide students with tips on purchasing textbooks, including the availability of electronic versions, the availability of unbundled textbook components, buy-back and exchange policies, and price-matching policies. Institutions shall provide this

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information, including an explanation of the significance of ISBNs, to entering freshmen during orientations or within 30 days prior to the beginning of the fall semester.

- The institutions or affiliated bookstores shall provide faculty and students with results from surveys of student satisfaction with textbooks.

4. Assessment of Progress – Institutions shall develop procedures to assess the success of the above practices in containing the costs of textbooks. These procedures shall include analyses and reports appropriate to assessing compliance with this policy, as well as identifying and improving system and institutional practices.

- Assessment strategies shall include: the inclusion of questions on student surveys (e.g., course evaluations) about the value of assigned textbooks; production of reports of the extent of compliance of each institution with the adoption deadlines; information about the costs of the textbooks for the top twenty (highest enrollment) courses; the volume of buy-back purchases at the affiliated bookstores; the number of electronic versions of textbooks being used; and surveys (student and faculty) of the ability of the affiliated bookstore to provide adequate stocking of books.
- By April 1, 2010 the institutional executive officer of each institution will name a textbook coordinator who will be responsible for the implementation and administration of this policy.
- Annually, the textbook coordinator will submit such assessment information as required by the assessment plan as an annual assessment report to the Commissioner or his/her designee.
- The annual assessment report will be made available on the website of the subject institution, as well as on the System website.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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3. **SYSTEM - ELECTION OF VICE PRESIDENT OF THE BOARD OF TRUSTEES FOR THE TERM BEGINNING MAY 8, 2010 AND ENDING MAY 7, 2011**

The Board voted to forgo the election of Vice President at its January meeting and address it at the February Board meeting.

The Vice President of the Board is elected pursuant to *Board Policies and Bylaws* 301.01 Officers of the Board and 301.02 Election of Officers.

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:

There shall be a president elected by the Board from its membership whose term of office shall be for one year or until his or her successor is elected. The president of the Board shall preside at all meetings of the Board; he or she shall be an ex officio member of all standing and special committees; he or she shall appoint members of all standing or special committees; he or she shall, with the Commissioner, execute such instruments and contracts as may be ordered by the Board; he or she shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board; and he or she shall be governed in his action by the usual parliamentary procedure. The president of the Board may not succeed himself/herself as president after having served a full year term.

B. VICE PRESIDENT:

There shall be a vice president elected by the Board from its membership. The term of office shall be one year, and the vice president shall preside at meetings of the Board in the absence or disability of the president. The vice president of the Board shall automatically succeed to the office of president after having served a one-year term as vice president. The vice president shall become president upon the resignation, removal, death or incapacity of the president.

301.02 ELECTION OF OFFICERS

The Board shall elect its officers at the January meeting of the Board, if held, to take office on the eighth day of May in the same year.

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REAL ESTATE

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE JANUARY 21, 2010 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 WHICH STATES:

Board Policy §904(A), Board Approval

When funding has been secured from whatever source, each institution shall bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects. This request shall include a detailed description of the work to be accomplished, the total budget, the funding source and the design professional recommended to the Board for approval.

After the Board has granted approval of both the initiation of a project and the appointment of a design professional, no further Board action or approval is required for the completion of the project if the following conditions are met:

- 1. The detailed description of the work to be accomplished, as specifically approved by the Board within the project initiation, has not changed.*
- 2. The total project budget has not increased beyond the amount specifically approved by the Board as part of the project initiation;*
- 3. The funding source has not changed from that specifically approved by the Board as part of the project initiation; and*
- 4. The design professional previously approved by the Board has not changed.*

If the above four conditions have been met, the Board's Real Estate and Facilities staff, through the Commissioner, shall have the authority to approve any and all necessary documents related to the completion of the subject construction project, including the approval of construction documents, the advertisement and receipt of bids, the approval of a bid, the award of a contract and any change orders.

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.

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1. MSU-GS 113-115, Lloyd Ricks Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$8,255 and three (3) additional days to the contract of West Brothers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 15, 2010

Change Order Justification: The change order is necessary for boring of sewer pipe to avoid conflicts and to replace seventeen (17) interior wood sills and wood trim instead of specified repairs.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$623,760.00

Project Initiation Date: June 14, 2006

Design Professional: Belinda Stewart Architects

General Contractor: West Brothers Construction, Inc.

Contract Award Date: January 6, 2009

Project Budget: \$12,000,000

Funding Source(s): HUD Grants B-05-SP-MS-0133 and B04-SP-MS-0385; MSU Pace Seed Renovation Project #113-097; SB 2988, Laws of 2003; SB 3197, Laws of 2002; SB 3201, Laws of 2007; HB 246, Laws of 2007; HB 1634, Laws of 2006; and SB 2010, Laws of 2004.

2. MSU-IHL 205-235 E, Expansion of Gravel Lot at IED

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Michael T. Muzzi, design professional.

Staff Approval Date: January 6, 2010

Project Initiation Date: April 16, 2008

Design Professional: Michael T. Muzzi, AIA, AUA

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General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$242,506

Funding Source(s): MSU Educational Building Corporation Bonds (EBC)

3. **MSU-IHL 205-244, Fraternity Row-New Parking Lot**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Michael T. Muzzi, design professional.

Staff Approval Date: January 6, 2010

Project Initiation Date: May 14, 2009

Design Professional: Michael T. Muzzi, AIA, AUA

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$315,000

Funding Source(s): MSU Auxiliary Funds

4. **MVSU-GS 106-218, New President's Home**

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Shafer and Associates, design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Shafer and Associates, design professional.

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Staff Approval Date: (#1) December 17, 2009; (#2) January 11, 2010

Project Initiation Date: March 20, 2009

Design Professional: Shafter and Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$900,000

Funding Source(s): HB 1722, Laws of 2009

5. **UM-GS 107-284, Faser Hall Third Floor**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$3,781.00 and seventy-seven (77) additional days to the contract of CIG Contractors. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 17, 2009

Change Order Justification: The change order is necessary to swap heating water and return on the third floor, and to tie in three new hoods.

Total Project Change Orders and Amount: Ten (10) change orders for a total amount of \$202,865.35

Project Initiation Date: November 17, 2005

Design Professional: Cooke Douglass Farr Lemons, Ltd.

General Contractor: CIG Contractors, Inc.

Contract Award Date: November 16, 2007

Project Budget: \$3,600,000

Funding Source(s): SB 2010, Laws of 2004

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6. UM-GS 107-298, Coulter Hall 1B

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$90,436.18 and zero (0) additional days to the contract of Tri-Star Mechanical. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 17, 2009

Change Order Justification: The change order is necessary to install fire rated doors, treat surface areas with antimicrobial agent, to provide roof work at parapet wall, and to provide electrical changes to Room 119.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$102,725.18

Project Initiation Date: June 18, 2008

Design Professional: Barlow Eddy Jenkins, P.A.

General Contractor: Tri-Star Mechanical

Contract Award Date: May 22, 2009

Project Budget: \$5,208,000

Funding Source(s): HB 1641, Laws of 2008 and Internal R&R funds

7. UM-IHL 207-329, Triplett Alumni Center Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Hooker Construction the lower of eleven (11) bidders for a total contract amount of \$1,036,600.

Staff Approval Date: December 17, 2009

Project Initiation Date: September 17, 2009

Design Professional: Foil & Wyatt Architects

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General Contractor: Hooker Construction

Contract Award Date: December 17, 2009

Project Budget: \$1,998,104

Funding Source(s): Alumni Association, Internal R&R funds, and private donations

8. **UM-IHL 207-330, Law School Audio-Visual Equipment & Installation**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to MS Audio, LLC the lower of four (4) bidders for a total contract amount of \$475,380.

Staff Approval Date: December 17, 2009

Project Initiation Date: November 19, 2009

Design Professional: Eley Guild Hardy Architects

General Contractor: MS Audio, LLC

Contract Award Date: December 17, 2009

Project Budget: \$500,000

Funding Source(s): U.S. Department of Justice Grant # 2008-DD-BS-0519

9. **UMMC-GS 109-195, Adult Emergency Department Renovations**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Dale Morris Architects, design professionals.

Staff Approval Date: January 6, 2010

Project Initiation Date: November 14, 2007

Design Professional: Dale Morris Architects

General Contractor: N/A

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Contract Award Date: N/A

Project Budget: \$9,630,000

Funding Source(s): HB 246, Laws of 2007; HB 1641, Laws of 2008; HB 1722, Laws of 2009

10. UMMC-IHL 209-503, School of Dentistry D202 and D105 Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$26,839.00 and twenty-one (21) additional days to the contract of Coleman Hammons Construction.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$16,710.20 and twenty-one (21) additional days to the contract of Coleman Hammons Construction.

Staff Approval Date: (#1-2) January 6, 2010

Change Order Justification: Change Order #1 is necessary to provide for replacing existing circuits that were found to be inaccessible once construction began and for the addition of two additional dental chairs. Change Order #2 is necessary to provide for installation of a new emergency electrical service panel/transformer and service breaker, and to replace existing pneumatic controls with DDC controls.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$43,549.20

Project Initiation Date: November 15, 2007

Design Professional: Mark S. Vaughan Architects

General Contractor: Coleman Hammons Construction

Contract Award Date: May 22, 2009

Project Budget: \$820,553

Funding Source(s): Tuition and student fees

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11. UMMC-IHL 209-516, Emergency Room Fast Track Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$6,257.00 and zero (0) additional days to the contract of McMillan Pitts Construction Company, LLC.

Staff Approval Date: January 6, 2010

Change Order Justification: The change order is necessary to provide for corrective action on a latent fire condition at an existing expansion joint and to provide for the expense of a larger crane to set the generator due to obstruction from another project.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$106,497.00

Project Initiation Date: November 21, 2008

Design Professional: The McCarty Company Design Group

General Contractor: McMillan Pitts Construction Company, LLC

Contract Award Date: June 10, 2009

Project Budget: \$2,000,000

Funding Source(s): Hospital Patient Revenues

12. UMMC-IHL 209-518, 5 East Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Dale Morris Architects, design professionals.

Staff Approval Date: December 17, 2009

Project Initiation Date: January 15, 2009

Design Professional: Dale Morris Architects

General Contractor: N/A

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Contract Award Date: N/A

Project Budget: \$3,395,515

Funding Source(s): Indirect cost recoveries and tuition

13. UMMC-IHL 209-523, SO13 Area Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Mid State Construction the lower of seven (7) bidders for a total contract amount of \$975,000.

Staff Approval Date: January 11, 2010

Project Initiation Date: August 20, 2009

Design Professional: Simmons Associates, AIA

General Contractor: Mid State Construction

Contract Award Date: January 11, 2010

Project Budget: \$1,947,239

Funding Source(s): Hospital patient revenues

14. UMMC-IHL 209-525, Gamma Knife Addition

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by The McCarty Group, design professionals.

Staff Approval Date: January 11, 2010

Project Initiation Date: August 20, 2009

Design Professional: The McCarty Group

General Contractor: N/A

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Contract Award Date: N/A

Project Budget: \$1,650,000

Funding Source(s): Hospital patient revenues

15. UMMC-IHL 209-526, Cafeteria and Kitchen Renovations, 2009

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by The McCarty Group, design professionals.

Staff Approval Date: January 8, 2010

Project Initiation Date: August 20, 2009

Design Professional: The McCarty Group

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$4,360,000

Funding Source(s): Hospital patient revenues

16. UMMC-IHL 209-527, Ophthalmology Renovations-764 Lakeland Drive

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Dale and Associates, P.A., design professionals.

Staff Approval Date: January 6, 2010

Project Initiation Date: August 20, 2009

Design Professional: Dale and Associates, P.A.

General Contractor: N/A

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Contract Award Date: N/A

Project Budget: \$2,956,293

Funding Source(s): Interest income and restricted funds

LEGAL

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 Butler, Snow, O’Mara, Stevens & Cannada (statement dated 11/13/09) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with legal fees related to the purchase of Campus Walk Apartments from American Campus Communities- \$4,998.50.)

TOTAL DUE.....\$ 4,998.50

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 11/30/09, 11/30/09, 11/30/09, 11/30/09, 11/30/09,12/10/09, 12/15/09, 12/15/09, 12/15/09, 12/15/09 and 12/15/209) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: “Termite Control System, Method and Apparatus” - \$675.00; “CIP Termite Control System” - \$945.00; “Lawrence/Non-Provisional Application for Live Attenuated Catfish Vaccine” - \$417.50; “Steele/Provisional Patent on Anhydrosugar Production” - \$1,640.00; “Dehumidifier Using Non-Rotating Desiccant Material” - \$1,282.50; “High Power Density, Full-Bridge Parallel Loaded Resonant DC-DC Converter” - \$3,410.00; “Compact Time-of-Flight Mass Spectrometer-Canada” - \$51.00; “Compact Time-of-Flight Mass Spectrometer-Germany” - \$245.30; “Compact Time-of-Flight Mass Spectrometer-Japan” – \$42.50; “Surfactant Process for Promoting Gas Hydrate” - \$1,282.50; “Method and Apparatus for Elemental and Isotope Measurements” - \$532.50 and “Method for Early Evaluation in Micro-Pipeline Processors” – \$532.50.)

TOTAL DUE.....\$ 11,056.30

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Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09, 10/26/09 and 10/26/09) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Feeding Particles at Various Modes Without Moving Connections at System Periphery” – \$52.00; “Germany/Highly Purified Amphotericin-B” - \$250.00; “Australia/Highly Purified Amphotericin-B” - \$3,861.50; “Canada/Highly Purified Amphotericin-B” - \$1,133.99; “France/Highly Purified Amphotericin-B” - \$250.00; “Great Britain/Highly Purified Amphotericin-B” - \$250.00; “Ireland/Highly Purified Amphotericin-B” \$250.00; “Japan/Highly Purified Amphotericin-B” - \$612.50; “Highly Purified Amphotericin-B” - \$2,294.00; “General Patent Matters” - \$94.50; “Saururus Cernuus Extracts and Compounds Inhibiting Cellular Responses to Hypoxia”- \$328.18; “Multi Domain Plate Acoustic Wave Devices” - \$189.42; “Vietnam/High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$54.50; “South Africa/High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$458.94; “Canada/A Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$116.62 and “Agents with Selective K-Opioid Receptor Activity” - \$1,095.00.)

TOTAL DUE.....\$ 11,291.15

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 11/20/09) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patents: “Raucher/US Targeted Delivery of Medicaments” - \$289.34 and “Vig/Therapeutic Use of Dopamine D2 Receptor” - \$2,742.42.)

TOTAL DUE.....\$ 3,031.76

ADMINISTRATION/POLICY

SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

- 1. SYSTEM** - In compliance with Board Policy 701.06 Budget Escalations and Revisions, the following item has been approved by the Commissioner on behalf of the Board and is available for inspection in the Board Office.

According to Board Policies #401.0102 Delegation of Authority and #801.8 Outside Employment, each institution must submit quarterly employment reports to the IHL Executive Office. Two distinct reports are to be submitted, a report of all hires and a report of all separations. These reports cover the employment period beginning October 1, 2009 and ending December 31, 2009.

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2. **SYSTEM** – In accordance with Board Policy 707.01 Land, Property and Service Contract, the Commissioner is authorized and empowered to approve renewals 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.
- a. The University of Mississippi Medical Center requested approval to enter into a two-month renewal agreement with Hospital Housekeeping System, Ltd. (HHS) for continued environmental services for the hospital systems. The original contract was approved by the Board in January 2007 for a total not to exceed \$18 million for a three-year period ending January 31, 2010. The monthly service cost remains at \$406,636 for the renewal period through March 31, 2010.
 - b. The University of Mississippi Medical Center requested approval to enter into a one-month renewal agreement with Hill-Rom Company, Inc. for continued rental services for specialized medical beds and wound management therapy. The original contract approval by the Board in January 2009 was for a total cost of \$393,504 (\$32,792 per month for twelve months). The renewal term will extend the end date through February 28, 2010 and will be for \$32,792.
 - c. The University of Mississippi Medical Center requested approval to renew a maintenance service agreement with Olympus America, Inc. – Medical Systems (Olympus). The original agreement was approved by the Board of Trustees on January 17, 2007 for a total cost of \$439,093. The renewal of the maintenance contract is for a reduced scope of services and is applicable to Olympus equipment such as endoscopes, bronchoscopes, fiber optic and specialty scopes. The renewal period is thirty-six (36) months and will cover the period February 1, 2010 to January 31, 2013. The additional cost for the renewal period is \$252,721.31, which is 58% of the current contract amount.
 - d. The University of Mississippi Medical Center requested approval to extend its helicopter patient transport services agreement with PHI, Inc. formerly known as Petroleum Helicopter, Inc. The original contract was approved by the Board in May, 2006 and was for the use of one helicopter. In January, 2009, the Board approved amendment one to expand services to include the use of a second helicopter for a one-year period of January 20, 2009 to January 19, 2010. The total approved cost for the amendment period was \$2,239,170.

The University is requesting amendment number two to continue use of the second helicopter through June 30, 2011. The extension is requested to allow UMMC time to develop a Request for Proposals and complete a selection process for replacement of the existing helicopters. Zero additional funds are being requested as the services provided will remain within the dollar threshold last approved by the Board.