

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
March 21, 2013



FINAL BOARD BOOK OUTLINE

IHL Board Meeting
March 21, 2013 9:00 a.m.

Universities Center
3825 Ridgewood Road
Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee Aubrey Patterson

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February 21, 2013 Regular Board Meeting
February 28, 2013 Board Meeting

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MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

February 21, 2013 Regular Board Meeting Minutes
February 28, 2013 Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 21, 2013**

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 8:00 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 27, 2012, to each and every member of said Board, said date being at least five days prior to this February 21, 2013 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen L. Cummins, Dr. Ford Dye, Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Ms. Robin J. Robinson, Dr. Douglas Rouse, and Mr. C.D. Smith. The meeting was called to order by Mr. Ed Blakeslee, President, and opened with prayer by Trustee Karen Cummins.

INTRODUCTION OF GUESTS

- President Blakeslee welcomed the Student Government Association Presidents: Alanna Ferguson from Delta State University, Brian Wilks from Jackson State University, Shelby Balias from Mississippi State University, Menuka Ban from the Mississippi University for Women, and Jake Lancaster from the University of Mississippi Medical Center.
- Dr. M. Christopher Brown II, President of Alcorn State University, introduced his mother, Mrs. Jannie Brown.

2013 BLACK HISTORY MONTH OBSERVANCE

Trustee Doug Rouse noted that each year the Board recognizes one individual from each state institution of higher learning who has contributed significantly to the positive advancement of diversity on his/her campus and in the community.

Trustee Rouse, Chair of the Diversity Awards Committee, thanked the members of the committee: Trustee Karen Cummins, Trustee Bob Owens, Trustee Alan Perry, and IHL staff member, Ms. Pearl Pennington for their time and effort. Trustee Rouse also recognized the members of the IHL staff who worked to make this event happen: Mr. Marcus Thompson, Ms. Caron Blanton, Ms. Bridget Breithaupt, and Mr. Henry Anderson. Trustee Rouse gave special thanks to Ms. Clotee Lewis, IHL Coordinator of Public Affairs, for her assistance with this event for the past 12 years. Trustee Rouse also thanked Mr. Jay Ferchaud from the University of Mississippi Medical Center for assisting with the photographs.

Trustee Rouse congratulated all of the nominees and presented them with a Certificate of Recognition for their outstanding vision, dedication, as well as serving as role models and strong advocates for the advancement of diversity at their respective universities and in the surrounding communities. The nominees were as follows:

Dr. Derek Greenfield	Alcorn State University
Dr. Debarashmi Mitra	Delta State University
Dr. Marvel A. Turner, Sr.	Jackson State University
Ms. Ann Carr	Mississippi State University
Dr. Frank Davis	Mississippi State University, Division of Agriculture, Forestry and Veterinary Medicine

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Ms. Mary Ann Slater

Ms. Carol Minor Boyd

Dr. Katie S. McClendon

Dr. Sherita Johnson

Mississippi University for Women

University of Mississippi

University of Mississippi Medical Center

University of Southern Mississippi

Trustee Rouse announced Dr. Kathie Stromile Golden, Director of International Programs and Professor of Political Science, at Mississippi Valley State University, as the 2013 Diversity Educator of the Year. The Honorable William F. William, fifty-eighth Governor of the state of Mississippi and attorney in the Jones Walker law firm in Jackson, Mississippi was recognized as the special community honoree. Dr. Golden and Governor Winter were each presented with a resolution and plaque commemorating this award. A copy of the resolutions is included in the *February 21, 2013 Board Working File*.

ANNOUNCEMENT

Commissioner Bounds noted that an F4 tornado hit the University of Southern Mississippi's Hattiesburg campus on Sunday, February 10, 2013. Every institution in the system called to offer help to USM. At least 14 buildings suffered certain degrees of damage – including the Ogletree House, which contains the offices of the University's Alumni Association. The Mannoni Performing Arts Center; the Jazz Station Building; the Fine Arts Building; Marsh Hall and McLemore Hall were also affected. There were no known injuries suffered on campus. Preliminary engineering reports indicate that only two of the damaged buildings will have to be condemned, but we will know more as further damage assessments are completed. They are making good progress in cleaning up the debris left by the tornado. Faculty and staff returned to the campus on Wednesday, February 13. Classes will begin on Thursday, February 14 and almost 1,000 students returned to campus on Wednesday to help in the clean-up efforts. Dr. Aubrey Lucas, Interim President of the University of Southern Mississippi, thanked everyone for their help with the cleanup especially Dr. Mark Keenum, President of Mississippi State University, who sent a crew to assist.

APPROVAL OF THE MINUTES

On motion by Trustee Hooper, seconded by Trustee Owens, with Trustee Smith absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meetings, the Delta State University Presidential Search Committee meetings, and the University of Southern Mississippi Presidential Search Committee meetings held on January 7, 2013 (USM); January 16, 2013 (USM); January 17, 2013; January 17 & 21, 2013 (USM); January 30, 2013; January 30, 2013 (DSU); February 7, 2013; February 13, 2013 (DSU); February 13, 2013 and February 14, 2013 (DSU).

PRESENTATIONS

- Trustee Bob Owens observed that the Board of Trustees asked the universities to place a high priority on campus diversity. To that end, the following university presidents gave a brief report regarding diversity initiatives on their campuses: Dr. John Hilpert, President of Delta State University; Dr. Carolyn Meyers, President of Jackson State University; Dr. Al Rankins, Acting President of Mississippi Valley State University; Dr. Dan Jones, Chancellor of the University of Mississippi; and Dr. Aubrey Lucas, Interim President of the University of Southern Mississippi.

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CONSENT AGENDA

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

FINANCE

1. **MSU** - Approved the request to enter into a lease agreement with Mississippi State University Research and Technology Corporation (RTC) for use of 15,000 square feet of space located in the Powe Building to provide office, meeting, and storage space for MSU's National Strategic Planning and Analysis Research Center (nSPARC). The term of the agreement is for three years - June 1, 2013 through May 31, 2016. The base rental cost per square foot is \$20.00 or \$25,000 per month for the lease of the space. In addition to rental costs, MSU agrees to pay a prorated share of operating costs with an *estimated* monthly cost of \$3,500 for utilities and \$1,600 for janitorial services. The annual costs are estimated at \$361,200 with a maximum estimated cost for the lease term of \$1,083,600. The agreement will be funded by designated funds which are generated by Facilities & Administration fees collected from externally funded projects. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
2. **MSU** - Approved the request to amend the online license agreement with Wiley Subscription Services, Inc. for electronic access to educational journal articles. The purpose of the amendment is to extend the online subscription agreement which allows MSU faculty, staff and students to electronically access to 155 online journals for educational and research purposes. The term of the amendment is for a twelve month period- January 1, 2013 through December 31, 2013. The total cost for the one year period is \$449,832.37. This amount is based on subscription costs for 155 specified journals which range in price from \$0 to \$27,469.09 individually for a one year subscription. The current agreement will be funded by E&G funds. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.
3. **MVSU** - Approved a resolution authorizing the filing of an application to the Mississippi Department of Transportation for a grant to assist in providing transportation services. Through an agreement with the Mississippi Department of Transportation and the Federal Transit Administration, MVSU provides public transportation services in four Delta counties: Humphreys, Leflore, Sunflower and Washington. The mass transit system serves as a vital means of transportation for students to attend the university. A copy of the resolution is included in the *February 21, 2013 Board Working File*.
4. **UMMC** - Approved the request to enter into an agreement with Pontchartrain Lithotripsy, LLC for the use of a mobile lithotripsy unit and imaging equipment and for procedural services related to the non-invasive treatment of patients with kidney stones. The term of the agreement is for a five-year period that will commence upon the execution of the agreement by both parties estimated to be March 1, 2013 through February 28, 2018. The total *estimated* contract cost for the five-year term is \$1,120,000. This amount is based on the following fee schedule and factors identified in the agreement: an estimated total of 475 treatment procedures at a cost of \$2,300 per procedure, and an estimated total of 50 non-treatment procedures at a cost of \$550 per procedure. While the fee per procedure will remain fixed for the entire term of the contract, UMMC anticipates that the estimated number of treatment procedures will increase yearly based on growth in patient volume and numbers of physicians recruited. As a result, UMMC allowed for an increment increase of five treatment procedures annually for years two through five of the contract period. The current agreement will

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be funded by patient revenues included in UMMC's 2012-2013 Board approved operating budget. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

REAL ESTATE

5. **JSU** - Approved the initiation of **GS 103-278, School of Engineering Phase II**, and the appointment of Cooke, Douglass, Farr, Lemons Architects & Engineers, P.A. as the design professional. This project is a continuation of phase I of the School of Engineering building and will include the completion of the construction documents for five additional floors; equipment for Civil Environmental Engineering Laboratories; equipment for Machine Shop and lock repair for Engineering Building. The construction of phase II of this project is part of the Campus Master Plan, which the space will accommodate the research areas, engineering programs, laboratories, classrooms, offices for faculty and staff. The estimated project budget is \$1,963,643.41. Funds are available from S.B. 2957, Laws of 2012 (\$1,963,643.41).
6. **JSU** - Approved the initiation of a project, Development of a New Facilities Master Plan, and the appointment of Dale Partners Architects, P.A., as design professional. The project will include Dale Partners Architects, PA's Consulting Team preparing a new facilities master plan for the university's primary campus and three satellite campuses (Mississippi e-Center @ Jackson State University, The College of Public Service at the Jackson Medical Mall, College of Lifelong Learning - Jackson State University @ Thrash Universities Center). JSU's current Facilities Master Plan is approaching 20 years old. The project will be focused on the deliberate development of a consensus on key planning ideas based upon university leadership, programmatic needs, student and faculty input as well as community input. Funds are available from Education and General (\$458,800).
7. **MSU** - Approved the request to increase the project budget for **GS 113-134, Wise Center Classroom Addition**, from \$1,900,000 to \$3,775,077.33 for an increase of \$1,875,077.33. The Board also approved the request to add funding sources for the budget increase. This is the first budget escalation request for this project by the university. The project was initiated November 17, 2011 by the Board. The escalation in the budget is required based on the design professional's latest design development estimate of costs. The current budget was strictly an estimate of the project costs and has since been updated to reflect the most accurate market costs. The addition will consist of one large classroom (approximately 120 seats) and one smaller classroom. The addition will also include restrooms and mechanical areas to support these classrooms. Funds are available from SB 3100, Laws of 2011 (\$1,800,000); HB 1701, Laws of 2010 (\$1,200,000); MSU Self-Generated tuition funds (\$200,000); and HB 1722, Laws of 2009 (\$575,077.33).
8. **ASU** - Approved the request to delete from inventory and demolish the campus Dry Cleaners. The building is an old and deteriorated building that the university has no use for in the future. The university is also no longer providing dry cleaning services. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
9. **ASU** - Approved the added provisions to a natural gas contract with Claiborne Natural Gas Company (CNG) to supply and transport natural gas to the Lorman campus. At its October 2012 meeting, the Board of Trustees, pending approval of the Mississippi Public Service Commission (MPSC), unanimously approved ASU entering into a contract with CNG to supply and transport natural gas to the Lorman campus. The contract was submitted to MPSC for review. MPSC approved the agreement, subject to two provisions being placed into the contract. They are: (1) A

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provision should be added to renegotiate the transportation rate to be applied after the initial six year term (a rate that should be less than the contract's current rate); and (2) A provision should be added to secure ASU's future use of the new facilities (metering station and trans- Mississippi River pipeline) through options to renew for additional six terms. The proposed MPSC language has been inserted into the CNG contract in Sections V and X. The agreement which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

10. **USM** - Approved the request to sell approximately 1.03 acres of property to the Catholic Diocese of Biloxi, Mississippi, on behalf of the adjacent land owner, St. Thomas Catholic Church for \$31,400 with a closing date no later than March 1, 2013. The land is being sold because it is of very little use to the university due to the separation of the property from the main campus by a drainage ditch. The Mississippi Legislature authorized the sale of the property during the 2012 session. H.B. 866 Laws of 2012 authorizes the Department of Finance and Administration on behalf of the Board and the university to sell the property. The university received two independent property appraisals as required by Board Policy §905(A), Real Estate Management. The average of the two appraisals was \$31,400 which is the actual sale price of the property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. The Attorney General's Office has reviewed and approved this item.
11. **USM** - Approved the request to delete from inventory and demolish a residential property, Eagles Nest Apartments and Laundry, and Georgetown Apartments. Property A: Building 872 is located at 3601 Azalea Drive, Hattiesburg, Mississippi. This house is a 1,700 square foot wood structure and has been vacant for 9 months. The house was constructed in the 1960's and previously the house was managed as a rental home for the university by a local realtor. Demolition will allow the university to use the property for future expansion. Property B: Buildings 868 and 869 known as Eagles Nest Apartments and its associated laundry is located at 211 North 35th Avenue, Hattiesburg, Mississippi. These apartments consist of 12,000 square feet and were constructed in the late 1960's. The apartments have been vacant for over a year. They are dilapidated and have been vandalized to the point that the university had to put a chain link fence up to prevent more vandalism and liability risks. Demolition will allow the university to use the available space as a gravel parking lot. Property C: Buildings 821, 822, 823, and 824 known as Georgetown Apartments are located at 111 North 34th Avenue, Hattiesburg, Mississippi. These apartments were constructed in the late 1960's and are denoted by the letters A, B, C, and D. The complex consists of a brick two-story structure, housing 24 two-bedroom apartments within the four buildings. The apartment complex has been vacant for more than a year. It is in poor condition and the university plans to demolish the complex to provide additional parking and future space for campus expansion. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.
12. **USM** - Approved the request to delete the Observatory, and Tower Modules "C" and "D" from the inventory and demolish them. Property A: Building 203 known as the Observatory which is located across from the old Van Hook Golf Course at 200 Golf Course Road, Hattiesburg, Mississippi. The Observatory, constructed in 1970, has been obsolete and abandoned for many years. All of the astronomy equipment has been removed from the tower. While the Observatory is surrounded by a chain link fence, its location and distance from the campus allows for it to be an easy target for vandals. On many occasions the fence has been cut along with the lock to the Observatory resulting in vandalism and increased risk to the university. Property B: Buildings 128 and 129 known as Tower Modules "C" and "D" which are located at 2709 West 4th Street, Hattiesburg, Mississippi.

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These buildings are situated behind Hillcrest Residence Hall and next to the water tower on the USM campus. These buildings are metal fabricated structures and are currently being used as storage buildings. The Tower Modules are in poor condition and will be moved to provide additional parking and space for future expansion. The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

LEGAL

13. **USM** - Pending approval by the Attorney General, the Board approved the request to enter into a new contract with Armstrong Law, LLC as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The terms of this contractual agreement will be for one year, for a maximum amount payable of \$10,000 during the contract term. The proposed fees are: Attorney's Fees (Labor certification)* \$2,250; Attorney's Fees (remainder of permanent residency processing) \$2,250; Filing Fees (Form I-140 Petition for Alien Worker)** \$580.00; Premium Processing Fee (optional; Expedites USCIS's processing of Form I-140 to 15 calendar days from date of filing)** \$1,225; Filing Fees (Form I-485 Application to Adjust Status)** \$1,070; and all additional work, including but not limited to assistance in placement of required recruitment and related ad costs, if requested, and appeals of any immigration petition or application filed \$225 per hour. **NOTE: Does not include costs of recruitment; those costs will vary depending upon the recruitment sources utilized by employer. **NOTE: Filing fees are those currently in effect and are subject to change by US Citizenship and Immigration Services.*
14. **USM** - Pending approval by the Attorney General, the Board approved the request to enter into a new contract with Ware/Gasparian, Attorneys at Law, as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The terms of this contractual agreement will be for one year, for a maximum amount payable of \$20,000 during the contract term. The proposed fees are indicated as follows. Nonimmigrant Petitions and Processes: H-1B petition \$1500; H-1B extension or amendment petitions \$1000; TN petition or border/consulate processing \$1500; TN extension petitions \$1000; E-3 petition or consular processing \$1500; E-3 extension petition \$1000; O-1 petition \$4000; and O-1 extension or amendment petition \$1500. Change of status or extension of status for dependents (I-539) no additional charge; J-1 waiver (IGA or hardship) \$6,000 and J-1 waiver (Conrad) \$6,000. Permanent Residence Process with Labor Certification: Faculty: \$2000 "Special Handling" labor certification (must be paid by University*); \$2500.00 if position must be re-advertised; \$1000 Additional fee if audited; \$2500 Immigrant petition; \$1500 Adjustment of status and related applications (I-765, I-131, etc.) by employee; and \$750 Adjustment of status and related applications each spouse or child. **U.S. Dept. of Labor requires employers to pay all costs*

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*associated with labor certification, including legal fees and advertising costs; employees may pay other fees. Permanent Residence Process with Labor Certification: Non-Faculty: \$3000 Labor certification (must be paid by University); \$1500 Additional fee if audited; \$2500 Additional fee if subject to supervised recruitment; \$2500 Immigrant petition; \$1500 Adjustment of status and related applications (I-765, I-131, etc.) by employee; and \$750 Adjustment of status and related applications each spouse or child. *U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees. Permanent Residence Process: Outstanding Professors and Researchers: \$7000 Immigrant petition; and \$1500 Adjustment of status and related applications by employee; and \$750 Adjustment of status and related applications each spouse or child. *Since labor certification is not required, employees may pay all fees.* Permanent Residence Process: National Interest Waiver: \$7000 Immigrant petition; \$1500 Adjustment of status and related applications by employee; and \$750 Adjustment of status and related applications each spouse or child. *Since labor certification is not required, employees may pay all fees. Employee's legal fees in all cases may be paid in monthly installments, to be arranged with attorney.**

15. PERSONNEL REPORT

CHANGE OF STATUS

Jackson State University

- Maria Harvey, *from* Associate Dean, Honors College; salary \$86,731 per annum, pro rata; E&G Funds; *to* Professor Spanish, Department of English and Foreign Languages, College of Liberal Arts; salary of \$65,000 per annum, pro rata; E&G Funds; effective January 1, 2013
- James Maddirala, *from* Associate Provost, Division of Academic Affairs Office of the Provost; salary \$120,572 per annum, pro rata; E&G Funds; *to* Associate Professor of Education; salary of \$75,000 per annum, pro rata; E&G funds; effective January 1, 2013

Mississippi Valley State University

Vincent Venturini, *from* Chair, Department of Social Work; salary of \$77,205 per annum, pro rata; E&G Funds; *to* Interim Associate Provost for Academic Affairs; salary \$100,000 per annum, pro rata; E&G funds, effective February 1, 2013

University of Southern Mississippi

- Carole Kiehl; *from* Dean, University Libraries; salary of \$153,300 per annum, pro rata; E&G Funds; *to* Special Assistant to the Provost for Analysis and Planning; no change in salary; effective January 8, 2013
- Melanie J. Norton; *from* Director and Associate Professor, School of Library and Information Science; salary of \$84,814 per annum, pro rata; E&G Funds; *to* Interim Dean/University Librarian, University Libraries and Associate Professor, School of Library and Information Science; salary of \$124,814 per annum, pro rata; effective January 7, 2013

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SABBATICALS

University of Mississippi

*(All on nine-month contract except where denoted * for twelve-month contract)*

- Aileen Ajootian, Chair of Classics and Professor of Classics and Art, *from* salary of \$80,375 per annum, pro rata; E&G Funds; *to* salary of \$40,187 for sabbatical period; E&G Funds; effective August 22, 2013 to May 10, 2014, professional development
- Ahmed Hajmohammad-Kha Al-Ostaz, Professor of Civil Engineering, *from* salary of \$99,323 per annum, pro rata; E&G Funds; *to* salary of \$49,661 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- *Bonnie A. Avery, Associate Professor of Pharmaceutics and Research Associate Professor in the Research Institute of Pharmaceutical Sciences, *from* salary of \$102,488 per annum, pro rata; E&G Funds; *to* salary of \$38,433 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- Gerard Buskes, Professor of Mathematics, salary of \$101,250 per annum, pro rata; E&G Funds; *to* salary of \$50,625 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development
- Yixin Chen, Associate Professor of Chemical Engineering, *from* salary of \$96,280 per annum, pro rata; E&G Funds; *to* salary of \$48,140 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- *Robert J. Doerksen, Associate Professor of Medicinal Chemistry and Research Associate Professor in the Research Institute of Pharmaceutical Sciences, *from* salary of \$98,654 per annum, pro rata; E&G Funds; *to* salary of \$36,995 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development
- Mark K. Dolan, Associate Professor of Journalism and New Media, *from* salary of \$68,963 per annum, pro rata; E&G Funds; *to* salary of \$34,481 for sabbatical period; effective August 22, 2013 to December 31, 2013; professional development
- Nancy McKenzie Dupont, Associate Professor of Journalism, *from* salary of \$66,801 per annum, pro rata; E&G Funds; *to* salary of \$33,400 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development
- Charles Eagles, William F. Winter Professor of History, *from* salary of \$118,142 per annum, pro rata; E&G Funds; *to* salary of \$59,071 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development
- *Charles R. Gates, Chair and Professor of Music, *from* salary of \$121,288 per annum, pro rata; E&G Funds; *to* salary of \$45,483 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- John R. Gutierrez, Croft Professor of Spanish, *from* salary of \$97,453 per annum, pro rata; E&G Funds; *to* salary of \$48,726 per annum, pro rata for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013, professional development
- Mary E. Hayes, Associate Professor of English, *from* salary of \$60,953 per annum, pro rata; E&G Funds; *to* salary of \$30,476 for sabbatical period; effective August 22, 2013 to December 31, 2013, professional development
- Jason Dale Hoeksema, Assistant Professor of Biology, *from* salary of \$61,921 per annum, pro rata; E&G Funds; *to* salary of \$30,960 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development (*contingent upon approval of tenure and promotion*)

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- Joshua H. Howard, Croft Associate Professor of History, *from* salary of \$72,457 per annum, pro rata; E&G Funds; *to* salary of \$36,228 for sabbatical period; E&G Funds; effective August 22, 2013 to May 10, 2014; professional development
- Kirk Anthony Johnson, Associate Professor of African-American Studies and Sociology and Anthropology, *from* salary of \$67,516 per annum, pro rata; E&G Funds; *to* salary of \$33,758 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014, professional development
- *Christopher R. McCurdy, Associate Professor of Medicinal Chemistry and Pharmacology, Research Associate Professor in the Research Institute of Pharmaceutical Sciences and Co-Director of the Cobre Core-NPN/Administrative Core, *from* salary of \$112,780 per annum, pro rata; E&G Funds; *to* salary of \$42,292 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- Kathryn B. McKee, McMullen Associate Professor of Southern Studies and Associate Professor of English, *from* salary of \$66,151 per annum, pro rata; E&G Funds; *to* salary of \$33,075 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- Christopher Louis Mullen, Associate Professor of Civil Engineering, *from* salary of \$93,381 per annum, pro rata; E&G Funds; *to* salary of \$46,690 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development
- *Daniel Edmund O'Sullivan, Associate Professor of Modern Languages and Senior Fellow of Residential College, *from* salary of \$89,598 per annum, pro rata; E&G Funds; *to* salary of \$33,599 for sabbatical period; E&G Funds; effective August 22, 2013 to May 10, 2014, professional development
- Elizabeth A. Payne, Professor of History, *from* salary of \$86,780 per annum, pro rata; E&G Funds; *to* salary of \$43,390 for sabbatical period; E&G Funds; effective August 22, 2013 to May 10, 2014; professional development
- Rene E. Pulliam, Associate Professor of Theatre Arts, *from* salary of \$64,829 per annum, pro rata; E&G Funds; *to* salary of \$32,414 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development
- Gene Breese Quinn, Associate Professor of Physics, *from* salary of \$73,852 per annum, pro rata; E&G Funds; *to* salary of \$36,926 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- Robert D. Riggs, Professor of Music, *from* salary of \$74,148 per annum, pro rata; E&G Funds; *to* salary of \$37,074 per annum, pro rata for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- *Marc Slattery, Professor of Pharmacognosy, Research Professor in the Research Institute of Pharmaceutical Sciences and Director of Ocean Biotechnology Center and Repository, *from* salary of \$128,350 per annum, pro rata; E&G Funds; *to* salary of \$48,131 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development
- Durant B. Thompson, Associate Professor of Art, *from* salary of \$60,275 per annum, pro rata; E&G Funds; *to* salary of \$30,137 for sabbatical period; effective August 22, 2013 to December 31, 2013; professional development
- Annette Trefzer, Associate Professor of English, *from* salary of \$67,258 per annum, pro rata; E&G Funds; *to* salary of \$33,629 for sabbatical period; E&G Funds; effective January 22, 2014 to May 10, 2014; professional development

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- Eric T. Weber, Assistant Professor of Public Policy Leadership, *from* salary of \$56,615 per annum, pro rata; E&G Funds; *to* salary of \$28,307 for sabbatical period; E&G Funds; effective January 22, 2014 to December 31, 2014; professional development (*contingent upon approval of tenure and promotion*)
- Jonathan Cole Winburn, Assistant Professor of Political Science and Director of Social Science Research Laboratory, *from* salary of \$61,337 per annum, pro rata; E&G Funds; *to* salary of \$30,668 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development (*contingent upon approval of tenure and promotion*)
- Haidong Wu, Professor of Mathematics, from salary of \$84,250 per annum, pro rata; E&G Funds; *to* salary of \$42,125 for sabbatical period; E&G Funds; effective August 22, 2013 to December 31, 2013; professional development
- Ahmet Yukleyen, Croft Associate Professor of Anthropology, *from* salary of \$62,118 per annum, pro rata; E&G Funds; *to* salary of \$31,059 for sabbatical period; E&G Funds; effective August 22 2013 to May 10, 2014; professional development

University of Southern Mississippi

(All on nine-month contract)

- Cherylynn Becker, Associate Professor of Management; *from* salary of \$88,500 per annum; pro rata; E&G Funds; *to* salary of \$39,333 for sabbatical period; E&G Funds; effective August 19, 2013 to December 31, 2013; professional development
- Sean Boyd, Associate Professor of Theatre; *from* salary of \$50,000 per annum; pro rata; E&G Funds; *to* salary of \$25,000 for sabbatical period; E&G Funds; effective August 19, 2013 to May 20, 2014; professional development
- Dana Fennell, Associate Professor of Anthropology and Sociology; *from* salary of \$55,050 per annum; pro rata; E&G Funds; *to* salary of \$24,467 for sabbatical period; E&G Funds; effective August 19, 2013 to December 31, 2013; professional development
- Hollie Filce, Associate Professor of Curriculum, Instruction and Special Education; *from* salary of \$69,528 per annum; pro rata; E&G Funds; *to* salary of \$30,901 for sabbatical period; E&G Funds; effective August 19, 2013 to December 31, 2013; professional development
- Bradley Green, Associate Professor of Psychology; *from* salary of \$67,000 per annum; pro rata; E&G Funds; *to* salary of \$29,778 for sabbatical period; E&G Funds; effective August 19, 2013 to December 31, 2013; professional development
- Janet Gorzegno, Professor of Art and Design; *from* salary of \$62,000 per annum; pro rata; E&G Funds; *to* salary of \$31,000 for sabbatical period; E&G Funds; effective August 19, 2013 to May 20, 2014; professional development
- Nicolle Jordan, Associate Professor of English; *from* salary of \$54,435 per annum; pro rata; E&G Funds; *to* salary \$27,217 for sabbatical period; E&G Funds; effective August 19, 2013 to May 20, 2014; professional development
- Eura Jung, Associate Professor of Communication Studies; *from* salary of \$58,992 per annum; pro rata; E&G Funds; *to* salary of \$32,773 for sabbatical period; E&G Funds; effective January 1, 2014 to May 20, 2014; professional development
- Chris Meyers, Associate Professor of Philosophy and Religion; *from* salary of \$50,451 per annum; pro rata; E&G Funds; *to* salary of \$22,423 for sabbatical period; E&G Funds; effective August 19, 2013 to December 31, 2013; professional development

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- Danilo Mezzadri, Associate Professor of Music; *from* salary of \$55,386 per annum; pro rata; E&G Funds; *to* salary of \$24,616 for sabbatical period; E&G Funds; effective August 19, 2013 to December 31, 2013; professional development
- John Perry, Associate Professor of Mathematics; *from* salary of \$53,236 per annum; pro rata; E&G Funds; *to* salary of \$29,576 for sabbatical period; E&G Funds; effective January 1, 2014 to May 20, 2014; professional development
- Haiyan Tian, Associate Professor of Mathematics; *from* salary of \$63,338 per annum, pro rata; E&G Funds; *to* salary of \$28,150 for sabbatical period; E&G Funds; effective August 19, 2013 to December 31, 2013; professional development
- Shuyan Wang, Associate Professor of Curriculum, Instruction and Special Education; *from* salary of \$59,832 per annum; pro rata; E&G Funds; *to* salary of \$33,240 for sabbatical period; E&G Funds; effective January 1, 2014 to May 20, 2014; professional development
- Fei Xue, Associate Professor of Mass Communication and Journalism; *from* salary of \$59,202 per annum; pro rata; E&G Funds; *to* salary of \$32,890 for sabbatical period; E&G Funds; effective January 1, 2014 to May 20, 2014; professional development

ADMINISTRATION/POLICY

15. **ASU** - Approved the request to bestow two honorary degrees at its May 2013 Commencement. Supporting documentation is on file at the Board Office.
16. **MUW** - Approved the request to bestow a second honorary degree at its may 2013 commencement ceremony. At the January 2013 meeting, the Board approved the university's request to bestow an honorary degree. The agenda item should have reflected the request to bestow two honorary degrees. Supporting documentation is on file at the Board Office.

ACADEMIC AFFAIRS

Presented by Trustee Doug Rouse, Chair

On motion by Trustee Rouse, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the Academic Affairs Agenda. On motion by Trustee Rouse, seconded by Trustee Robinson, all Trustees legally present and participating voted unanimously to approve agenda item #2.

1. **JSU** - The Board considered all of the information presented in the JSU agenda item requesting approval of course offerings for the Madison location at 382 Galleria Parkway, including the issue of possible duplication of course offerings, the listing of fully accredited courses JSU intends to offer at its Madison location, the listing of programs offered at Tulane's School of Continuing Studies, and a "Crosswalk of Program Offerings for Tulane University and Tougaloo College with Proposed Course Offerings for JSU-Madison Campus" prepared by the IHL Office of Academic and Student Affairs, all attached hereto as **Exhibits A & B** to these minutes of the Board of Trustees. Following consideration of these matters, the Board approved the courses to offer at the Madison location at 382 Galleria Parkway. JSU may need to adjust course offerings based on student demand from time to time. Therefore, the Board also delegated to the Commissioner the authority to approve future off-campus course offerings at this location on the Board's behalf. At this time the Madison area currently has no local site offering the opportunity to pursue a four-year degree from a public institution of higher education in the State of Mississippi. According to the Mississippi Commission

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on College Accreditation (MCCA), the only accredited college or university now in the City of Madison is Tulane's School of Continuing Studies (TSCS), which is a private university offering limited courses or programs. Some but not all of the TSCS designated areas of study offer credentials beyond a certificate or associate's degree. The offering of the proposed JSU courses in the Madison area, which includes Madison County, as well as surrounding areas in other nearby counties, is in the best interest of affording quality educational opportunities for the State of Mississippi and the university system. The JSU Madison location will make learning more accessible and affordable to more Mississippians and will not lead to unnecessary duplication of programs. A comparison of between offerings of TSCS, Tougaloo and JSU in Madison clearly show that JSU will make an additional choice available that will serve the interests of students and will not unduly, unnecessarily or inappropriately duplicate offerings in the Madison area and in the greater metropolitan Jackson area.

2. **System** - Approved the following new academic programs in accordance with Board Policy 501 Academic Programs and Units.
 - a. **ASU** to offer the Bachelor of Social Work degree (CIP 44.0701);
 - b. **ASU** to offer the Bachelor of Science in Sport Management degree (CIP 31.0504);
 - c. **DSU** to offer the Bachelor of Fine Arts in Digital Media Arts degree (CIP 50.0102);
 - d. **MSU - Meridian Division of Arts & Sciences** to offer the Bachelor of Applied Technology degree (CIP 51.0701);
 - e. **UM** to offer the Master of Laws degree (CIP 22.0101);
 - f. **USM** to offer the Master of Education in Higher Education with emphasis in Student Affairs Administration degree (CIP 130406); and
 - g. **USM** to offer the Master of Education in Dyslexia Therapy Education degree (CIP 13.1011).

FINANCE AGENDA

Presented by Trustee Aubrey Patterson, Chair

On motion by Trustee Patterson, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Finance Agenda. On motion by Trustee Patterson, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve agenda item #2.

1. **MUW** - Approved the request to into a professional services agreement with Barnes and Noble College Booksellers, LLC. for bookstore management services. In its selection of Barnes and Noble as the provider of this service, MUW will grant the right for the company to serve as the institution's exclusive buyer and seller of all required, recommended, or suggested course materials and supplies, including textbooks, course packs, computer software, textbook rentals, e-books, and other materials published or distributed electronically. This exclusive right includes, but is not limited to, supplying all educational supplies, notebooks, stationery, desk and room accessories, collegiate apparel, and the renovation of the bookstore facilities. The contract period is five years – March 11, 2013 through March 10, 2018. If determined to be mutually beneficial, MUW and Barnes and Noble may renew this contract for five additional one year periods upon Board approval. The total projected revenue over the five year contract is \$943,365 but could increase or decrease based on annual sales volume. The contract which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

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2. **UMMC** - Approved an addendum to an agreement with Morris and Dickson Corp., LLC and Novation Distribution for the provision of pharmaceutical wholesale distribution services whereby wholesale priced medications are supplied to UMMC's in-house pharmacies for dispensing throughout the institution. The services will be provided at UMMC's Jackson and Lexington, MS locations. The addendum allows UMMC to contract with one vendor for pharmaceutical supplies eliminating the need to deal with various drug manufacturers or maintain its own supply warehouse and distribution staff. The contract length is for twenty-six months – March 1, 2013 through April 30, 2015. The total estimated cost for the twenty-six month period is approximately \$3,949,475 per month for a total cost of \$102,686,350 over the contract period. Estimated costs are based on historical usage. The agreement is expressly conditioned upon UMMC maintaining a minimum *quarterly* aggregate net purchase volume of ten million dollars or a total of \$85 million for the contract period. Actual costs may vary depending upon several factors including but not limited to average monthly purchase volume, increases in drug costs, and prompt payment of purchases. The estimated contract cost is calculated based on the following factors: (1) the wholesale price for products minus an additional 4.35% discount incentive for making payments within a 45 day time period and maintaining the specified minimum net purchase volume, (2) an annual 1% increase for volume growth, and (3) an annual 5% increase for other factors which may include increased cost of medication, introduction of new drugs in the market, and possible emergency deliveries to UMMC. The agreement will be funded by patient revenues currently budgeted in UMMC's 2012-2013 Board approved operating budget. The contract which has been reviewed and approved by the Attorney General's Office is on file at the Board Office.

LEGAL AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to move agenda items #1 and #2 to the Executive Session Agenda.

1. **MVSU** - Settlement of IHL Self-Insured Workers' Compensation Claims Nos. 55-15741-1, 55-20797-1 and 55-34931-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**
2. **USM** - Settlement of IHL Self-Insured Workers' Compensation Claims Nos. 55-20823-1 and 55-26224-1. **(THIS ITEM WAS MOVED TO THE EXECUTIVE SESSION AGENDA.)**

ADMINISTRATION/POLICY AGENDA

Presented by Commissioner Hank M. Bounds

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

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1. **SYSTEM** - Approved the committee appointments made by President-Elect Bob Owens for the term March 2013 through January 2014 as follows.

Standing Committees

Academic Affairs

1. Robin Robinson, Chair
2. Ed Blakeslee
3. Ford Dye
4. Shane Hooper
5. C.D. Smith

Finance

1. Alan Perry, Chair
2. Karen Cummins
3. Aubrey Patterson
4. Christy Pickering
5. Robin Robinson
6. Doug Rouse

Legal

1. Doug Rouse, Chair
2. Ford Dye
3. Shane Hooper
4. Hal Parker
5. Aubrey Patterson
6. Alan Perry

Real Estate

1. Hal Parker, Chair
2. Ed Blakeslee
3. Karen Cummins
4. Christy Pickering
5. C.D. Smith

Ad Hoc Committees

2013 Ayers Endowment Management Committee

1. Shane Hooper, Chair
2. Ed Blakeslee
3. Robin Robinson
4. IEO- Christopher Brown II
5. IEO - Carolyn Meyers
6. President, Mississippi Valley State University
7. Commissioner Hank Bounds

Diversity

1. C.D. Smith, Chair
2. Karen Cummins
3. Shane Hooper
4. Alan Perry

The President is an Ex-Officio member of all committees.

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

FINANCE

1. **MUW** - On December 21, 2012 and January 4, 2013, Mississippi University for Women's (MUW) Executive Head, Dr. Jim Borsig, authorized emergency purchases for two five story residence halls (Frazier Hall and Jones Hall). MUW and Mississippi Math and Science School students are housed in these residence halls. The December 21, 2012 purchase was for repairs and replacement parts for the elevators in Frazier Hall and Jones Hall. The elevators' fire recall (firefighter emergency operations functionality) ceased operating. Total costs for this purchase was \$373,748. The January 4, 2013 purchase was for a boiler for Frazier Hall. The new boiler was needed to supply heat to the students' residence hall. Total costs for this purchase was \$59,115. This information is being

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provided to the Board of Trustees in accordance with Miss. Code Ann. § 31-7-13(j) – State Agency Emergency Procedure: In the event such executive head is responsible to an agency board, at the meeting next following the emergency purchase, documentation of the purchase, including a description of the commodity purchased, the purchase price thereof and the nature of the emergency shall be presented to the board and placed on the minutes of the board of such agency. Documentation to support the purchases is included in the bound February 21, 2013 Board Working File.

REAL ESTATE

2. **SYSTEM** - The Board received the Real Estate items that were approved by the Board staff subsequent to the January 17, 2013 Board meeting in accordance with Board Policy 904 Board Approval. (See Exhibit 1.)

LEGAL

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

ADMINISTRATION/POLICY

4. **SYSTEM** - The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.
 - a. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On January 31, 2013, the Commissioner approved the request for MSU on behalf of its Center for Safety and Health to enter into a new multi-year lease with Houndstooth Commercial Properties, LLC. This agreement is for the lease of approximately 2,400 square feet of space in Brandon, MS to be used as administrative and/or consultation work by designated Occupational and Safety and Health consultants. As background, MSU’s Center for Safety and Health is the U.S. Department of Labor, OSHA designated Consultation Program for Mississippi. The Center’s purpose is to provide assistance to the employers or managers of small and medium size high-hazard businesses in Mississippi by helping them become compliant with OSHA regulations. The lease term will run for a two-year period – February 1, 2013 through January 31, 2015. MSU will pay \$2,800 per month for the lease of the space. The total cost for the lease term is \$67,200. In addition to rent costs, MSU will be responsible for utilities, telephone, and internet services. This agreement is funded by the 21(d) On-Site OSHA Consultation Grant Program. The Executive Office legal staff have reviewed and approved the contract documents.
 - b. **USM** – In accordance with Board Policy 701.06 Budget Escalations and Revisions, all revisions to the annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board. On January 18, 2013, the Commissioner approved the budget revisions to the On Campus, Gulf Coast Campus, Gulf Coast Research Lab, and Auxiliary budgets for Fiscal Year 2013. The Executive Office financial staff have reviewed and approved these revisions.

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- c. **SYSTEM** –On January 31, 2013, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning July 1, 2012 and ending December 31, 2012. These reports are required by Board Policies 401.0102 Delegation of Authority and 801.09 Resignations.

ANNOUNCEMENTS

- President Ed Blakeslee invited the Institutional Executive Officers to speak about events occurring on each of their campuses.
- President Blakeslee thanked Dr. John Hilpert, President of Delta State University, for his long tenure, exceptional leadership and great relationship with the Board.
- At the end of the 2011 Board Retreat, several initiatives were assigned to the Trustees for further review and exploration.
 - Trustee Pickering was assigned the economic development initiative. She has been working with Mr. Paul Sumrall, Director of Business and University Relations. An update on economic development will be coming soon.
 - At several meetings the Board has discussed the initiative of improving the quality of K-12 teachers. Dr. Dan Jones, Chancellor of the University of Mississippi, reported that he and Dr. Mark Keenum, President of Mississippi State University, created a joint task force to look into a number of ideas including providing joint, state-wide programs. One of the programs explored was the Mississippi Excellence in Teaching Program, or MET, which will offer full scholarships for the top performing students who want to become teachers. MET will be funded by the Robert M. Hearin Support Foundation in Jackson.
 - The last initiative is the 50 mile rule. Dr. Al Rankins, Associate Commissioner of Academic and Student Affairs, noted that the 50 mile radius policy has been reviewed by the Chief Academic Officers. A revised policy will be brought to the Board at the appropriate time.
- President Blakeslee then passed the gavel to Vice President Bob Owens for his tenure as president beginning in March 1, 2013. Trustee Owens presented President Blakeslee with a plaque commemorating his service to the Board as its President.

FINANCE COMMITTEE REPORT

Wednesday, February 20, 2013

The Committee was brought to order at approximately 4:00 p.m. by Chairman Aubrey Patterson.

EXECUTIVE SESSION

On motion by Trustee Perry, with Trustees Hooper and Pickering absent and not voting, with Trustee Blakeslee participating as an Ex-Officio member, and with Trustees Parker and Rouse participating by phone, all Committee members legally present and participating voted unanimously to close the meeting to determine whether or not it should declare an Executive Session. On motion by Trustee Perry, seconded by Trustee Parker, with Trustees Hooper and Pickering absent and not voting, with Trustee Blakeslee participating as an Ex-Officio member, and with Trustees Parker and Rouse participating by phone, all Committee members legally present and participating voted unanimously **to go into Executive Session** for the reasons reported to the public and stated in these minutes, as follows:

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Discussion of the location, relocation and/or expansion of a business.

On motion by Trustee Pickering, seconded by Trustee Hooper, with Trustee Blakeslee participating as an Ex-Officio member and Trustees Parker and Rouse participating by phone, all Committee members legally present and participating voted unanimously to return to Open Session.

During Executive Session, the committee discussed the location, relocation and/or expansion of a business.

On motion by Trustee Perry, seconded by Trustee Hooper, with Trustee Blakeslee participating as an Ex-Officio member and Trustees Parker and Rouse participating by phone, all Committee members legally present and participating voted unanimously to adjourn the Finance Committee meeting.

Committee members attending the meeting were: Mr. Aubrey Patterson (Chair), Mr. Ed Blakeslee (Ex-Officio member), Mr. Shane Hooper, Mr. Hal Parker (by phone), Mr. Alan Perry, Ms. Christy Pickering, and Dr. Doug Rouse (by phone).

EXECUTIVE SESSION

Thursday, February 21, 2013

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

Discussion of two state university litigation matters and
Discussion of two state university personnel matters.

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

Following discussion and deliberation regarding Dr. Alvin Holder's request for a Board review of USM's decision to deny Dr. Holder tenure and promotion, on motion by Trustee Perry, seconded by Trustee Rouse, all Trustees legally present and participating voted unanimously deny the request for a Board review of University of Southern Mississippi's decision to deny tenure and promotion to Dr. Alvin Holder.

On motion by Trustee Hooper, seconded by Trustee Dye, all Trustees legally present and participating voted unanimously to approve the settlement of the Workers Compensation Claim Nos. 55-15741-1, 55-20797-1 and 55-34931-1 styled as *Sandifer vs. Mississippi Valley State University*, as recommended by counsel.

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On motion by Trustee Patterson, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to approve the settlement of the Workers Compensation Claim Nos. 55-20823-1 and 55-26224-1 styled as *Rodriguez vs. University of Southern Mississippi*, as recommended by counsel.

On motion by Trustee Cummins, seconded by Trustee Rouse, all Trustees legally present and participating voted unanimously to select Mr. William N. LaForge as the preferred candidate for the position of President of Delta State University. Mr. LaForge will participate in open interviews on the DSU campus with various university and community constituency groups.

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

ADJOURNMENT

There being no further business to come before the Board, on motion by Trustee Pickering, seconded by Trustee Hooper, all Trustees legally present and participating voted unanimously to adjourn the meeting.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

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EXHIBITS

- Exhibits A & B The listing of fully accredited courses Jackson State University intends to offer at its Madison location, the listing of programs offered at Tulane’s School of Continuing Studies, and a “Crosswalk of Program Offerings for Tulane University and Tougaloo College with Proposed Course Offerings for JSU-Madison Campus” prepared by the IHL Office of Academic and Student Affairs.
- Exhibit 1 Real Estate items that were approved by the IHL Board staff subsequent to the January 17, 2013 Board meeting.
- Exhibit 2 Report of the payment of legal fees to outside counsel.

EXHIBIT "A"
Jackson State University
Summer 2013 Proposed Course Offerings in Madison, Mississippi

2-11-13 (2)

College of Business					
Department	Course and Title	Semester Hours	UG or G	Time	Rationale
BBA Degree	MNGT 330 Management to Organizations	3	UG	6:00 p.m. 8:20 p.m. (MTWR)	COB business core course
BBA Degree	MNGT 350 Business Computer Applications	3	UG	6:00 p.m. 8:20 p.m. (MTWR)	COB business core course
BBA Degree	MKT 351 Marketing Management	3	UG	6:00 p.m. 8:20 p.m. (MTWR)	COB business core course
BBA Degree	MNGT 482 Business Ethics (Session II)	3	UG	6:00 p.m. 8:20 p.m. (MTWR)	COB business core course
BBA Degree	FIN 317 Principles of Insurance	3	UG	6:00 p.m. 8:20 p.m. (MTWR)	Elective
BBA Degree	GB 318 Principles of Real Estate (Session I)	3	UG (Summer Session I)	6:00 p.m. 8:20 p.m. (MTWR)	Elective
BBA Degree	GB 350 Real Estate Sales (Session II)	3	UG (Summer Session II)	6:00 p.m. 8:20 p.m. (MTWR)	Elective
BBA Degree	ENTR 580 Entrepreneurship (Hybrid)	3	G	6:00 p.m. 8:50 p.m. (TR)	Elective
BBA Degree	MNGT 350 Business Computer Applications	3	UG	6:00 p.m. 8:20 p.m. (MTWR)	COB business core course

EXHIBIT "A"
Jackson State University
Summer 2013 Proposed Course Offerings in Madison, Mississippi

College of Education and Human Development					
Department	Course and Title	Semester Hours	UG or G	Time	Rationale
Education Foundations & Leadership	EDFL-581-Principles of Measurement	3	G	6:00 p.m.	Alternate Route for License. An extremely popular course Pre-requisite for a 3-year license.
Educational Curriculum and Instruction	EDCI-556-Classroom Management and Discipline	3	G	6:00 p.m.	Alternate Route for License. An extremely popular course Pre-requisite for a 3-year license.
Special Education	SPED-311	3	UG	8:30 a.m. 1:00 p.m.	This course is required for all teacher education majors. It is designed to cultivate culturally relevant pedagogy and research-based inclusive practices which appeal to populations interested in professional development, personal growth, and public services (e.g., business owners, charitable/philanthropic organizations, and service related institutions).
Counseling	COUN 315	3	UG	9:00 a.m. 10:00 a.m. 3:00 p.m. 6:00 p.m.	This course is required for all teacher education majors. It is designed to cultivate culturally relevant pedagogy and research-based inclusive practices which appeal to populations interested in professional development, personal growth, and public services (e.g., business owners, charitable/philanthropic organizations, and service related institutions).

EXHIBIT "A"
Jackson State University
Summer 2013 Proposed Course Offerings in Madison, Mississippi

College of Liberal Arts					
Department	Course and Title	Semester Hours	UG or G	Time	Rationale
English	ENG-452 – Comparative Literature	3	UG	TBA	
Criminal Justice	CJ-483 – Special Topics	3	UG	TBA	
Psychology	PSY-418 – Seminar: Multicultural Issues	3	UG	TBA	
Philosophy	PHIL 301 – Introduction to Philosophy	3	UG	TBA	
Mass Communications	MC-527 – Politics and the Press	3	G	TBA	
School of Lifelong Learning					
Department	Course and Title	Semester Hours	UG or G	Time	Rationale
Professional Interdisciplinary Studies	CLHR 200 Foundations of Human Resource Development	3	UG	6:00 p.m. – 8:50 p.m. (MTWR)	
Professional Interdisciplinary Studies	CLHR 215 Design, Delivery, and Facilitation of Training	3	UG	6:00 p.m. – 8:50 p.m. (MTWR)	
Professional Interdisciplinary Studies	CLHR 310 Management and Administration of the Training	3	UG	6:00 p.m. – 8:50 p.m. (MTWR)	

EXHIBIT "A"
Jackson State University
Summer 2013 Proposed Course Offerings in Madison, Mississippi

Professional Interdisciplinary Studies	CLHR 320 Conflict Resolution and Negotiation	3	UG	6:00 p.m. – 8:50 p.m.	
Professional Interdisciplinary Studies	CLL 301 Principle-Centered Leadership	3	UG	6:00 p.m. – 8:50 p.m. (MTWR)	
Professional Interdisciplinary Studies	CLL 383 Research Tools and Fundamentals	3	UG	6:00 p.m. – 8:50 p.m. (MTWR)	
College of Public Service					
Department	Course and Title	Semester Hours	UG or G	Time	Rationale
Public Policy & Administration	PPAD-507 – Management of Information Systems	3	G	TBA	
Urban & Regional Planning	URP-542-Infrastructure and Community Facilities	3	G	TBA	
Urban Affairs	UA-200	3	UG	TBA	
Healthcare Administration	HCA 301 - Introduction to Health Care Organizations	3	UG	TBA	This course provides students with an overview of the history and development of the overall health care delivery system in the United States. It can serve as the foundation for potential non-traditional HCA students, as well as provide solid evidence-based information for students who may have questions regarding various components of the health care delivery system.
Healthcare Administration	HCA 384 - Health Policy and Management	3	UG	TBA	This course is designed to trace the history and development of general health policy, to include the process of policy formulation, policy modification, and policy implementation, it can also become a

EXHIBIT "A"
Jackson State University
Summer 2013 Proposed Course Offerings in Madison, Mississippi

					forum for students who may have a particular interest in exploring issues associated with the Affordable Care Act (e.g., insurance exchanges, Medicaid expansion, etc.).
Healthcare Administration	HCA 498 - Contemporary Issues in Health Care	3	UG	TBA	This is an elective course that is designed to explore current health-related topics. It can be customized to meet the needs of a student population that is well-informed, but may have frustrations relative to the complexity and expense of our health care system.
Gerontology	445 Introduction to Gerontology	3	UG	6:00 p.m. – 8:50 p.m.	Required for Certificate
Gerontology	545 Introduction to Gerontology	3	G	6:00 p.m. – 8:50 p.m.	Required for Certificate
Gerontology	446 - Adulthood Development: Middle Age and Old Age	3	UG	6:00 p.m. – 8:50 p.m.	Required for Certificate
Gerontology	556 Adulthood Development: Middle Age and Old Age	3	G	6:00 p.m. – 8:50 p.m.	Required for Certificate
Gerontology	447- Clinical Intervention with the Elderly	3	UG	6:00 p.m. – 8:50 p.m.	Required for Certificate
Gerontology	547 -Clinical Intervention with the Elderly	3	G	6:00 p.m. – 8:50 p.m.	Required for Certificate

EXHIBIT "A"
Jackson State University
Summer 2013 Proposed Course Offerings in Madison, Mississippi

School of Science Engineering and Technology					
Department	Course and Title	Semester Hours	UG or G	Time	Rationale
Computer Science	CSC 512 Computer Architecture		G	TBA	Looking to create a Master 's in CSC in Madison
Technology Education	TE 500: Seminar Workshop with Technology		Graduate	Evening 6:00 p.m. to 8:50 p.m. (Monday and Wednesday)	This is an elective in which graduate students need 12 hours of Technology Education Electives to complete program. Location may be closer to students work and may also attract more and diverse students.
Technology Education	TE 515: Career Education		Graduate	Evening 6:00 p.m. to 8:50 p.m. (Tuesday and Thursday)	This is an elective in which graduate students need 12 hours of Technology Education Electives to complete program. Location may be closer to students work and may also attract more and diverse students.
Web Design	None		UG	6-8 p.m.	Excellent course with high Potential for employment
Earth Systems Science	SCI 205 Earth and Space Science		UG	6:00 8:50	This course serves as a core science option for various colleges at the university
Civil Engineering	EN 222 Engineering Mechanics I		UG	T&R 5:00 to 8:00	This course is required by all engineering students.

Exhibit "B"

Programs Offered at the Tulane University School of Continuing Studies – Madison

Program	CIP Code
Certificate in Accounting	52.0301
Minor in Accounting	52.0301
Certificate in Finance	52.0801
Minor in Accounting and Finance	52.0304
Associate of Applied Business	52.0201
Minor in Applied Business	52.0201
Post Baccalaureate Certificate in Applied Business	52.0201
Associate of Applied Computing Systems & Technology	11.0101
Minor in Applied Computing Systems & Technology	11.0101
BS in Applied Computing Systems & Technology	11.0101
Certificate in Human Resource Development	52.1001
Associate in Human Resource Development	52.1001
Minor in Human Resource Development	52.1001
Post Baccalaureate Certificate in Human Resource Development	52.1001
Certificate in Management	52.1301
Certificate in Marketing	52.1401
Associate in Marketing	52.1401
Minor in Marketing	52.1401
Post Baccalaureate Certificate in Marketing	52.1401
Certificate in New Ventures	52.0701
Associate in Digital Design	09.0702
Minor in Digital Design	09.0702
BA in Digital Design	09.0702
Post Baccalaureate Certificate in Digital Design	09.0702
Associate in Journalism	09.0401
BA in Journalism	09.0401
Minor in Journalism	09.0401
Post Baccalaureate Certificate in Journalism	09.0401

Exhibit "B"

Program	CIP Code
Associate in Media Arts	09.0102
BA in Media Arts	09.0102
Minor in Media Arts	09.0102
Post Baccalaureate Certificate in Media Arts	09.0102
Associate in Public Relations	09.0900
BA in Public Relations	09.0900
Minor in Public Relations	09.0900
Post Baccalaureate Certificate in Public Relations	09.0900
Associate in Small Business Development	52.0703
Minor in Small Business Development	52.0703
Post Baccalaureate Certificate in Small Business Development	52.0703
Associate in Website Development	11.0801
BA in Website Development	11.0801
Minor in Website Development	11.0801
Post Baccalaureate Certificate in Website Development	11.0801
BA in Homeland Security Studies	43.0302
Minor in Homeland Security Studies	43.0302
Post Baccalaureate Certificate in Homeland Security Studies	43.0302
BA in Social Sciences	45.0101
Minor in Advertising	09.0903
Minor in Graphic Design	10.0301
Post Baccalaureate Certificate in Application Development	11.0202
Post Baccalaureate Certificate in Database Systems	11.0802
Post Baccalaureate Certificate in Information Technology	11.1005
Post Baccalaureate Certificate in Internet Application Development	11.1004

EXHIBIT 1

February 21, 2013

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE JANUARY 17, 2013 BOARD MEETING SUBMISSION DEADLINE

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

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

1. MSU – GS 105-345 – Classroom Building with Parking (Mechanical)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved a **waiver of Design Development Documents**. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 10, 2013

Project Initiation Date: August 19, 2010

Design Professional: Belinda Stewart Architects, P.S.

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$37,509,471.00

Funding Source(s): SB 3100, L'11 (\$9,712,400.00); HB 246, L'07 (\$2,300,000.00); EBC Bonds and University Funds (\$25,497,071.00)

2. MSU– GS 113-130 – Necropsy Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$5,755.59 and zero (0) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 17, 2012

Change Order Justification: **Change Order #6** is necessary to demolish existing manhole and sewer lines and repair sanitary sewer lines that are backing up into the building.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$564,563.32

Project Initiation Date: October 21, 2010

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

General Contractor: T. L. Wallace Construction, Inc.

Contract Award Date: December 2, 2011

Project Budget: \$12,697,791.22

Funding Source(s): HB 1701, L'10 (\$12,697,791.22)

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February 21, 2013

3. **MSU – IHL 205-267 – Sawyer Tennis courts (Fresh Food Company Dining Facility)**

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

Staff Approval Date: December 20, 2012

Project Initiation Date: September 11, 2012

Design Professional: JH&H Architects

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$10,000,000.00

Funding Source(s): EBC Bonds (\$10,000,000.00)

4. **MUW– GS 104-178 – Fant Library Renovation Phase One**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$31,904.82 and five (5) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 4, 2013

Change Order Justification: **Change Order #2** is necessary to provide all material, labor, supervision, general conditions, overhead, and profit to remove two deteriorated column piers at the north infill and replace them with reinforced piers, to install Quazite communications pull box, stub up conduit to the box and splice new fiber optics runs serving the buildings west of the library and to replace and splice fiber optics runs that were too short to connect at the math & science school.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$ 31,904.82

Project Initiation Date: October 20, 2011

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

General Contractor: West Brothers Construction

Contract Award Date: July 13, 2012

Project Budget: \$6,800,000.00

Funding Source(s): SB 3100, L'11 (\$5,952,000 BOB IHL Discretionary Funds); HB 1701, L'10 (\$848,000)

5. **MVSU– GS 106-218 – New president's Home**

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

Staff Approval Date: January 29, 2013

Project Initiation Date: March 20, 2009

Design Professional: Shafer & Associates Architects

General Contractor: TBA

Contract Award Date: TBD

Project Budget: \$993,696.00

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Funding Source(s): SB 2010, L'04/HB 1722 (\$900,000.00); Bureau Discretionary Funds (\$93,696.00)

6. UM– GS 107-302 – Lamar Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$19,895.21 and ten (10) additional days to the contract of Evan Johnson & Sons Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 15, 2013

Change Order Justification: **Change Order #4** is necessary to replace the standard gypsum board used at the exterior walls with moisture resistant gypsum board, for foundation drainage at the southwest corner of the building and to replace an existing electrical panel planned to be reused.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$397,049.72

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: Evan Johnson & Sons Construction, Inc.

Contract Award Date: December 16, 2011

Project Budget: \$7,300,000.00

Funding Source(s): HB 1722, L'09 (\$3,000,000); HB 1701, L'10 (\$2,000,000); Internal R&R (\$2,300,000)

7. UM– IHL 207-341 – Thad Cochran Natural Product Center Phase II

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$22,096.00 and zero (0) additional days to the contract of Carothers Construction, Inc.

Staff Approval Date: January 25, 2013

Change Order Justification: **Change Order #3** is necessary to deduct for deletion of galvanizing the interior stair #1 & #2, to add additional conduits & concrete to the existing duct bank, additional work due to unforeseen site conditions, modifications were made to the electrical site work in order to provide a temporary connection of the electrical heating elements for the north & south basements.

Total Project Change Orders and Amount: Three (3) change orders for a total **credit amount** of \$436,066.00.

Project Initiation Date: May 20, 2010

Design Professional: Cooke Douglass Farr Lemons Architects

General Contractor: Carothers Construction, Inc.

Contract Award Date: August 22, 2012

Project Budget: \$40,000,000.00

Funding Source(s): Self-Generated Funds (\$7,198,380.00); C76HF10917 (\$17,886,175); NIH/NCR (ARRA) (\$13,915,445); USDA (\$1,000,000)

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8. UM– IHL 207-345 – University Housing – Package D

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #10** in the amount of \$3,138.83 and zero (0) additional days to the contract of Drywall Systems Plus, Inc.

Staff Approval Date: January 25, 2013

Change Order Justification: **Change Order #10** is necessary to install clip supports to the top of the exterior cmu walls at the top of the attic walls for roof truss supports to anchor to.

Total Project Change Orders and Amount: Ten (10) change orders for a total **credit amount** of \$8,854.51.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: Drywall Systems Plus, Inc.

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

9. UM – IHL 207-345 – University Housing – Package F

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #13** in the **credit amount** of \$1,344.00 and zero (0) additional days to the contract of EMJ Corporation.

Staff Approval Date: January 15, 2013

Change Order Justification: **Change Order #13** is necessary to deduct for re-cleaning of the suite rooms in the north and south buildings due to closet shelving and millwork installation issues.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total amount of \$91,381.38.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: EMJ Corporation

Contract Award Date: June 22, 2011

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

10. UM – IHL 207-348 – Johnson Commons West Renovation

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$36,571.21 and zero (0) additional days to the contract of Zellner Construction.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$49,073.51 and zero (0) additional days to the contract of Zellner Construction.

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Staff Approval Date: January 15, 2013

Change Order Justification: **Change Order #1** is necessary to furnish & install new mezzanine floor, relocate existing double entry gates and extend construction fence to encompass the entire project site as required, removal of upper floor mortar bed and curb and removal of lower floor cooler slab and bakery mortar bed. **Change Order #2** is necessary for additional demolition & repair items uncovered during construction as well as additional concrete for cooler slabs as requested by owner, demolition of an existing cmu wall located on the lower floor along column line C2 between columns 1 and 1C and removal of two columns that are not referenced in drawings currently residing in the existing “main entrance” as requested by owner.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$85,644.72.

Project Initiation Date: May 19, 2011

Design Professional: Tipton Associates, A Professional Architectural Corporation

General Contractor: Zellner Construction

Contract Award Date: December 5, 2012

Project Budget: \$14,500,000.00

Funding Source(s): Auxiliary R&R (\$14,500,000.00)

11. UM– IHL 207-357 – Interior Heating Modifications – Natural Products Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to South Central Heating & Plumbing, LLC, the lower of seven (7) bidders, for a total contract amount of \$1,440,000.00.

Staff Approval Date: January 4, 2013

Project Initiation Date: March 15, 2012

Design Professional: Cooke Douglass Farr Lemons Architects & Engineers, P.A.

General Contractor: South Central Heating & Plumbing, LLC

Contract Award Date: January 4, 2013

Project Budget: \$2,500,000.00

Funding Source(s): Internal R&R (\$2,500,000.00)

12. UM– IHL 207-358 – Interior Heating Modifications – Lewis Hall/Kennon Observatory

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Acy Mechanical, LLC, the lower of three (3) bidders, for a total contract amount of \$1,181,433.00.

Staff Approval Date: January 4, 2013

Project Initiation Date: March 15, 2012

Design Professional: The CGM Group, Inc.

General Contractor: Acy Mechanical, LLC

Contract Award Date: January 4, 2013

Project Budget: \$1,600,000.00

Funding Source(s): Internal R&R (\$1,600,000.00)

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13. UM- IHL 207-367 – Stadium Drive Extension and Parking Lot

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by Precision Engineering. 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 **a waiver of Design Development Documents**.

Staff Approval Date: January 25, 2013

Project Initiation Date: November 15, 2012

Design Professional: Precision Engineering

General Contractor: TBA

Contract Award Date: TBA

Project Budget: \$1,900,000.00

Funding Source(s): Internal R&R (\$1,900,000.00)

14. UMMC- GS 109-195 – AED (Adult Emergency Department) Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the amount of \$93,147.00 and fifteen (15) additional days to the contract of Flagstar Construction Company, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 30, 2013

Change Order Justification: **Change Order #6** is necessary to revise the open office area and a new special systems closet to house low voltage electronic systems panels, to install an offsetting pier & grade beam to tie back into the canopy column locations due to latent conditions preventing the installation of one canopy foundation per to its intended depth, to provide ambulance yard drainage revisions to avoid traffic disruption in the ambulance yard during construction, to revise HEGIS signs, to install the power connections to power the communication room UPS, to provide firestopping for existing cables penetrating new fire walls in spaces as documented, to provide sheet metal backing for new handrail/guardrail installation in existing corridor and to provide relocation of the existing security camera system terminal from the existing computer room E052 from the existing wall that is to be demolished.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$801,360.14.

Project Initiation Date: November 14, 2007

Design Professional: Dale Partners Architects, P.A.

General Contractor: Flagstar Construction Company, Inc.

Contract Award Date: July 6, 2011

Project Budget: \$11,755,000.00

Funding Source(s): HB246, L'07 (\$5,130,000.00); HB 1641, L'08 (\$2,000,000.00); HB 1722, L'09 (\$2,500,000.00); HB 1701, L'10 (\$2,125,000.00)

15. UMMC- IHL 209-505 – Pediatric Emergency Room Renovations

Staff Approval #1 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$87,937.00 and zero (0) additional days to the contract of Evan Johnson and sons Construction, Inc.

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Staff Approval #2 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #8** in the amount of \$96,000.00 and zero (0) additional days to the contract of Evan Johnson and sons Construction, Inc.

Staff Approval Date: (#1) October 28, 2012; (#2) November 28, 2012

Change Order Justification: Change Order #7 is necessary to make paint & wall cover changes, provide the extension of the northwest corner exterior using stucco, provide one fire alarm system manual pull station, two smoke detectors, monitoring of seven floor dampers, monitoring of two smoke dampers and adding a signal circuit to the Johnson Control Box, provide four (4) relays & bases in Panel MCEG for the radiator fan/pump control, provide one fire alarm system duct detector and connect two dampers, provide the motor control center changes requested, provide new coolant for the #12 & 13 generators and to provide custom-colored waterjet cut logo in the elevator flooring design. **Change Order #8** was necessary to negotiate a reasonable settlement in regards to who was supposed to furnish these fixtures, for additional time required to maintain the operation of the emergency generators during the relocation of the on-site radiators and the need for a temporary generator to be on the site area where other work was scheduled.

Total Project Change Orders and Amount: Eight (8) change orders for a total amount of \$909,309.51.

Project Initiation Date: November 16, 2007

Design Professional: Dale/Morris Architects, PLLC

General Contractor: Evan Johnson and Sons Construction, Inc.

Contract Award Date: February 15, 2010

Project Budget: \$6,058,275.00

Funding Source(s): Pediatric Clinic Fund/Patient Revenue (\$6,058,275.00)

16. UMMC- IHL 209-526 – Cafeteria/Kitchen Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #13** in the amount of \$3,392.00 and sixteen (16) additional days to the contract of Fountain Construction Company, Inc.

Staff Approval Date: December 20, 2012

Change Order Justification: Change Order #13 is necessary to seal off floor and deck penetrations that were not properly firestopped and to modify the purpose of the room by adding electrical revisions for a tv.

Total Project Change Orders and Amount: Thirteen (13) change orders for a total amount of \$141,392.00.

Project Initiation Date: August 20, 2009

Design Professional: Cooke Douglas Farr Lemons Architects & Engineers P.A.

General Contractor: Harrell Contracting Group

Contract Award Date: January 17, 2012

Project Budget: \$3,150,000.00

Funding Source(s): Interest Income (\$1,150,000.00); MCEBC Bonds (\$2,000,000.00)

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17. UMMC- IHL 209-538 – 4th (and 2nd) Floor Renovations – 764 Lakeland Building

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$24,481.00 and fifty-six (56) additional days to the contract of Harris Constructors, Inc.

Staff Approval Date: January 10, 2013

Change Order Justification: **Change Order #4** is necessary to deduct for decorative pendants, to add electrical for access controls at door LP 423 and LP 499-03, add an ice maker connection in room 213, to remove existing base cabinets and adding work surface & lower storage cabinets in room 226 & 230, adding upper & lower cabinets in room 210, to provide additional funds for wayfinding signage, and to provide additional wayfinding signage, millwork, as well as concealed conditions associated with floor leveling for owner-provided sound booths.

Total Project Change Orders and Amount: Four (4) change orders for a total **credit amount** of \$9,174.00.

Project Initiation Date: October 21, 2010

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

General Contractor: Harris Constructors, Inc.

Contract Award Date: October 8, 2012

Project Budget: \$5,915,536.00

Funding Source(s): Restricted Funds (\$5,915,536.00)

18. USM – GS 108-235 – College Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$36,457.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Company. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 10, 2013

Change Order Justification: **Change Order #3** is necessary to provide repair of the existing metal cornice in lieu of complete replacement, to demolish and remove existing canopies at the east and west entrances and supporting structure, and to revise entrances to reflect those in the original construction.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$88,142.00.

Project Initiation Date: October 21, 2004

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

General Contractor: W.G. Yates & Sons construction Company

Contract Award Date: September 13, 2011

Project Budget: \$6,252,302.68

Funding Source(s): SB 3197; SB 2988; SB 2010; HB 1634; HB 1722 (\$566,175.77); HB 246, L'07 (\$2,957,745.50); HB 1641, L'08 (\$2,728,381.41)

19. USM – IHL 108-267, 2005 Preplanning Business Facility

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$43,113.52 and twenty-two (22) additional

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days to the contract of Hanco Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: November 28, 2012

Change Order Justification: **Change Order #1** is necessary to reroute the existing gasline located in the SW corner of the site, reconnect the lighting feeds for the Oseola McCarty parking lot, to remove an existing concrete duct bank that crosses the site, to relocate the generator as requested the university and to relocate the existing irrigation line due to conflict with the mechanical plant.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$43,113.52.

Project Initiation Date: March 2, 2005

Design Professional: Eley Associates/Studio South

General Contractor: Hanco Construction

Contract Award Date: May 8, 2012

Project Budget: \$34,000,000.00

Funding Source(s): SB 3100, L'04 (\$340,247.95); HB 1701, L'10 (\$11,259,752.05); SB 3100, L'11 (\$15,200,000.00); USM Foundation/Donations (\$7,200,000.00)

20. ERC – 111-049 – Road Improvements

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$143,176.88 and seventy (70) additional days to the contract of Southern Rock, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 10, 2013

Change Order Justification: **Change Order #1** is necessary to provide all labor, materials, and equipment for removal of unstable soil encountered and the installation of the Tensar geo grid material over the unstable soil which will allow for the installation of stable material below the required pavement section through Stations 0+00 to 8+39 and Stations 22+00 to 26+50.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$143,176.88.

Project Initiation Date: October 20, 2011

Design Professional: W.L. Burle Engineers

General Contractor: Southern Rock, LLC

Contract Award Date: August 23, 2012

Project Budget: \$2,551,057.07

Funding Source(s): BOB Discretionary Funds (HB 1701, L'10 (\$1,280,000.00); IHL Discretionary Funds (SB 3100, L'11) (\$750,000.00); HB 1701, L'10 (\$250,000.00); HB 246, L'07 (\$21,057.07); HB 246, L'07 (\$250,000.00)

EXHIBIT 2

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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 David Ware (statement dated 1/1/13) from the funds of Mississippi State University. (This statement, in the amount of \$2,000.00 represents services and expenses in connection with labor certification.)

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

Payment of legal fees for professional services rendered by Baker Donelson (statement dated 1/6/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$7,249.70, represents services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 7,249.70

Payment of legal fees for professional services rendered by Kitchens Hardwick (statement dated 1/9/13) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$1,072.50, represents services and expenses in connection with litigation advice.)

TOTAL DUE.....\$ 1,072.50

Payment of legal fees for professional services rendered by Wilkins & Tipton (statement dated 12/20/12) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$283.50, represents services and expenses in connection with litigation matters.)

TOTAL DUE.....\$ 283.50

Payment of legal fees for professional services rendered by Mayo Mallette (statements dated 12/7/12 and 1/8/13) from the funds of the University of Southern Mississippi. (These statements, in the amounts of \$264.00 and \$2,837.50, respectively, represent services and expenses in connection with general advice.)

TOTAL DUE.....\$ 3,101.50

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 9/27/12, 11/16/12, 12/20/12, 12/20/12, 12/20/12 and 12/20/12) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Indian Patent Application No. 1657/DELNP/2006" - \$775.00; "Esterification and Bio Oil Upgrading" - \$677.40; "Upgrading of Bio Oil Using Synthesis Gas" - \$42.50; "Live Attenuated Catfish Vaccine" - \$290.00; "Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludge" - \$442.50; "Method

EXHIBIT 2

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for Transformation of Cotton and Organogenic Regeneration” - \$17.00; “High Power Density, Full-Bridge Parallel Loaded Resonant DC - DC Converter for Low-Voltage, High-Current Applications” - \$1,181.00; “Glycine Max Resistance” - \$42.50; “Enhanced Wood Preservative Composition” - \$72.50; “Thermal Transfer Mech. for Auger Pyrolysis Reactor” - \$72.50; “Esterification and Bio Oil Upgrading” - \$1,331.96; “Srinivasan - Elusieve Processing CIP Application” - \$2,380.00; “Steele - Solid Heat Carrier Pyrolysis Reactor” - \$590.10 and “PCT Appl. for Thermal Transfer Mech. for Auger Pyrolysis Reactor” - \$170.00, respectively.)

TOTAL DUE.....\$ 8,084.96

Payment of legal fees for professional services rendered by Valauskas Corder (statement dated 1/15/13) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following patent: “Provisional Wood Preservation System” - \$1,000.00.)

TOTAL DUE.....\$ 1,000.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 11/15/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Delivery of Medicaments to the Nail” - \$458.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Highly Purified Amphotericin-B” - \$350.00; “Method and Device for Reducing Engine Noise” - \$350.00; “Multi-Modal Plate Acoustic Wave Devises” - \$910.00; “Particle Feeder” - \$731.00 and “Stabilized Formulation of Triamcinolone Acetonide” - \$54.00, respectively.)

TOTAL DUE.....\$ 4,603.00

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 12/18/12) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$381.40, \$413.00, \$474.10, \$91.50 and \$824.90, represent services and expenses in connection with intellectual property/patents.)

TOTAL DUE.....\$ 2,184.90

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 9/27/12, 11/16/12, 11/21/12, 12/21/12 and 1/14/13) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Self-Repairing Oxetane-Submitted Chitosan Polyurethane Networks” - \$1,211.50; “Photocurable Thiol-Ene Gas Permeability Membranes” - \$3,537.50; “Lockhead - Oil Dispersant Patent” - \$575.00; “Lockhead - Oil Dispersant Patent” - \$110.00 and “Trademark Application for the Centennial Anniversary” - \$542.50, respectively.)

TOTAL DUE.....\$ 5,976.50

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

February 28, 2013

BE IT REMEMBERED, That the Mississippi Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a special session held in E. R. Jobe Hall on the Delta State University campus in Cleveland, Mississippi, at 12:30 p.m. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mrs. Karen L. Cummins, Dr. Ford Dye (by phone), Mr. Shane Hooper, Mr. Bob Owens, Mr. Hal Parker, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering (by phone), Ms. Robin J. Robinson (by phone), and Mr. C.D. Smith. Dr. Doug Rouse was absent. The meeting was called to order by Mr. Ed Blakeslee, President.

In accordance with Miss. Code Ann., §25-41-1, as amended, all votes taken during this teleconference meeting were recorded by name in a roll-call. The meeting was held to discuss personnel issues related to the presidential search at Delta State University.

EXECUTIVE SESSION

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

Discussion of a state university personnel matter.

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

On motion by Trustee Cummins, seconded by Trustee Patterson, with Dr. Rouse absent and not voting and Trustees Dye, Pickering and Robinson participating by phone, all Trustees legally present and participating voted unanimously to appoint Dr. John Hilpert as President Emeritus of Delta State University effective upon his retirement as President.

On motion by Trustee Cummins, seconded by Trustee Robinson, with Dr. Rouse absent and not voting and Trustees Dye, Pickering and Robinson participating by phone, all Trustees legally present and participating voted unanimously to appoint Mr. William N. LaForge as President of Delta State University at a state salary of \$192,937.50 per year plus a foundation supplement of \$28,875 per year, and to authorize the Commissioner to enter into a contract with Mr. LaForge as discussed.

On motion by Trustee Perry, seconded by Trustee Smith, with Trustee Rouse absent and not voting and Trustees Dye, Pickering and Robinson participating by phone, all Trustees legally present and participating voted unanimously to return to Open Session.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 28, 2013**

ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

CONSENT AGENDAS

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1. UM – REQUEST FOR APPROVAL OF BUDGET ESCALATIONS

- a. University of Mississippi requests approval to escalate the **On Campus** budget and seeks spending authority approval for the budget shown below. The escalation is funded by additional tuition revenue and non-resident fees. The escalation of expenditures will be used to fund additional scholarships as a result of increased enrollment.

Categories	Original FY 2013 Operating Budget	Revisions/ Escalations	Revised FY 2013 Operating Budget
Salaries, Wages, & Fringe Benefits	\$ 172,626,652		\$ 172,626,652
Travel & Subsistence	1,725,974		1,725,974
Contractual Services	60,147,911	2,300,000	62,447,911
Commodities	5,966,457		5,966,457
Capital Outlay:			
Other than equipment	4,095,477		4,095,477
Equipment	3,036,836		3,036,836
Transfer:			
Mandatory	1,156,942		1,156,942
Non-Mandatory	6,313,786		6,313,786
Increase in Fund Balance	-		-
TOTAL	\$ 255,070,035	\$ 2,300,000	\$ 257,370,035

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- b. University of Mississippi requests approval to escalate its **Off Campus** budget and seeks spending authority approval for the budget shown below. The escalation is funded by continuing education revenue. Additional expenditure authority will be used for costs related to increased enrollment at the Grenada Center.

Categories	Original FY 2013 Operating Budget	Revisions/ Escalations	Revised FY 2013 Operating Budget
Salaries, Wages, & Fringe Benefits	\$ 8,862,053	\$ 88,011	\$ 8,950,064
Travel & Subsistence	88,750	(15,000)	73,750
Contractual Services	1,690,158	77,500	1,767,658
Commodities	255,000	8,500	263,500
Capital Outlay:			
Other than equipment	-		-
Equipment	158,000	(72,011)	85,989
Transfer:			
Mandatory	103,484		103,484
Non-Mandatory	43,510		43,510
Increase in Fund Balance	-		-
TOTAL	\$ 11,200,955	\$87,000	\$ 11,287,955

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- c. The University of Mississippi (UM) requests approval to escalate its **Athletic** budget due to additional self-generated funds and seeks spending authority approval for the budget shown below. Increases are requested to accommodate organizational changes and accounting changes, i.e. adjustment to mandatory versus non-mandatory transfer category. This will be funded with self-generated revenues.

Categories	Original FY 2013 Operating Budget	Revisions/ Escalations	Revised FY 2013 Operating Budget
Salaries, Wages, & Fringe Benefits	\$19,005,173	\$97,887	\$19,103,060
Travel & Subsistence	4,873,346	-	4,873,346
Contractual Services	18,469,264	940,000	19,409,264
Commodities	4,583,747	-	4,583,747
Capital Outlay:			
Other than equipment	-		-
Equipment	726,850	-	726,850
Transfer:			
Mandatory	3,705,696	(451,330)	3,254,366
Non-Mandatory	1,569,397	451,330	2,020,727
Subsidies, Loans, & Grants			
TOTAL	\$ 52,933,473	\$1,037,887	\$53,971,360

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- d. University of Mississippi requests approval to escalate its **Auxiliaries** budget including The Inn at Ole Miss, Student Housing, Contractual Services Management, and Parking & Transportation Service. The escalation will be funded by additional self-generated revenues from increased demand for services except for the Contractual Services Management. Contractual Services Management will be escalated to cover one-time expenses associated with the renovation of the Paul B. Johnson Commons and will be funded from reserves. The one-time expenses include rent for mobile, temporary kitchens while the kitchen and dining areas are being renovated.

Categories	Original FY 2013 Operating Budget	Revisions/ Escalations	Revised FY 2013 Operating Budget
Salaries, Wages, & Fringe Benefits	\$9,890,772	\$514,165	\$10,404,937
Travel & Subsistence	202,031	-	202,031
Contractual Services	12,262,926	703,000	12,965,926
Commodities	8,237,459	90,848	8,328,307
Capital Outlay:			
Other than equipment	-		-
Equipment	1,039,300	29,500	1,068,800
Transfer:			
Mandatory	6,020,963		6,020,963
Non-Mandatory	2,643,179	700,000	2,643,179
Subsidies, Loans, & Grants	-		-
TOTAL	\$ 40,296,630	\$ 2,037,513	\$ 42,334,143

Staff Recommendation: Based on Board Policy 701.06, *Budget Escalations and Revisions*, all escalations of the several institutions and separately budgeted units must be submitted through the Commissioner to the Board of Trustees for approval prior to implementation. Board staff recommends approval of items 1.a. through 1.d.

2. USM – REQUEST FOR APPROVAL OF CHARTER SERVICES AGREEMENT

The University of Southern Mississippi (USM) requests approval to enter into a charter services agreement with **Air Planning, LLC** to arrange charter flights for the USM football team for the 2013 football season.

Contractor’s Legal Name: Air Planning, LLC (Air Planning)

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History of Contract: At its June 2012 meeting the Board approved a contract between USM and Air Planning for charter services for the 2012 football season. The total approved cost for that agreement was \$381,742. The total *actual* cost of the agreement with the fuel surcharges added in was \$419,832.04. The proposed contract will be a new agreement between the parties at a cost of \$463,598 - an increase of 21.4%. While the new agreement is for the same number of flights as the previous one, the flight distance for each trip is longer.

Specific Type of Contract: Professional Services agreement

Purpose: The purpose of this agreement is to appoint Air Planning as the authorized agent for USM to arrange charter flights with JetBlue Airways to transport the university's football team during the 2013 football season.

Scope of Work: Air Planning will be responsible for acting as USM's agent in arranging five (5) round trip flights through the air carrier JetBlue Airways. Air Planning is not a direct or indirect air carrier and reserves the right to substitute aircraft or air carrier(s) as necessary. Air Planning will not be responsible for delays (mechanical or otherwise), cancellations, substitutions, damages, losses or other causes of action from alleged failures on behalf of the air carrier(s) or its agents.

USM will be responsible for providing scheduled payments, advanced payment information, and advanced passenger information that may be required by the Transportation Security Administration's Secure Flight program. Also, USM agrees to abide by the terms and conditions of the air carrier's contract.

Term of Contract: The agreement will commence upon execution by both parties which is expected to occur in late March 2013. The agreement will expire upon completion of the last flight which is scheduled to be November 2, 2013.

Contract Amount: The total cost of the agreement is estimated at \$525,000. A fixed fee of \$463,598 is due in three stipulated amounts. Costs associated with Federal Excise Tax, Segment fees, Passenger Facility Charges, and standard beverage services are included in the fixed fee portion of the contract. \$61,402 of the estimated total cost is to cover a fuel surcharge if the cost of actual fuel prices incurred for a charter flight is greater than the base fuel cost of \$3.50. Additional fees may be assessed under the agreement associated with passenger screening, tax charge increases, and optional skycap service.

Funding Source of Contract: This agreement will be funded by auxiliary funds.

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Termination Options: Cancellation charges for termination of the agreement apply based on the following timeline:

- upon signing and/or receipt of first payment – 25% cancellation charge,
- on or after June 8, 2013 – 50% cancellation charge, or
- on or after July 23, 2013 – 100% cancellation charge.

Contractor Selection Process: Since Air Planning has brokered air carrier rates for USM in the past with successful results, it was determined by the university that the price negotiated for the proposed agreement was reasonable and in the best interest of the university.

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

3. UMMC – REQUEST FOR APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Medtronic USA, Inc.** for the purchase of custom perfusion tubing packs (supplies to regulate blood supply) for use in the *adult* perfusion program.

Contractor's Legal Name: **Medtronic USA, Inc. (Medtronic)**

History of Contract: This is a new agreement. The previous supplier of the product, the Sorin Group, ceased production in May 2012 due to the destruction of its manufacturing plant by an earthquake. Initially UMMC was able to make use of a limited quantity of the Sorin product that was in storage. After a decision was made to use Medtronic as a vendor, UMMC purchased Medtronic adaptors for use with the existing Sorin equipment. Since that time, Medtronic has allowed UMMC to purchase perfusion supplies without a formal agreement in place.

Specific Type of Contract: Purchase agreement

Purpose: The purpose of this agreement is for the provision of perfusion tubing packs assembled according to UMMC specifications and held in reserve by Medtronic as a readily available supply for UMMC.

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Scope of Work: Under the agreement, Medtronic will provide UMMC with a readily available supply of custom perfusion tubing packs for use in the adult perfusion program. Medtronic agrees to provide as-needed instruction and/or training in the use of its products no additional cost to UMMC. Medtronic has the option to adjust the number of pre-assembled product estimates based on UMMC’s actual purchasing practices.

UMMC has the option to adjust quantity production and/or product specifications as needed. UMMC agrees to purchase all pre-assembled custom inventory in the event of a change to product specification.

Term of Contract: The term of the agreement is for three (3) years beginning on or about April 1, 2013 through March 31, 2016.

Contract Amount: The total estimated cost for the three (3) year contract term is \$585,792. UMMC anticipates purchasing 240 custom perfusion packs during the first twelve (12) months of the agreement. The cost per pack is \$565. Due to the probability of changes in product assembly, UMMC anticipates an annual price increase of 20% per year for years two and three of the agreement. Assuming an annual increase of 20% after year 1, as well as a minimal increase in the number of packs purchased each year, UMMC would pay the following:

Contract Year	Projected Number of Tubing Packs Purchased	Cost per Pack (Includes 20% annual increase on \$565, effective Year 2 or April 2014 and thereafter)	Total
1	240	\$565.00	\$135,600
2	280	678.00	189,840
3	320	813.60	260,352
Total	840		\$585,792

Funding Source of Contract: The current agreement will be funded by patient revenues included in UMMC’s 2012-2013 Board approved operating budget.

Termination Options: The agreement may be terminated for the following:

- a. breach by either party of a material term of the agreement upon thirty (30) days written notice,
- b. at any time upon thirty (30) days written notice,
- c. reduction of funds,
- d. in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership,

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- e. an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,
- f. failure by Medtronic to comply with the federal E-Verify Program, or
- g. a breach by Medtronic of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum.

Contractor Selection Process: Medtronic is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO) pursuant to Miss. Code Ann. § 31-7-13(m) (x).

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

- b. **Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to enter into an agreement with **Medtronic USA, Inc.** for the purchase of custom perfusion tubing packs (supplies to regulate blood supply) for use in the *pediatric* perfusion program.

Contractor's Legal Name: Medtronic USA, Inc. (Medtronic)

History of Contract: This is a new agreement. The previous supplier of the product, the Sorin Group, ceased production in May 2012 due to the destruction of its manufacturing plant by an earthquake. Initially UMMC was able to make use of a limited quantity of the Sorin product that was in storage. After a decision was made to use Medtronic as a vendor, UMMC purchased Medtronic adaptors for use with the existing Sorin equipment. Since that time, Medtronic has allowed UMMC to purchase perfusion supplies without a formal agreement in place.

Specific Type of Contract: Purchase agreement

Purpose: The purpose of this agreement is for the provision of perfusion tubing packs that have been assembled according to UMMC specifications then held in reserve by Medtronic as a readily available supply. UMMC will purchase six (6) different sizes of perfusion packs for the pediatric program in order to treat a wide range of types of pediatric patients.

Scope of Work: Under the agreement, Medtronic will provide UMMC with a readily available supply of custom perfusion tubing packs for use in the pediatric perfusion

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program. Medtronic agrees to provide as-needed instruction and/or training in the use of its products no additional cost to UMMC. Medtronic has the option to adjust the number of pre-assembled product estimates based on UMMC's actual purchasing practices.

UMMC has the option to adjust quantity production and/or product specifications as needed. UMMC agrees to purchase all pre-assembled custom inventory in the event of a change to product specification.

Term of Contract: The term of the agreement is for three (3) years beginning on or about April 1, 2013 through March 31, 2016.

Contract Amount: The total estimated contract cost for the three (3) year contract term is \$720,574.40. UMMC anticipates purchasing 1240 custom perfusion packs annually in various sizes. The cost per pack ranges from \$73 to \$193 for the first twelve months of the agreement. Due to the potential for changes in product assembly, UMMC anticipates an annual price increase of 20% per year for years two and three of the agreement. Assuming an annual increase of 20% after year 1, UMMC would pay the following:

Description of Tubing Pack	Number Purchased Annually	Cost Per Pack	Year 1	Year 2 (includes 20% price increase)	Year 3 (includes 20% price increase)	Contract Total
Pediatric	260	\$193	\$50,180.00	\$60,216.00	\$72,259.20	
Plegia4:1	260	73	18,980.00	22,776.00	27,331.20	
38-38	180	188	33,840.00	40,608.00	48,729.60	
316-14	180	175	31,500.00	37,800.00	45,360.00	
14-38	260	171	44,460.00	53,352.00	64,022.40	
38-12	100	190	19,000.00	22,800.00	27,360.00	
Total			\$197,960.00	\$ 237,552.00	\$ 285,062.40	\$720,574.40

Funding Source of Contract: The current agreement will be funded by patient revenues included in UMMC's 2012-2013 Board approved operating budget.

Termination Options: The agreement may be terminated for the following:

- a. breach by either party of a material term of the agreement upon thirty (30) days written notice,
- b. at any time upon thirty (30) days written notice,
- c. reduction of funds,

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- d. in the event either party becomes insolvent or suspends business, or becomes the subject of bankruptcy or receivership,
- e. an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,
- f. failure by Medtronic to comply with the federal E-Verify Program, or
- g. a breach by Medtronic of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum.

Contractor Selection Process: Medtronic is an approved vendor contracted with Novation, UMMC's primary group purchasing organization (GPO) pursuant to Miss. Code Ann. § 31-7-13(m) (x).

Staff Recommendation: Based on Board Policy 707.01, *Land, Property and Service Contracts*, Board approval is required prior to execution of the contract for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. 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 lease agreement with the **Meridian Airport Authority** for the provision of helicopter fuel, hangar space, and ground space at Key Field Airport in Meridian, MS.

Contractor's Legal Name: Meridian Airport Authority (MAA)

History of Contract: Although this is a new agreement, UMMC has leased space at Key Field Airport since May 2009 without a formal agreement. UMMC would like to enter into a formal agreement due to the large number of referrals coming from the surrounding areas.

Specific Type of Contract: Lease agreement

Purpose: The purpose of the lease is to provide hangar space for a UMMC medical helicopter and adjacent ground space for the placement of a modular trailer for use as offices and/or quarters for helicopter personnel. In addition, the agreement allows UMMC to purchase helicopter fuel from MAA, the sole vendor for helicopter fuel in the area. The helicopter is used for transporting critical care patients to UMMC for treatment.

Scope of Work: UMMC will lease real property located at Key Field Airport (2811A Airport Blvd. S, Meridian, MS (Lauderdale County). MAA will provide general maintenance, water and sewer services, and landscaping services. UMMC will

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provide electricity, telephone, cable, garbage removal, and maintenance of improvements made to the leased premises. UMMC will comply with MAA’s minimum standards for fixed base operators engaging in aeronautical services and activities at the airport. In addition, UMMC will comply with Federal Aviation Administration and Transportation Security Administration regulations regarding safety and security at airports.

Term of Contract: The term of the agreement is for five (5) years – May 1, 2013 through April 30, 2018.

Contract Amount: The total estimated contract cost for the five (5) year term is \$730,510. This amount is based on the following factors:

1. a fixed monthly rental fee of \$2,000 or \$120,000 for the five year contract period, and
2. MAA’s cost of fuel plus twenty cents (\$.20) per gallon for fuel.

Based on fluctuating fuel prices and actual gallons purchased, UMMC anticipates an annual increase of 10% to cover the cost of fuel and increased usage for years 2 through 5 of the agreement. See below for a breakdown of costs using an annual 10% increase in fuel costs after Year 1.

Contract Year	Fixed Annual Rental Cost	Variable Annual Fuel Cost <i>Includes 10% increase beginning Year 2</i>	Total Annual Cost
1	\$24,000	\$100,000	\$124,000
2	24,000	110,000	134,000
3	24,000	121,000	145,000
4	24,000	133,100	157,100
5	24,000	146,410	170,410
Total	\$120,000	\$610,510	\$730,510

Funding Source of Contract: The current agreement will be funded by patient revenues included in UMMC’s 2012-2013 Board approved operating budget.

Termination Options: The agreement may be terminated for the following:

- a. by either party in the event of forfeiture or default under the agreement,
- b. a breach by MAA of any representations and warranties to UMMC as specified in the Standard Terms and Conditions Addendum,
- c. an inability to agree to renegotiated contract terms in the event a change in law occurs that materially restricts or prohibits the rights of either party or otherwise makes it desirable for the parties to renegotiate the agreement,

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- d. for convenience by either party upon thirty (30) days written notice,
- e. in the event the whole of the property is taken by eminent domain for public use by lawful authority, or
- f. by MAA in the event the premises are needed for military purposes.

Contractor Selection Process: This is the only public airport in the vicinity.

Staff Recommendation: Based on Board Policy 707.01, *Personal Property and Service Contracts*, Board approval is required prior to execution of leases in an amount greater than \$100,000 is required. However, Board approval is required prior to the execution of all oil, gas and mineral leases, regardless of amount. This agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

- d. **Agenda Item Request:** University of Mississippi Medical Center (UMMC) requests approval to amend its agreement with **Philips Healthcare, a division of Philips Electronics North America Corporation (Philips), which was formally VISICU, Inc.** The agreement provides for the eCareManger System and related services. The amendment will allow the removal of Delta Health Alliance (DHA) as a third party to the agreement between UMMC and Philips.

History of Contract: In September 2008, UMMC requested approval to enter into a system and services agreement with VISICU, Inc., the purpose of which was to purchase software licenses and maintenance for an electronic ICU monitoring system (eICU) pursuant to a sub-award grant from DHA to UMMC. The eICU care model allows hospitals to develop and implement a program of remote intensive care monitoring by utilizing telemedicine technology and advanced software to electronically monitor multiple hospital ICUs. The software license is perpetual; however, the services and support are paid annually. The goal was to enroll various remote facilities, with concentration on facilities in the Mississippi Delta, into the eICU program thereby providing the capabilities for these remote facilities to offer intensive care services that they might otherwise be unable to provide to patients.

After the original agreement was executed, UMMC, in compliance with the terms of the agreement with VISICU, amended Exhibit A as follows: (1) in May 2009, after VISICU's initial assessment of the participating eICU center and participating eICUs, an amendment was signed that specified the technology, software and services needed, (2) in October 2009, an amendment was signed to revise some of the software license fees listed in the May 2009 amendment, and (3) in November 2011 an amendment was signed which added to the number of software licenses, allowing for the addition of nine (9) more beds to the project.

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The scope of the sub-award has been completed and UMMC and DHA have mutually agreed that DHA's participation in the license agreement with Philips is no longer necessary and have agreed to amend the current agreement in order to remove DHA as a party to the agreement so that the provision of eICU services by UMMC may continue under the existing licenses.

Specific type of contract: This is an amendment to the Philips agreement with UMMC for the removal of DHA as a party to the agreement.

Purpose: The purpose of the request is to amend the current agreement with Philips in order to remove DHA as a party to the agreement.

Scope of Work: Under the current agreement, Philips provides a perpetual license to the eICU software along with service and support. Service includes upgrades to the system as those become available.

Term of contract: The term of the original contract, as approved by the Board, was five (5) years - from September 22, 2008 through September 21, 2013.

Contract Amount: This is a no cost amendment to the agreement. As previously approved by the Board, the total cost of the contract over the five (5) year term beginning in 2008 will be \$13,015,740. The annual cost is as follows: Year 1 - \$ 5,320,400, Year 2 - \$2,343,118, Year 3 - \$2,160,944, Year 4 - \$1,608,514, and Year 5 - \$1,582,764.

Funding Source for Contract: UMMC has allowed for the cost of the eICU program in its current hospital budget. The agreement will be funded by patient revenues included in UMMC's 2012-13 Board approved operating budget.

Termination Options: Termination options include the following:

1. for material breach after the breaching party, after receiving notice of the breach, has been provided thirty (30) days in which to cure the breach,
2. due to bankruptcy, insolvency, or for any other reason becomes unable to pay its debts, or
3. upon authorization for or upon applying for receiver, trustee or liquidation or substantial part of its assets or has proceedings seeking such appointment commenced against it, which are not terminated within thirty (30) days of such commencement.

Contractor Selection Process: Philips is a current vendor for UMMC under an agreement originally approved by the Board in August 2008.

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Staff Recommendation: Based on Board Policy 707.01, *Personal Property and Service Contracts*, Board approval is required prior to execution of leases in an amount greater than \$100,000 is required. However, Board approval is required prior to the execution of all oil, gas and mineral leases, regardless of amount. This agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

4. SYSTEM – REQUEST FOR APPROVAL OF CPA AUDITING FIRMS

Agenda Item Request: University affiliated entities request approval to engage the following CPA firms to conduct annual audits for fiscal/calendar year 2013.

Justification: As per Board Policy 301.0806 D.9., *the Certified Public Accounting (CPA) firm to be utilized by the Entity must be approved by the IHL Board and all requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three months prior to the end of the Entity's fiscal year for which the audit will be conducted.*

The University affiliated entities noted on the following page request approval of the listed CPA firm/s.

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University Affiliated Entity	CPA Firm
Alcorn State University Foundation	Silas Simmons, LLP
Delta State University Foundation	Ellis and Hirsberg, CPA, PLLC
Jackson State University Foundation	Banks, Finley, White and Company of MS, PA
Mississippi E-Center Foundation (JSU)	Banks, Finley, White and Company of MS, PA
Jackson State University Alumni Association	Bruno and Tervalon, LLP CPAs
Mississippi State University Foundation, Inc.	KPMG, LLP
The Bulldog Club (MSU)	T.E. Lott and Company, PA
Mississippi State University Research and Technology Corporation	T.E. Lott and Company, PA
Mississippi State University Alumni Association	T.E. Lott and Company, PA
Mississippi State University Alumni Foundation, Inc.	KPMG, LLP
Mississippi University for Women Foundation	Grantham, Poole, Randall, Reitano, Arrington and Cunningham, PLLC
Mississippi Valley State University Foundation	J.E. Vance and Company, PA
University of Mississippi Foundation	KPMG, LLP
University of Mississippi Athletic Association	Grantham, Poole, Randall, Reitano, Arrington and Cunningham, PLLC
University of Mississippi Alumni Association	Grantham, Poole, Randall, Reitano, Arrington and Cunningham, PLLC
University of Southern Mississippi Foundation	RFP process is underway to choose the firm. The selection will be brought to the Board at a future date.
University of Southern Mississippi Athletic Association Foundation	Horne, LLP
University of Southern Mississippi Alumni Association	RFP process is underway to choose the firm. The selection will be brought to the Board at a future date.

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Staff Recommendation: Based on Board Policy 301.0806 D.9., *University Foundation/Affiliated Entity Agreements*, the CPA firm to be utilized by the Entity must be approved by the IHL Board and all requests for approval of the CPA firm must be submitted to the IHL Board for approval not later than three months prior to the end of the Entity's fiscal year for which the audit will be conducted. Board staff recommends approval of this item.

5. SYSTEM - OFFICE OF STUDENT FINANCIAL AID – REQUEST FOR APPROVAL OF THE CRITICAL NEEDS DYSLEXIA THERAPY TEACHER LOAN/SCHOLARSHIP PROGRAM RULES AND REGULATIONS

The Mississippi Office of Student Financial Aid requests approval of the Critical Needs Dyslexia Therapy Teacher Loan/Scholarship Rules and Regulations.

State law requires the Board to promulgate Rules and Regulations for administering the state-supported Student Financial Aid programs. During the 2012 Legislative Session, the Critical Needs Dyslexia Therapy Teacher Loan/Scholarship Program was created to begin making awards during the 2013-2014 Aid Year. The Office started accepting applications for this loan/scholarship on January 1.

The Critical Needs Dyslexia Therapy Teacher Loan/Scholarship Program (CNDT) makes loan/scholarships available to students pursuing a Masters of Education in Dyslexia Therapy programs that utilize the Orton-Gillingham teaching approach.

See below for Critical Needs Dyslexia Therapy Teacher Loan/Scholarship Rules and Regulations

**Critical Needs Dyslexia Therapy Teacher Loan/Scholarship Program (CNDT)
RULES AND REGULATIONS**

These Rules and Regulations are subject to change by the Board of Trustees of State Institutions of Higher Learning (hereinafter referred to as the "Board") and the State Board of Education. New awards will be made each award year subject to the availability of funds, and selection shall be based on a first-come, first-served basis of all eligible applicants; priority consideration shall be given to persons previously receiving awards under the Critical Needs Dyslexia Therapy Teacher Loan/Scholarship program (CNDT).

I. GENERAL ELIGIBILITY

- A. The applicant must be fully admitted as a regular student and enrolled full-time as determined by the attending institution at the graduate level seeking a first master's degree, which must be in a program of study leading to a Class "AA" Mississippi Educator License with a 203 endorsement for DyslexiTherapy at one (1) accredited four year institution of higher learning in the State of Mississippi approved by the State Board of Education. Classification will be determined by the attending institution.

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- B. The recipient must have and maintain a cumulative 3.0 college grade point average (GPA) on a 4.0 scale each period of enrollment (i.e. semester or trimester) and must maintain satisfactory academic progress in the approved program of study in accordance with the attending institution's policy.
- C. The applicant must possess a current, valid Class "A" Mississippi Educator License.
- D. The applicant must have expressed in writing a present intention to serve as a Dyslexia Therapist in the State of Mississippi in a public school/district, and must diligently pursue the course of study and requirements for the appropriate teaching license and endorsement.
- E. The applicant must not presently or previously have defaulted on an educational loan.
- F. CNDT recipients are not eligible for any other state aid but may apply for federal and institutional aid.

II. APPLICATION REQUIREMENTS FOR LOAN/SCHOLARSHIP APPLICANT

- A. First time applicants must:
 - 1. Complete an application online at www.mississippi.edu/financialaid by the deadline date of March 31.
 - 2. Submit a copy of the applicant's letter of acceptance into the graduate program of study. The letter of acceptance should indicate that the applicant has been fully admitted or admitted as a regular student. Provisional or conditional admission is not accepted. The letter of acceptance should be submitted as soon as possible, but must be received by June 30.
 - 3. Possess a valid Class "A" Mississippi Educator License and submit verification of such to the Board by the document deadline date of April 30.
 - 4. Have a cumulative college GPA of 3.0 on a 4.0 scale, be enrolled full-time in a master's level program of study leading to a Class "AA" Mississippi Educator License with a 203 endorsement for Dyslexia Therapy, and be making satisfactory academic progress in accordance with the attending institution's policy. Evidence of academic eligibility will be automatically provided to the Board by the attending institution, unless specifically requested from the applicant.
 - 5. Participate in Entrance Counseling, signify understanding of the CNDT Rules and Regulations, enter into a Contract and Note with the Board pursuant to the applicable Rules and Regulations and all applicable State laws, and complete, sign and return the Self Certification of a Private Loan form prior to the disbursement of funds. *Note: The Contract and Note will be issued once the applicant has been awarded. Funds will not be disbursed until the Contract and Note has been signed.*
- B. Renewal applicants must:
 - 1. Complete an application online at www.mississippi.edu/financialaid by the deadline date of March 31.
 - 2. Maintain a cumulative 3.0 college GPA on a 4.0 scale per period of enrollment (i.e. semester or trimester) and remain in a master's level program of study leading to a Class "AA" Mississippi Educator License with a 203 endorsement for Dyslexia Therapy, making

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satisfactory academic progress in accordance with the attending institution's policy. Evidence of continuing academic eligibility will be automatically provided to the Board by the attending institution, unless specifically requested from the applicant.

3. Participate in Entrance Counseling and complete, sign and return the Self Certification of a Private Loan form.

III. AMOUNT AND LENGTH OF LOAN/SCHOLARSHIP

- A. The amount of the annual award for full-time students shall equal the total cost for tuition, materials and fees at the college or university in which the student is enrolled.
- B. Students may receive a lifetime maximum of two (2) annual awards.
- C. Awards shall be disbursed directly to the school of attendance, to be applied first toward tuition.
- D. Awards are not provided for out-of-state tuition costs.
- E. In order to receive CNDT funds, a student who previously received funds under the other state-supported undergraduate teacher programs, William Winter Teacher Loan/Scholarship (WWTS), William Winter Alternate Route Teacher Loan/Scholarship (WWAR), Critical Needs Teacher Loan/Scholarship (Cntp), Critical Needs Alternate Route Teacher Loan/Scholarship (CNAR) or Mississippi Teacher Loan Repayment (MTLR), must have discharged his/her previous loan through service or payment in full.
- F. CNDT recipients are not eligible for any other state aid but may apply for federal and institutional aid.

IV. RECIPIENT RESPONSIBILITIES

- A. A CNDT recipient must maintain good standing at the educational institution in which he/she is enrolled at all times.
- B. A CNDT recipient must maintain a 3.0 minimum GPA on a 4.0 scale per period of enrollment (i.e. semester or trimester). A CNDT recipient who fails to maintain the minimum GPA will be suspended from participation in the program for the following period of enrollment. An official transcript or grade verification sent directly to the Board by the attending institution evidencing a 3.0 GPA on a 4.0 scale for the non-eligible period of enrollment will entitle a CNDT recipient for renewal priority.
- C. A CNDT recipient must remain in school, complete an approved program of study and obtain the appropriate educator's license. A CNDT recipient who withdraws from school, fails to complete an approved program of study, or fails to obtain an appropriate educator's license, shall immediately become liable to the Board for the sum of all outstanding CNDT awards.
- D. While receiving funds, the CNDT recipient must at all times keep the Board informed of the recipient's current, correct, and complete contact information. This information may be updated via the CNDT recipient's student account online at www.mississippi.edu/financialaid. Once in repayment, the CNDT recipient must at all times keep the Board or its loan servicer informed of the recipient's current, correct, and complete contact information until the debt is completely satisfied.
- E. A CNDT recipient should address in writing to the Board or its loan servicer any special circumstances regarding enrollment status, withdrawal from school, or failure to complete the approved program of study.

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V. REPAYMENT

- A. A CNDT loan/scholarship recipient enters repayment when the recipient completes the approved program of study, withdraws from school, or fails to complete the approved program of study. The recipient may satisfy his/her loan/scholarship debt either by cancellation through service or by loan repayment.
- B. Cancellation through Service
1. A CNDT loan/scholarship recipient must meet all of the following criteria to qualify for debt cancellation through service:
 - a) Obtain an "AA" Mississippi Educator License with a 203 Dyslexia Therapy designation.
 - b) Serve full-time, as defined by the State Board of Education, as a Dyslexia Therapist. Invalid positions include, but are not limited to, the following: assistant teacher, full-time substitute, high school counselor, curriculum specialist or administrator.
 - c) Provide dyslexia therapy for students in grades kindergarten through twelve (K-12) in a Mississippi public school/district. *NOTE: It is fully understood that it is the responsibility of the loan/scholarship recipient to seek and secure employment as a Dyslexia Therapist in an appropriate school/district. Neither the Board nor the State Board of Education assumes the obligation to perform that function. Prospective teachers may contact the Mississippi Teacher Center for placement assistance at www.mde.k12.ms.us/mtc.*
 2. A CNDT loan/scholarship debt shall be cancelled on the basis of one year's service for one annual loan/scholarship award received. For all CNDT recipients, such service shall never be less than one (1) year regardless of the length of study provided under this loan/scholarship.
 3. At the time of separation from the approved program of study, unless granted a grace period or other type of deferment, the CNDT loan/scholarship recipient must request in writing a deferment of the accrual of interest and repayment of principal for purposes of completing the teaching service option. The service deferment request must be accompanied by evidence of appropriate employment as defined in Section V.B.1.
 4. At the end of each service deferment period, the CNDT loan/scholarship recipient must request in writing a cancellation of the equivalent of one annual award.
 5. The service deferment and cancellation must be requested in writing and approved each year until the debt is fully satisfied.
- C. Loan Repayment
1. Unless granted a grace period or other deferment, a CNDT loan/scholarship recipient shall become liable to the Board for the sum of all CNDT loan/scholarship awards made to that person less the corresponding amount of debt previously cancelled through teaching service, plus interest, immediately at the time of occurrence of one of the following events:
 - a) The recipient withdraws from school;
 - b) The recipient fails to complete the approved program of study;
 - c) The recipient fails to obtain the appropriate educator's license; or

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- d) The recipient fails to complete the teaching service option defined in Section V.B.
- 2. The rate of interest charged a CNDT loan/scholarship recipient on the unsatisfied balance shall be the current unsubsidized Federal Stafford Loan rate at the time of occurrence of one of the events outlined in Section V.C.1. or upon termination of a grace period or other deferment.
- 3. Interest begins accruing at the time of occurrence of one of the events outlined in Section V.C.1. or upon termination of a grace period or other deferment, and repayment commences one (1) month after the occurrence of the event.
- 4. Loan/scholarship recipients must repay the loan (principal and interest thereon) in 120 or less equal consecutive monthly installments. If the recipient fails to repay his/her loan (principal and interest thereon) in 120 or less equal consecutive monthly installments, all principal and interest outstanding, together with costs of collection, shall become immediately due and payable and, demand shall be made by mailing the same to the obligor at the last address furnished by said obligor. Should payment of the sum due not be made in full within thirty (30) days, from the date demand was made, the Contract and Note executed by the obligor shall be placed with a collection agency or an attorney for collection, at which point the obligor shall become liable for reasonable collection or attorneys' fees and court costs, in addition to the other sums due and owing.
- D. The obligations made by the recipient of this loan/scholarship shall not be voidable by reason of the age of the student at the time of receiving the loan/scholarship.
- E. Special circumstances regarding a recipient's failure to complete the teaching service option and/or fulfill the loan obligation should be addressed in writing to the Board or its loan servicer.

VI. GRACE PERIOD AND OTHER DEFERMENTS

A. Grace Period

- 1. Upon completion of the approved program of study, the CNDT loan/scholarship recipient will be granted a 12-month grace period, during which the recipient should obtain the appropriate educator's license and secure appropriate teaching employment as defined in Section V.B.1.
- 2. A CNDT loan/scholarship recipient who does not complete the approved program of study will not be granted a 12-month grace period and will enter repayment immediately upon separation from the approved program of study. Such a recipient *may* be eligible for an in-school deferment as defined in Section VI.B.

B. In-School Deferment

- 1. A CNDT loan/scholarship recipient who does not complete the approved program of study, but remains enrolled at least part-time in a first master's program may request deferment of the accrual of interest and the repayment of principal for purposes of remaining in school.
- 2. The in-school deferment must be requested in writing to the Board or its loan servicer and must be accompanied by verification of at least part-time enrollment from the attending institution.

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3. The in-school deferment will not be granted for enrollment in a second master's, specialist or doctorate program.
4. The in-school deferment must be requested by the recipient and approved every term (except Summer) throughout the duration of the deferment.

C. Temporary Disability Deferment

1. A CNDT loan/scholarship recipient in repayment who is unable to secure or continue employment because of temporary total disability may request deferment of the accrual of interest and the repayment of principal. To qualify, a recipient must be unable to work and earn money due to the disability for at least sixty (60) days, or be providing continuous care for a dependent or spouse during a period of at least (90) consecutive days.
2. The temporary disability deferment must be requested in writing to the Board or its loan servicer and must be accompanied by certification from a doctor of medicine or osteopathy who is legally authorized to practice medicine.
3. The temporary disability deferment must be requested by the recipient and approved every six (6) months throughout the duration of the deferment and condition for a total period of time not to exceed three (3) years.

D. Military Service Deferment

1. In terms of military service the following definitions shall apply:
 - a) **REQUIRED** military service is that service which is required of an individual in the service of the Armed Forces of the United States; it does not include a military service obligation incurred to repay a grant, stipend or scholarship granted the individual prior to, during, or after the award under the CNDT program.
 - b) **OBLIGATED** or **VOLUNTARY** military service is that service which is performed by the individual in repayment of a debt owed the United States government as a
 - c) result of military scholarships, ROTC scholarships, etc. received by the individual. Service is **VOLUNTARY** if the individual is not obligated to incur a period of military service, but chooses to incur the service obligation.
2. A CNDT loans/scholarship recipient shall be eligible for deferment of the accrual of interest and the repayment of principal during the time of required military service.
3. The military deferment must be requested in writing to the Board or its loan servicer, stating beginning and ending dates of such required military service, and must be accompanied by a copy of the military orders.
4. The military deferment must be requested by the recipient and approved on a year-to-year basis (annually).
5. If a recipient continues military service for any reason beyond the **REQUIRED** time, then that person shall be declared ineligible for military deferment and the remaining unsatisfied
6. principal and interest shall become due and payable to the Board according to the terms outlined in Section V.C.

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7. If a recipient obligates himself/herself to VOLUNTARY military service prior to, during, or after the CNDT award, then that person shall be declared ineligible for military deferment and the remaining unsatisfied principal and interest shall become due and payable to the Board according to the terms outlined in Section V.C.

VII. CANCELLATION OF DEBT

A. Death

1. If an individual recipient dies, then the recipient's obligation to repay the loan or render service is canceled.
2. The Board shall require a copy of the death certificate or other proof of death that is acceptable under applicable State Law. If a death certificate or other acceptable proof of death is not available, the recipient's obligation for service or repayment on the loan is canceled only upon a determination by the Board on the basis of other evidence that the Board finds conclusive.
3. The Board may not attempt to collect on the loan from the deceased recipient's estate.

B. Total and Permanent Disability

1. If the Board determines that an individual recipient is totally and permanently disabled, the recipient's obligation to make any further payments of principal and interest on the loan is canceled. A recipient is not considered totally and permanently disabled on the basis of a condition that existed before he/she applied for the loan/scholarship, unless the recipient's condition has substantially deteriorated since he/she submitted the loan/scholarship application, so as to render the recipient totally and permanently disabled.
2. After being notified by the recipient or the recipient's representative that the recipient claims to be totally and permanently disabled, the Board shall promptly request that the recipient or the recipient's representative obtain a certification from a physician, who is a doctor of medicine or osteopathy and legally authorized to practice, on a form provided or approved by the Board and other necessary documents as requested, that the recipient is totally and permanently disabled. The Board shall continue collection until it receives the certification or receives a letter from a physician stating that the certification has been requested and that additional time is needed to determine if the recipient is totally and permanently disabled. After receiving the physician's certification or letter and other necessary documents as requested and the student is found to be totally and permanently disabled, the Board may not attempt to collect from the recipient.
3. If the Board determines that a loan owed by a recipient, who claims to be totally and permanently disabled, is not eligible for cancellation for that reason, or if the Board has not received the physician's certification and other requested documents, as described in Section VII.B.2., within 60 days of the receipt of the documents as described in Section VII.B.2., the Board shall resume collection and shall be deemed to have exercised forbearance of payment of both principal and interest from the date the Board received the documents described in Section VII.B.2. until such a determination of ineligibility is made by the Board.

C. Bankruptcy

CNDT loan/scholarships are nondischargeable in bankruptcy.

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VIII. WARRANTY

The acceptance of the CNDT loan/scholarship by each recipient shall serve to appoint the Secretary of State of the State of Mississippi as his/her designated agent for service of process, upon whom may be served all lawful processes and summons in any action or proceeding against him/her in the event he/she removes himself/herself from this State and the processes of its courts, growing out of any breach of Contract and Note by the recipient for failure to fulfill his/her Contract and Note with the Board or, to repay the CNDT Loan/Scholarship, including interest pursuant to the law and Contract and Note, and, said acceptance of the loan rights and privileges shall be a signification of the applicant's agreement that any such process or summons against him/her, which is so served upon the Secretary of State, shall be of the same legal force and validity as if served on him/her personally. The venue of all causes of action against such nonresidents shall be Hinds County, Mississippi.

Staff Recommendation: The proposed rules and regulations have been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item. As required by law, the State Board of Education is also required to approve these Rules and Regulations.

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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 exceeding \$1,000,000 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 of \$1,000,000 or less may be approved by the Institutional Executive Officer. However, all projects utilizing any state bond funds, including Ayers funds, must be initiated with STAFF approval from the Office of Real Estate and Facilities. No further approvals are required by IHL staff for projects of \$1,000,000 or less unless the budget changes. All budget changes for these projects must be reported to the Office of Real Estate and Facilities.

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.*

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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.

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 §905(A), Real Estate Management

Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. 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. Prior Board approval is required for the execution of all leases, easements, oil and mineral leases, and timber sales. Request 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.

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.

Board Policy §919, Pre-requisites for Building Modification or Demolition

Prior to scheduling a building on an institution's property for restoration, improvement, construction, repair, renovation, rehabilitation, demolition or similar work, the institution shall secure an inspection and approval from the Mississippi Department of Environmental Quality and a permit or written permission from the Mississippi Department of Archives and History authorizing the requested building action. After obtaining approval from these two agencies, a request for the building modification or demolition shall be submitted to the Board for approval. The request to the Board must include documentation evidencing approval by the Department of Environmental Quality and the Department of Archives and History.

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

BUREAU OF BUILDING PROJECTS

1. ASU – GS 101-294 – Utility Infrastructure

Project Request: Alcorn State University requests approval to initiate a project, Utility Infrastructure, and to appoint Atherton Consulting Engineers as the design professional.

Proposed Design Professional: Atherton Consulting Engineers

Purpose: The university is seeking to initiate the project in order to repair, replace, and upgrade the utility infrastructure and systems on the Lorman campus. The project will include repairing, replacing, and upgrading the gas, sewer, water, storm water, and HVAC systems on the Lorman campus.

Alcorn State University is seeking to initiate the project and appoint the design professional 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: March 21, 2013

Date of Original Construction: Not applicable

Date of Last Renovation: Not applicable

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,081,079.00
Architectural and Engineering Fees:	91,000.00
Miscellaneous Project Costs:	20,000.00
Contingency:	<u>100,000.00</u>
Total Project Budget	\$ 1,292,079.00

Proposed Funding Source(s): SB 2957, Laws of 2012 (\$1,292,079)

Staff Recommendation: Board staff recommends approval of this item

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IHL PROJECTS

2. UM – IHL 207-369 – Multi-Purpose Facility and Related Improvements

Project Request: The University of Mississippi requests approval to initiate a project, Multi-Purpose Facility and Related Improvements, and to appoint AECOM as the primary design professional with Cooke Douglass Farr Lemons supporting AECOM.

Proposed Design Professional: AECOM with support from Cooke Douglass Farr Lemons (CDFL)

Purpose: The expected scope of this project includes the design and construction of a new multi-purpose facility with a capacity of approximately 10,000 individuals, a multi-level parking structure with approximately 750 stalls, associated west side improvements to Vaught Hemingway stadium, related infrastructure improvements, and landscaping. The facility will include an area to display memorabilia, history, and accomplishments of Ole Miss athletes and athletics along with complimentary retail space to replace the Rebel Shop. A dedicated food service operation, with convenient access from outside, will be available throughout regular class days as a campus dining venue. The multi-level garage will be attached or in close proximity to this new facility and will be available as normal parking inventory when not in use for athletic events. These facilities will be sited in the parking lot adjacent to the west stands of Vaught-Hemingway stadium.

History of Project: The University of Mississippi basketball games and large assembly functions such as graduation and freshman convocation are currently held in the Tad Smith Coliseum, the largest indoor gathering space. This building was built in 1967. Forty-five (45) years of heavy use, envelope failures, changes in building and life-safety codes, technological developments, and audience expectations have contributed in equal measure to the realization that this building has reached the end of its useful life.

This project began as an integral part of the UMAA Foundation's "Forward Together" fundraising campaign. The UMAA Foundation selected AECOM to work with them to develop a design suitable to present to potential donors and develop related video and promotional material. This selection was made through a competitive process that included input from Athletic and University personnel. The solicitation of prospective partners was limited to firms who had proven expertise in projects that were similar in size, complexity, and use.

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The university requests authority to initiate this project and retain AECOM who has been involved since the inception of the project. In addition, the university is also requesting authority for CDFL to work with AECOM as a Mississippi based design firm which has previously designed many of the university's recent athletic improvements and has worked with AECOM.

Design and construction will be financed with revenues from the UMAA Foundation's "Forward Together" campaign and UM EBC financing as needed. Future revenues pledged as part of the Forward Together campaign will provide the majority of cash flow to service principal and interest, but other revenue sources, such as parking revenues, will provide repayment for specific and directly related use.

The University of Mississippi is seeking permission to initiate the project, approve the design professionals, and move forward with the design phase. Sufficient private gifts are on hand to cover these design costs. The university will request approval to move beyond the design phase, construct, finance, and a total estimated budget with a future IHL agenda item. The University of Mississippi is seeking to initiate the project and appoint the design professional 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: March 21, 2013

Date of Original Construction: Not applicable (New Construction)

Date of Last Renovation: Not applicable (New Construction)

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 0.00
Architectural and Engineering Fees:	6,000,000.00
Miscellaneous Project Costs:	0.00
Contingency:	<u>0.00</u>

Total Project Budget **\$ 6,000,000.00**

Proposed Funding Source(s): Private Gifts (\$6,000,000)

Staff Recommendation: Board staff recommends approval of this item.

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3. UM – IHL 207-370 – Turner Center Basement Renovation

Project Request: The University of Mississippi requests approval to initiate a project, Turner Center Basement Renovation, and to appoint The McCarty Company as the design professional.

Proposed Design Professional: The McCarty Company

Purpose: The university is requesting the initiation of the project in order to renovate parts of the locker room facilities located in the basement of the building. The extent of the work is likely to include removing old lockers and replacing them with new ones, renovating the showers, evaluating the interior air quality, providing new finishes and lighting, and upgrading localized mechanical, electrical, and plumbing systems.

History of Project: The Turner Center was built in 1982 and is one of the most heavily used buildings on campus. In 2007, the University of Mississippi submitted an agenda item to the Board of Trustees initiating a project (IHL 207-281) and selecting the McCarty Company and RDG Architects as design professionals for the design of a fully renovated building and addition. The architectural evaluation resulted in a project far in excess of what the university was able to spend. It is now almost six years since the evaluation took place and the university feels it must improve at least parts of the 155,000 square foot building.

The University of Mississippi is seeking to initiate the project and appoint the design professional 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: March 21, 2013

Date of Original Construction: 1982

Date of Last Renovation: Not available

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Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,161,433.00
Architectural and Engineering Fees:	105,898.28
Miscellaneous Project Costs:	37,016.00
Contingency:	<u>195,652.72</u>
Total Project Budget	\$ 1,500,000.00

Proposed Funding Source(s): Internal R&R funds (\$1,500,000)

Staff Recommendation: Board staff recommends approval of this item.

4. USM – IHL 208-307 – Lucas Administration Building Repairs

Project Request: The University of Southern Mississippi requests approval to initiate a project, Lucas Administration Building Repairs, and to appoint Albert & Associates Architects as the design professional.

Proposed Design Professional: Albert & Associates Architects

Purpose: The Lucas Administration Building has been experiencing some foundation settling. This settling has been causing structural and fascia damage to the exterior of the building. Foundation support will be added and all structural and fascia damage will be repaired.

History of Project: In September of 2011, after noticing cracks on the Terra Cotta cornice of the Lucas Administration Building, the university contacted Mississippi Department of Archives and History (MDAH) and asked them to assist in determining the cause of these cracks. MDAH traveled to Hattiesburg on September 26, 2011 and conducted a complete inspection. The report was returned to the university on October 3, 2011. MDAH provided the university with a list of architects and engineers that were certified in the “standards for the treatment of historic properties”. The university chose Larry Albert to help the university with the investigation of the entire building. In December 2012, Albert & Associates Architects provided the university with a detailed project manual for the necessary repairs needed to stop the structural and fascia damage to the Lucas Administration Building. The project started out as a project under \$1,000,000 and did not need Board approval. Since that time, the project budget has now exceeded the \$1,000,000 threshold and needs to be initiated with the Board and the design professional approved.

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The University of Southern Mississippi is seeking to initiate the project and appoint the design professional 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: March 21, 2013

Date of Original Construction: 1929

Date of Last Renovation: 1996

Proposed Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,108,000.00
Architectural and Engineering Fees:	122,000.00
Miscellaneous Project Costs:	0.00
Contingency:	<u>270,000.00</u>
Total Project Budget	\$ 1,500,000.00

Proposed Funding Source(s): University Funds (\$1,500,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF BUDGET INCREASES AND/OR CHANGES OF SCOPE/FUNDING SOURCE(S)

BUREAU OF BUILDING PROJECTS

5. MSU – GS 105-343 – Lee Hall Renovation

Project Request: Mississippi State University requests approval to change the funding source for the Lee Hall Renovation project. The university request to add a funding source H.B. 246, Laws of 2007 to the project and to reduce funds from S.B. 3100, Laws of 2011 that were previously approved by the Board.

Design Professional: Dale Partners Architects, P.A.

General Contractor: West Brothers Construction

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Purpose: Mississippi State University is seeking to take advantage of the remaining R&R funds made available from GS #105-310 Harned Hall Renovations and GS #105-314 Middleton Hall Renovations, and transfer these funds to GS #105-343 Lee Hall Renovations. This transfer of funds will then allow an equal amount of funds from SB 3100, Laws of 2011 to be transferred to GS #105-345 New Classroom Building with Parking. The funds available are from HB 246, Laws of 2007.

The project will completely renovate the facility excluding the auditorium space that was renovated in 2005. Exterior renovation and restoration to the exterior façade, roof, site drainage, and windows will take place. Interior renovations will include architectural, mechanical, and electrical. Historic details will be maintained throughout the facility in accordance with the directives from Archives and History.

Mississippi State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all changes of scope and/or changes in funding source to the Board for approval.

Project Initiation Date: June 16, 2011

Date of Original Construction: 1909

Date of Last Renovation: 2005 (Auditorium)

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 15,057,079.00
Architectural and Engineering Fees:	1,015,153.21
Miscellaneous Project Costs:	3,873,378.04
Contingency:	<u>754,389.75</u>

Total Project Budget **\$ 20,700,000.00**

Proposed Funding Source(s): HB 1641, Laws of 2008 (\$2,463,146.89); HB 1722, Laws of 2009 (\$4,660,866.80); HB 1701, Laws of 2010 (\$8,000,000); HB 246, Laws of 2007 (\$2,057,036.96 –New Funding Source); SB 3100, Laws of 2011 (\$3,518,949.35-Revised Funding Source Amount)

Staff Recommendation: Board staff recommends approval of this item.

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6. MSU – GS 105-345 – New Classroom Building with Parking

Project Request: Mississippi State University requests approval to change the funding source for the New Classroom Building with Parking project. The university requests to delete the funding source H.B. 246, Laws of 2007 from the project. The university also request to add available funds to the existing funding sources of SB 3100, Laws of 2011 and EBC Bonds/ university funds to keep the project budget as originally approved by the Board of Trustees.

Design Professional: Belinda Stewart Architects

General Contractor: TBD

Purpose: Mississippi State University is seeking approval of a change in funding source for this project in order to allow an equal amount of funds from SB 3100, Laws of 2011 to be transferred to GS #105-345 New Classroom Building with Parking from GS 105-343 Lee Hall Renovation which proposes to use unused R&R funds from HB 246, Laws of 2007.

The project will construct a 150,000-square foot classroom/parking facility on the north side of the YMCA Building. The project will include three levels of classroom area consisting of approximately 90,000 square feet and two levels of parking consisting of approximately 60,000 square feet. The building is to be appropriately outfitted with modern instructional technology, energy-efficient lighting, and energy management control systems. The new Classroom Building with Parking will provide needed academic classroom space and take advantage of site topography to provide needed parking to service the student union, cafeteria, and functions in Lee Hall. In addition, the project will include site work and hardscape for vehicular and pedestrian circulation.

The project includes an increase in energy-efficient thermal storage capacity at the central chiller plant that would accommodate not only the new classroom building but also the planned Lee Hall renovation and future campus expansion, while providing additional backup capacity that is currently needed. A thermal storage installation at the central chiller would take advantage of reduced electric power rates at night and allow MSU to avoid energy costs estimated at \$400,000 during the first year and more than \$13 million over 20 years, taking into account expected energy cost escalation. Mississippi State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all changes of scope and/or changes in funding source to the Board for approval.

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Project Initiation Date: May 20, 2010

Date of Original Construction: Not applicable (New Construction)

Date of Last Renovation: Not applicable (New Construction)

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 27,849,151.00
Architectural and Engineering Fees:	2,012,013.00
Miscellaneous Project Costs:	6,255,849.00
Contingency:	<u>1,392,458.00</u>
Total Project Budget	\$ 37,509,471.00

Proposed Funding Source(s): SB 3100, Laws of 2011 (\$11,676,431.46-Revised Funding Source Amount); EBC Bonds and University Funds (\$25,833,039.54-Revised Funding Source Amount)

Staff Recommendation: Board staff recommends approval of this item.

7. MVSU – GS 106-240 – Leflore Hall Bath Renovations

Project Request: Mississippi Valley State University requests approval to revise the funding source for the Leflore Hall Bath Renovations project to include H.B. 1641, Laws of 2008 and H.B. 1722, Laws of 2009 and to increase the project budget from \$1,481,645 to \$1,617,079 for an increase in the amount of \$135,434.

Design Professional: Atherton Consulting Engineers

General Contractor: TBD

Purpose: The project was initiated with Board on January 17, 2013 with a budget of \$1,481,645. The university is seeking to raise the budget and clarify the funding sources in order to comply with the professional's latest design development updated, estimate of costs. The university is seeking to clarify the funding sources and to add HB 1641, Laws of 2008 and HB 1722, Laws of 2009 as funding sources to the project. Upon initiation with the Board, the university cited General Support dollars as a funding source for the project by error and is now seeking to clarify its funding sources with the Board to state the correct funding sources.

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The project will address complete interior demolition and renovation of the existing shower areas for Leflore Hall. The scope of work will involve removal of the existing showers, toilets, and lavatories. The residence hall has not seen a substantial renovation since construction with the exception of a new metal roof that was installed in 2004. The current showers are communal and have been in desperate need of replacing.

Mississippi Valley State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all changes of budget, scope and/or changes in funding source to the Board for approval.

Project Initiation Date: January 17, 2013

Date of Original Construction: 1970

Date of Last Renovation: 1994

Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 1,307,955.00	\$ 1,423,689.00	\$ 115,734.00
Architectural and Engineering Fees	\$ 103,290.00	\$ 113,196.00	\$ 9,906.00
Miscellaneous Project Costs	\$ 5,000.00	\$ 5,000.00	\$ 0.00
Contingency	\$ 65,400.00	\$ 75,194.00	\$ 9,794.00
Total Project Budget	\$ 1,481,645.00	\$ 1,617,079.00	\$ 135,434.00

Proposed Funding Source(s): HB 1641, Laws of 2008 (\$274,817.04); HB 1722, Laws of 2009 (\$625,182.96); SB 2957, Laws of 2012 (\$717,079)

Staff Recommendation: Board staff recommends approval of this item

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IHL PROJECTS

8. UMMC – IHL 209-534 – Parking, Roadways, and Infrastructure Renovations

Project Request: The University of Mississippi Medical Center requests approval to revise the funding source for the Parking, Roadways, and Infrastructure Renovations project to include Economic Development Administration (EDA) funds and to increase the project budget from \$11,150,000 to \$13,750,000 for an increase in the amount of \$2,600,000.

Proposed Design Professional: Cooke Douglass Farr Lemons Architects & Engineers

Purpose: The escalation in the project budget is required based on the Professional's latest Construction Document, updated, estimate of cost for Contract III. The current budget was an estimate of the project costs and has since been updated to reflect more accurate market costs related to Road Construction type projects. This project provides for the construction of new Roadway access from Lakeland Drive, on the north, to Woodrow Wilson Frontage Road, on the south, and includes improvements to existing and installation of new infrastructure services pursuant to the established UMMC Master Plan. The University of Mississippi Medical Center is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all budget increases as well as all changes of scope and/or changes in funding source to the Board for approval.

Project Initiation Date: April 15, 2010

Date of Original Construction: Not applicable

Date of Last Renovation: Not applicable

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Proposed Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 9,100,000.00	\$ 9,633,267.00	\$ 533,267.00
Architectural and Engineering Fees	\$ 595,000.00	\$ 1,312,522.00	\$ 717,522.00
Miscellaneous Project Costs	\$ 30,000.00	\$ 1,873,478.00	\$ 1,843,478.00
Contingency	\$ 1,425,000.00	\$ 930,733.00	\$ (494,267.00)
Total Project Budget	\$ 11,150,000.00	\$ 13,750,000.00	\$ 2,600,000.00

Proposed Funding Source(s): Interest Income (\$625,000); EBC 2010 funds (\$5,500,000); EBC 2012 funds (\$6,125,000); Economic Development Administration (EDA) Award #04-01-06658 (\$1,500,000)

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF OTHER REAL ESTATE REQUESTS

9. ASU – IHL 201-245 – Student/Staff Housing

Project Request: Alcorn State University is seeking Board approval/ratification of the advertising procedures used by the university in order to proceed with this project as such advertising requirements are set out in Miss. Code Ann. Sec. 31-7-13.1 (3). In addition, Alcorn State University is seeking approval/ratification of the short-list and the evaluation criteria used to evaluate the proposals for the project.

Proposed Design Professional: TBD

Purpose: The university desires to pursue a public private partnership to construct student and employee housing on its Lorman campus. The project was initiated with the Board of Trustees in April 2009. ASU would like the Board’s permission to continue pursuing this project using the dual phase design-build process with private

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financing because the university has determined that this method will provide savings in time and costs over traditional delivery methods and because the size and type of project is suitable for design-build.

History of Project: In April 2009, Alcorn State University sought Board approval to initiate a building project to develop privately financed student and employee housing. The request was approved by the Board of Trustees at that time. The Alcorn State University President, who brought the issue before the Board of Trustees in 2009 for approval, exited the university within the same time frame. As a result the project was placed on hold.

In 2012, Alcorn State University revived the project, but it was with the premise that approvals were intact from the 2009 Board approved action. Thus, a *Request for Qualifications (RFQ) for Development Services for New Student and Staff Housing* was let in August 2012. The RFQ solicited developers to present their qualifications for the development of this housing project, inclusive of their strategies for project approach, scheduling, and a discussion of their experience, qualification, and the expertise and experience of the team to be engaged in the effort. The RFQ was advertised on August 2, 2012 and on August 9, 2012 in the *Natchez Democrat*.

Short-List:

In response, the university received five proposals. Respondents were as follows:

1. Ambling University Development Group located in Valdosta, Georgia;
2. GECI Full Spectrum NY Partnership located in Jackson, MS;
3. Karry L. Young Development, LLC located in Bellwood, Illinois;
4. Signet-Harrell Development located in Jacksonville, Florida; and
5. University Housing Services Inc./KUD International LLC located in St. Petersburg, Florida.

Evaluation Criteria:

The criteria used to evaluate these five proposals were as follows:

- Related project experience
- Firm's ability and capacity to perform the work
 - Key personnel committed to this project
 - Local Office
- Firm's experience and methods used for:
 - Budgeting and financial controls
 - Determining fee and compensation

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- Grasp of the project requirements.
 - Studies
 - Design
 - Knowledge of the community
 - Understanding of project
- Method to be used to fulfill the required services including design phase and financing
- Management approach for technical requirements.
 - Cost controls
 - Design and construction phase
- Use of consultants that may work on the project.
 - Discuss in-house resources
 - Outside resources
- Timely schedule planned for this project

Staff Recommendation: Board staff recommends approval of this item.

10. DSU – Approval of Sale of Property located at 301 McClain Avenue to Wesley Thomas

Project Request: Delta State University requests approval to sell a residential property located at 301 McClain Avenue, Cleveland, Mississippi to Wesley Thomas for \$65,000.

Purpose: Delta State University is seeking to sell a residential property to Wesley Thomas for \$65,000 with a closing date no later than June 30, 2013. Delta State currently owns ten parcels near the campus on Fourth, Shumate, and McClain streets. Most of these homes are post WWII construction. The university purchased the properties in the 1970s and 1980s.

While some are paired together, no more than two of the parcels are side by side, leaving a scattered set of holdings. The residences, due to their age and neglect, have countless deferred maintenance issues. Foundations, exterior walls, floor and roof systems need repair, interiors need updating and repair, and HVAC, plumbing and electrical systems need to be replaced. The university does not have the resources to fund this deferred maintenance.

The Mississippi Legislature authorized the sale of eight of these ten parcels during the 2011 session. This property is the first of the eight to be sold. Two of the parcels

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will be held for future development. H.B. 1167 Laws of 2011 authorizes the Department of Finance and Administration on behalf of the Board and the university to sell the property listed below:

301 McClain Avenue – Lot 24 of the First Addition to Marva Park Subdivision of part of the South Half (S ½) of the South Half (S ½) of Section 17, Township 22 North, Range 5 West, according to a map or plat of said subdivision recorded in record of Surveys No. 1, Page 37, in the Office of the Clerk of the Chancery Court of Bolivar County at Cleveland, Mississippi, and subject to restrictive agreement recorded in Book M-41, Page 452 of the records aforesaid.

Delta State University received two independent property appraisals as required by Board Policy §905(A), Real Estate Management. The average of the two appraisals was \$62,500 which is less than the actual sale price of the property. A copy of the property description and all legal documentation are on file with the Office of Real Estate and Facilities. Delta State University acting in accordance with Board Policy §905(A), Real Estate Management, that requires an institution acquiring or disposing of real property to receive two independent appraisals. The sale price of property shall not be below the average of the two appraisals.

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

11. MSU – Naming of Central Mississippi Research & Extension Center as the “Frank T. (Butch) Withers Jr. Central Mississippi Research & Extension Center”

Project Request: Mississippi State University requests approval to name the Central Mississippi Research & Extension Center as the “Frank T. (Butch) Withers Jr. Central Mississippi Research & Extension Center”.

Purpose: Mississippi State University requests approval to name the Central Mississippi Research and Extension Center as the Frank T. (Butch) Withers, Jr., Central Mississippi Research and Extension Center, in memory of the former head of the center and in recognition of his long period of dedicated service to Mississippi State University and Mississippi agriculture.

Mr. Withers earned the B.S. in animal science in 1966 and the M.S. in animal nutrition in 1972 from Mississippi State. In 1966, he joined the Animal Science Department as a research assistant. He remained in that position until 1971, when he

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became assistant animal scientist at the Pontotoc Ridge-Flatlands Branch Experiment Station. In 1972, he was named superintendent of that station. In 1978, Mr. Withers moved to campus as superintendent of the Animal Research Center. From 1988 until 1996, he served as superintendent of the Research Support Units/Animal Research Center. In 1996, he became head of the Central Mississippi Research and Extension Center at Raymond and served in that position until his retirement on June 30, 2006. He died in 2012. While serving as center head at Raymond, Mr. Withers was instrumental in the construction of a new 18,000-square-foot, \$2.8 million headquarters building. He also served on numerous local, regional, and national committees.

Mississippi State University 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.

12. MSU – Delete from Inventory and Demolish Buildings #1107, 1108, 1109, 1185, and 1666

Project Request: Mississippi State University requests approval to delete Buildings #1107, 1108, 1109, 1185, and 1666 from inventory and demolish them.

Purpose: Mississippi State University is seeking to delete the buildings listed above from inventory and demolish them. Building #1666 is a greenhouse that had plastic covering. The covering is gone and the structure is old. Buildings #1107, #1108, #1109, and #1185 are old Quonset storage buildings that are more economical to replace than to renovate. These buildings are in very poor condition and no longer serve the mission of the Experiment Station. It is recommended that the unit be removed from inventory and demolished.

The approval letter has been received from the Mississippi Department of Archives and History. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

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1. MSU - APPROVAL TO HIRE STITES & HARIBISON LAW FIRM AS OUTSIDE COUNSEL

Mississippi State University requests Board approval to hire Stites and Harbison as outside counsel to perform legal services necessary for obtaining patents. The contract with the firm will be for one year. The total amount payable under the contract will not exceed \$100,000.00. The proposed hourly rates for the services to be provided are as follows:

Richard S. Myers, Jr.	\$310/hour	Mandy Decker	\$237/ hour
Stephen Weyer	\$305/ hour	Terry Wright	\$220/hour
David Nagle	\$300/hour	Nicolo Davidson	\$165/hour
Jennifer Kovalcik	\$265/hour	Paralegals	\$95/hour
Jeff Haeberlin	\$260/ hour		

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

2. MSU - APPROVAL TO HIRE WARE GASPARIAN LAW FIRM AS OUTSIDE COUNSEL

Mississippi State University requests Board approval to hire the Ware Gasparian law firm as outside counsel to perform services necessary in preparing labor certification documents on behalf of the University for its employees who seek permanent residence status and related immigration matters. The contract would be for one year. The total amount payable under the contract will not exceed \$50,000.00. The proposed fee schedule under the contract is as follows:

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$1500.00
H-1B extension or amendment petitions	\$1000.00
TN petition or border/consulate processing	\$1500.00
TN extension petition	\$1000.00
E-3 petition or consular processing	\$1500.00
E-3 extension petition	\$1000.00
O-1 petition	\$4000.00

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O-1 extension or amendment petition \$1500.00

Change of status or extension of status for dependents (I-539) no additional charge

J-1 waiver (IGA or hardship) \$6,000.00

J-1 waiver (Conrad) \$6,000.00

Permanent Residence Process with Labor Certification: Faculty

\$2000.00 “Special Handling” labor certification (must be paid by University*)
\$2500.00 if position must be re-advertised

\$1000.00 Additional fee if audited.

\$2500.00 Immigrant petition

\$1500.00 Adjustment of status and related applications (I-765, I-131, etc.) by employee

\$750.00 Adjustment of status and related applications each spouse or child
**U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fee*

Permanent Residence Process with Labor Certification: Non-Faculty

\$3000-\$4000 Labor certification (must be paid by University). Exact fee depends on difficulty of case.

\$1500.00 Additional fee if audited

\$2500.00 Additional fee if subject to supervised recruitment

\$2500.00 Immigrant petition

\$1500.00 Adjustment of status and related applications (I-765, I-131, etc.) by employee

\$750.00 Adjustment of status and related applications each spouse or child

**U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees*

Permanent Residence Process: Outstanding Professors and Researchers

\$5000.00 Immigrant petition

\$1500.00 Adjustment of status and related applications by employee

\$750.00 Adjustment of status and related applications each spouse or child
Since labor certification is not required, employees may pay all fees

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Permanent Residence Process: National Interest Waiver

\$5000.00	Immigrant petition
\$1500.00	Adjustment of status and related applications by employee
\$750.00	Adjustment of status and related applications each spouse or child

Since labor certification is not required, employees may pay all fees

Employee's legal fees in all cases may be paid in monthly installments, to be arranged with attorney

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

3. UM - APPROVAL TO HIRE EVANS PETREE LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi requests approval to hire the law firm of Evans Petree, PC to advise and represent the University with respect to construction matters, including but not limited to construction and design professional contracts, public procurement, potential bid protests, and other matters related to design, construction, and project management and related disputes.

The firm of Evans Petree is based in Memphis, Tennessee and specializes in construction law. Joseph T. Getz will be the primary attorney performing work for the University. Mr. Getz, a partner with the firm, is a graduate of the University of Mississippi and a member of the Mississippi Bar.

The term of the proposed contract will be for one year, for a maximum amount payable of \$25,000 during the contract term. The proposed fees are as indicated below:

Partners	\$265 to 295 per hour
Associates	\$175 to \$225 per hour
Paralegals	\$95 to \$110 per hour
Clerks	\$50.00 per hour
Research and copy charges	At cost

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

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4. UM - APPROVAL TO HIRE WARE/GASPARIAN LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi requests permission to hire Ware/Gasparian, Attorneys at Law, as outside counsel to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status.

This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: employers are required to pay the cost of preparing, filing and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees.

The terms of this contractual agreement will be for one year, for a maximum amount payable of \$20,000 during the contract term. The proposed hourly rates are as indicated below:

Partners	\$250
Associates	\$150
Paralegals	\$100

The proposed flat fees to be charged are as follows:

Schedule of Legal Fees for Academia

Nonimmigrant Petitions and Processes

H-1B petition	\$1500.00
H-1B extension or amendment petitions	\$1000.00
TN petition or border/consulate processing	\$1500.00
TN extension petition	\$1000.00
E-3 petition or consular processing	\$1500.00
E-3 extension petition	\$1000.00
O-1 petition	\$4000.00
O-1 extension or amendment petition	\$1500.00

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Change of status or extension of status for dependents (I-539) no additional charge

J-1 waiver (IGA or hardship)	\$6,000.00
J-1 waiver (Conrad)	\$6,000.00

Permanent Residence Process with Labor Certification: Faculty

\$2000.00	“Special Handling” labor certification (must be paid by University*) <i>\$2500.00 if position must be re-advertised</i>
\$1000.00	Additional fee if audited.
\$2500.00	Immigrant petition
\$1500.00	Adjustment of status and related applications (I-765, I-131, etc.) by employee
\$750.00	Adjustment of status and related applications each spouse or child

**U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees*

Permanent Residence Process with Labor Certification: Non-Faculty

\$3000.00	Labor certification (must be paid by University)
\$1500.00	Additional fee if audited
\$2500.00	Additional fee if subject to supervised recruitment
\$2500.00	Immigrant petition
\$1500.00	Adjustment of status and related applications (I-765, I-131, etc.) by employee
\$750.00	Adjustment of status and related applications each spouse or child

**U.S. Dept. of Labor requires employers to pay all costs associated with labor certification, including legal fees and advertising costs; employees may pay other fees*

Permanent Residence Process: Outstanding Professors and Researchers

\$7000.00	Immigrant petition
\$1500.00	Adjustment of status and related applications by employee
\$750.00	Adjustment of status and related applications each spouse or child

Since labor certification is not required, employees may pay all fees

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Permanent Residence Process: National Interest Waiver

\$7000.00	Immigrant petition
\$1500.00	Adjustment of status and related applications by employee
\$750.00	Adjustment of status and related applications each spouse or child

*Since labor certification is not required, employees may pay all fees
Employee's legal fees in all cases may be paid in monthly installments, to be
arranged with attorney*

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

5. **USM - APPROVAL TO HIRE BRYAN NELSON LAW FIRM AS OUTSIDE COUNSEL**

The University of Southern Mississippi requests Board approval to hire the law firm of Bryan Nelson P.A., as outside counsel to perform services as necessary and render legal advice in the practice areas of higher education law; employment law including EEOC, ERISA and employee benefits litigation; interpretation and enforcement of construction contracts; drafting and review of complex contracts; interpretation of contractual language, negotiation, and possible litigation relating to insurance issues; litigation of contract disputes and other matters not covered by the Mississippi Tort Claims Act; and disability law. The request includes the use of any and all attorneys employed by the firm, at the discretion of the firm, whose expertise and experience is required to assist in the representation of the University pursuant to the agreement. The hourly rate to be charged by attorneys will be \$165.00 and \$65.00 per hour for the time expended by paralegals. Disbursements will include any long distance telephone charges, delivery charges, photocopy and drawing costs, computer search charges, filing fees, travel expenses, and the like incurred in connection with this engagement. The approval will be for a period of time beginning on March 22, 2013, and expiring on March 21, 2014. The maximum amount budgeted for payment under this agreement would be \$50,000.

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

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6. USM - APPROVAL TO HIRE BUTLER, SNOW, O'MARA, STEVENS & CANNADA LAW FIRM AS OUTSIDE COUNSEL

The University of Southern Mississippi requests Board approval to hire the law firm of Butler, Snow, O'Mara, Stevens & Canada, PLLC, as outside counsel to assist the University by providing all legal advice and services to the University relating to the issuance of bonds for the design and construction of Century Park South, a residential dormitory complex and other related buildings to be situated on the Hattiesburg campus. The request includes the use of any and all attorneys employed by the firm, including Troy Johnston, who, at the discretion of the firm, whose expertise and experience may be required to assist in the representation of the University in this matter. Butler Snow will charge fees based upon the sum of \$1.13 per thousand on an anticipated bond issue which will not exceed \$55,000,000.00 and relating to the design and construction of the Century Park South residential complex. Total fees will not exceed \$62,000.00 and all expenses relating to the employment will be capped at \$3,500.00. All legal fees and expenses will be paid from bond proceeds. This request is subject to the approval of the Attorney General.

STAFF RECOMMENDATION: Board staff recommends approval of this item pending approval by the Attorney General.

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APPROVAL OF PERSONNEL ACTION REQUESTS

- 1. Sabbaticals** (*All on nine-month contract except where denoted * for twelve-month contract*)

MSU

Stephen C. Brain, Assistant Professor, History, *from* salary of \$57,834 per annum, pro rata; E&G Funds; *to* salary of \$28,917 for sabbatical period; E&G Funds; effective August 16, 2013 to May 15, 2014; professional development

Frank C. Campbell, Associate Professor, Art, *from* salary of \$51,301 per annum, pro rata; E&G Funds; *to* salary of \$25,651 for sabbatical period; E&G Funds; effective January 1, 2014 to May 15, 2014; professional development

Bruce R. Ebanks, Professor, Mathematics and Statistics, *from* salary of \$102,975 per annum, pro rata; E&G Funds; *to* salary of \$51,488 for sabbatical period; E&G Funds; effective January 1, 2014 to May 15, 2014; professional development

Dana L. Franz, Associate Professor, Curriculum, Instruction, and Special Education, *from* salary of \$62,911 per annum, pro rata; E&G Funds; *to* salary of \$31,456 for sabbatical period; E&G Funds; effective January 1, 2014 to May 15, 2014; professional development

Benjamin D. Harvey, Associate Professor, Art, *from* salary of \$53,105 per annum, pro rata; E&G Funds; *to* salary of \$26,553 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

Michael P. Kardos, Assistant Professor, English, *from* salary of \$50,000 per annum, pro rata; E&G Funds; *to* salary of \$25,000 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

Brenda L. Kirkland, Associate Professor, Geosciences, *from* salary of \$63,537 per annum, pro rata; E&G Funds; *to* salary of \$31,769 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

* Shien Lu, Associate Professor, Biochemistry, Molecular Biology, Entomology and Plant Pathology, *from* salary of \$80,925 per annum, pro rata; E&G Funds; *to* salary of \$30,347 for sabbatical period; E&G Funds; effective January 1, 2014 to May 15, 2014; professional development

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Wenchao Ma, Professor, Physics and Astronomy, *from* salary of \$88,282 per annum, pro rata; E&G Funds; *to* salary of \$44,141 for sabbatical period; E&G Funds; effective January 1, 2014 to May 15, 2014; professional development

John E. Mylroie, Professor, Geosciences, *from* salary of \$96,141 per annum, pro rata; E&G Funds; *to* salary of \$48,071 for sabbatical period; E&G Funds; effective January 1, 2014 to May 15, 2014; professional development

Chuanxi Qian, Professor, Mathematics and Statistics, *from* salary of \$73,276 per annum, pro rata; E&G Funds; *to* salary of \$36,638 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

Nicole E. Rader, Associate Professor, Sociology, *from* salary of \$68,107 per annum, pro rata; E&G Funds; *to* salary of \$34,054 for sabbatical period; E&G Funds; effective January 1, 2014 to May 15, 2014; professional development

Janet E. Rafferty, Professor, Anthropology and Middle Eastern Cultures, *from* salary of \$81,993 per annum, pro rata; E&G Funds; *to* salary of \$40,997 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

Masoud Rais-Rohani, Professor, Aerospace Engineering, *from* salary of \$103,732 per annum, pro rata; E&G Funds; *to* salary of \$51,866 for sabbatical period; E&G Funds; effective August 16, 2013 to May 15, 2014; professional development

Barbara A. Spencer, Professor, Management and Information Systems, *from* salary of \$126,365 per annum, pro rata; E&G Funds; *to* salary of \$63,183 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

John E. Swan II, Professor, Computer Science and Engineering, *from* salary of \$108,132 per annum, pro rata; E&G Funds; *to* salary of \$54,066 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

Chuji Wang, Associate Professor, Physics and Astronomy, *from* salary of \$69,920 per annum, pro rata; E&G Funds; *to* salary of \$34,960 for sabbatical period; E&G Funds; effective August 16, 2013 to May 15, 2014; professional development

John E. Wyatt, Associate Professor, Instructional Systems and Workforce Development, *from* salary of \$60,584 per annum, pro rata; E&G Funds; *to* salary of \$30,292 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

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Li Zhang, Associate Professor, Civil and Environmental Engineering, *from* salary of \$85,450 per annum, pro rata; E&G Funds; *to* salary of \$21,363 for sabbatical period; E&G Funds; effective January 01, 2014 to May 15, 2014 and August 16, 2014 to December 31, 2014; professional development

MSU - Correction of sabbatical dates and salary (approved at the March 2012 Board Meeting)

Original:

Deborah K. Eakin, Associate Professor, Psychology, from salary of \$66,895 per annum, pro rata; E&G Funds; to salary of \$33,447.50 for sabbatical period; E&G Funds; *from* effective January 1, 2013 to May 15, 2013; professional development

Corrected:

Deborah K. Eakin, Associate Professor, Psychology, *from* salary of \$67,898 per annum, pro rata; E&G Funds; *to* salary of \$33,949 for sabbatical period; E&G Funds; effective August 16, 2013 to December 31, 2013; professional development

2. Emeritus Status

UM

Guthrie Abbott, Professor Emeritus of Law; effective January 22, 2013 (rehired retiree)

UMMC

Marcy Petrini, Professor Emeritus of Medicine, effective July 1, 2013

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1. **DSU – APPROVAL TO AWARD ONE HONORARY DEGREE**

The university requests approval to bestow one honorary degree at its May 2013 commencement ceremony. Supporting documents are on file at the Board Office.

2. **MSU – APPROVAL TO AWARD TWO HONORARY DEGREES**

The university requests approval to bestow two honorary degrees at its May 2013 commencement ceremonies. Supporting documents are on file at the Board Office.

REGULAR AGENDAS

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STUDENT AFFAIRS – SECTION 600 ADMISSIONS AND STUDENT AFFAIRS

**RECOMMENDATION TO ADD A STATEMENT TO BOARD POLICY SECTION 600
SUBSECTION (602) GENERAL TRANSFER ADMISSIONS FOR STUDENTS WHO
WERE NOT ELIGIBLE FOR REGULAR ADMISSION**

- E. General Transfer 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 30 transferable semester credit hours to be eligible to transfer to an IHL institution:

- 6 semester hours English Composition
- 3 semester hours College Algebra, Quantitative Reasoning, or higher level mathematics
- 6 semester hours Natural Science
- 9 semester hours 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). Admitting institutions may establish additional admission requirements.

RECOMMENDATION TO MODIFY SUBSECTION 604 APPLICANTS WITHOUT A HIGH SCHOOL DIPLOMA:

604 APPLICANTS WITHOUT A HIGH SCHOOL DIPLOMA APPLICANTS WITHOUT A DIPLOMA FROM A REGIONALLY ACCREDITED HIGH SCHOOL; HOME SCHOOL STUDENTS

~~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.~~

1. Applicants who have completed high school from a school that does not hold regional accreditation must submit the following:
 - a. Transcripts reflecting academic performance

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b. ACT or SAT scores

Applicants may be required, at the discretion of the admitting IHL institution, to appear for an on-campus interview.

2. Home-schooled applicants must submit the following:

a. Home-school transcripts or portfolio summarizing home school education

b. ACT or SAT scores

Applicants may be required, at the discretion of the admitting IHL institution, to appear for an on-campus interview.

3. Applicants who have not completed high school must submit the following:

a. Qualifying scores on the General Education Development Test (GED)

b. Any transcripts reflecting academic performance in high school

Applicants may be required, at the discretion of the admitting IHL institution, to appear for an on-campus interview.

RECOMMENDATION TO MOVE SUBSECTION 609 TO SECTION 500 ACADEMIC AFFAIRS.

~~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 that 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.~~

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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.~~

RECOMMENDATION TO CREATE POLICY ON ADMISSION WITH AN ASSOCIATE DEGREE

609 **TRANSFER ADMISSION FOR STUDENTS WHO HAVE EARNED AN ASSOCIATE DEGREE**

- A. Any student who has earned an Associate of Arts degree from a regionally accredited institution and sufficient GPA as calculated by the admitting institution is eligible for admission to an IHL institution.

- B. Any student who has earned other Associate level degrees from a regionally accredited institution in a transferable area (as defined by the admitting institution) and sufficient GPA as calculated by the admitting institution may be eligible for admission to an IHL institution.

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ACADEMIC AFFAIRS – SECTION 500

RECOMMENDATION TO ADD SUBSECTION 520 TO SECTION 500 ACADEMIC AFFAIRS

609 520 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. Upon adoption, this policy supersedes the Articulation Agreement for determining the transferability of the 30-hour IHL core curriculum.

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.

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.

Staff Recommendation: Board staff recommends approval of these items.

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1. MSU – REQUEST FOR APPROVAL OF AUTHORIZATION OF A BOND RESOLUTION TO ISSUE EDUCATIONAL BUILDING CORPORATION BONDS NOT TO EXCEED \$75 MILLION FOR REFUNDING AND FOR APPROVAL OF BOND DOCUMENTS, BOND COUNSEL AND BOND COUNSEL FEES

Agenda Item Request: Mississippi State University (MSU) requests approval of a Resolution for the MSU Educational Building Corporation (EBC) to issue up to a maximum aggregate principal amount of \$75 million of long-term bonds for the purpose of refunding of prior debt and payment of issuance costs. MSU requests approval of the related bond documents including the lease, ground lease, preliminary offering statement, trust indenture, continuing disclosure agreement, official form of proposal, escrow agreement, the bond purchase agreement in substantially final form, and the permission to execute these documents.

MSU also requests approval of **Bond Counsel** - Jones, Walker, Waechter, Poitevent, Carrere and Denegre, LLP (at a fee of \$1.15 per \$1,000 of par bonds estimated at \$72,910)

Following are the other professionals:

Underwriters – Morgan Stanley & Company, LLC with Raymond James & Associates, Inc.

Financial Advisor – First Southwest

Trustee and Escrow Agent – Hancock Bank

History: Refunding of previously authorized bond issues is to include 1) Series 2004 (205-191, Power Generation Facilities Project), 2) Series 2004-A (205-207, Residence Hall and Refunding), and 3) Series 2005 (205-195 Residence Hall and Campus Improvement Project).

Purpose: The purpose is to approve a bond resolution and accompanying bond documents for the refunding of outstanding bond issues not to exceed a par value of \$75 million. Of this amount, \$11,505,000 will be used to refund the 2015-2027 maturities of the Series 2004 bonds, \$15,710,000 will be used to refund the 2015-2029 maturities of the Series 2004-A bonds, and \$44,030,000 will be used to refund the 2027-2035 maturities of the Series 2005 bonds. The remaining balance will be used pay transaction costs (estimated at \$672,522), and reserve for changes in bond pricing (up to \$3,082,478).

Specific Type of Contract: Long-term bonds

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Scope of Work: The bond issue includes refunding of prior debt (Series 2004, Series 2004-A, and Series 2005). **First Southwest** is the financial advisor. Bond Counsel is **Jones, Walker, Waechter, Poitevent, Carrere and Denegre, LLP**, and the Underwriters are **Morgan Stanley & Company LLC with Raymond James & Associates, Inc.** **Hancock Bank** will serve as the trustee and escrow agent.

Term of Contract: Long-term bonds will be issued with maturities up to 30 years. Currently the refunding is scheduled to refund the principal of bonds with maturities ranging from 2015 to 2035.

Termination Options: The bond issue documents contain redemption provisions which can be used in case of market changes.

Contract Amount: MSU will issue up to a maximum of \$75 million par value in fixed rate bonds. Based on the Financial Advisor's report dated February 7, 2013, the proposed refunding will reduce the net present value of long-term bonds by \$6,841,772, or 10.41% of the \$72,245,000 proposed for refunding.

Funding Source for Contract: EBC revenue from continuing operation of the existing projects

STAFF RECOMMENDATION: Based on Board Policy 906 – *Educational Building Corporations: Following the Board's approval of the project initiation, the institution shall return to the Board at a subsequent meeting and present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations for the specific project and for approval of the following documents: the lease, the ground lease, the preliminary official statement (if required for the type of debt issued), the trust indenture, the continuing disclosure agreement (if required for the type of debt to be issued) and the bond purchase agreement or dealer agreement, as applicable.* The bond documents have been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

2. UMMC – REQUEST FOR WAIVER

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests a waiver of the annual audit requirement applicable to the IHL approved affiliation agreement with the **University of Mississippi Medical Center Research Development Foundation (MCRDF)** for the fiscal year ending June 30, 2013.

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Justification: As per requirements stipulated in Board Policy 301.0806 D.9., copies of the MCRDF's June 30, 2010 audited financial statement from an independent Certified Public Accounting (CPA) firm, as well as an unaudited financial statement at 6-30-2012 and an interim statement at 12-31-2012 were sent to the Board under separate cover.

The request for the waiver for fiscal year 2013 is based on the assets of the MCRDF being less than \$30,000 at 12-31-2012. There has not been any material fiscal activity in the MCRDF in several years and it is anticipated that there will not be any significant activity through the end of the fiscal year. Therefore, it is estimated that the 2013 financial statements will be materially the same as the previous years. The \$3,500 estimated cost of contracting for a full financial audit is felt to be too prohibitive and not a cost-benefit to the entity. In order to save funds, UMMC requests that the Board, on behalf of the affiliated entity, waive the requirement of an annual audit by a CPA firm for fiscal year 2013.

Staff Recommendation: Based on Board Policy 301.0806 D.9., *University Foundation/Affiliated Entity agreements, Board approval is required to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds.* Board staff has reviewed the required supporting documentation related to this request and recommends that in lieu of a formal audit, agreed upon review procedures will be performed by the Internal Audit Department to ensure no other risk factors have arisen. An external audit will be initiated if circumstances change and the MCRDF receives additional funds that materially impact the financial statements.

INFORMATION AGENDAS

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1. SYSTEM – 2013 HEADWAE HONOREES

The Higher Education Appreciation Day, Working for Academic Excellence (HEADWAE) was established by the Mississippi Legislature to honor academically talented students and faculty members of Mississippi's higher education institutions who have made outstanding contributions in promoting academic excellence. The HEADWAE recipients were honored on February 26, 2013, at the Jackson Marriott, where Lt. Governor Tate Reeves served as chair. System honorees for 2013 are listed below.

INSTITUTION	FACULTY HONOREE	STUDENT HONOREE
ASU	Sidney Taylor Hawkins	Lawrence E. Warren
DSU	Debbie Frances Finney Allen	Alanna Catherine Ferguson
JSU	Glake Alton Hill	Lisa Marie Wren
MSU	James Andrew Dunne	Shelby Camille Balius
MUW	Brian Bartholemew Anderson	George Stoner
MVSU	Kathryn Lee Green	Jeana Dave' McGee
UM	John Howard O'Haver	Kimbrelly Nicole Dandridge
UMMC	LaDonna Kaye Northington	Demetrice Rosha McDuffey
USM	Amal K. Mitra	John Caleb Grenn

2. SYSTEM – 2013-2014 IMPROVING TEACHER QUALITY AWARDS

Title II, Part A of the *No Child Left Behind Act of 2001* authorizes awards to higher education state agencies to support an “Improving Teacher Quality” competitive grant program. The IHL institutions below were awarded Title II federal grant funds for the period beginning March 15, 2013 through April 30, 2014.

INSTITUTION	DISCIPLINE	AMOUNT
Delta State University	Literacy Integration	\$89,852
Jackson State University	Mathematics	\$90,000
Mississippi State University	English	\$90,000
Mississippi State University	Literacy and Technology Integration	\$90,000
Mississippi State University – Meridian	Literacy Integration	\$89,144
Mississippi University for Women	Language Arts	\$90,000
Mississippi Valley State University	Reading	\$90,000
University of Mississippi	Reading	\$90,000
University of Southern Mississippi	Language Arts	\$89,995
University of Southern Mississippi	Mathematics	\$90,000
Total Awarded to IHL Institutions		\$898,991

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3. SYSTEM – 2011 ANNUAL PERFORMANCE REPORT FOR MISSISSIPPI TEACHER PREPARATION PROGRAMS

	ASU	DSU	JSU	MSU	MUW	MVSU	UM	USM
NCATE Accreditation Achieved	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Next NCATE Accreditation Visit	Fall 2014	Fall 2014	Fall 2015	Sp 2015	Fall 2019	Fall 2013	Sp 2015	Sp 2019
State Process and Performance Review Standards Met	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
80% Teacher Affirmation Rate Achieved	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
80% Principal Affirmation Rate Achieved	Yes	Yes	Yes	Yes	Yes	Yes	Yes	Yes
Tradition Preparation Program Completers	29	91	54	304	64	17	325	274
Alternate Route Program Completers	28	16	40	29	9	22	26	8
Teach MS Institute Online Program Completers	N/A	N/A	N/A	N/A	N/A	N/A	105	N/A
Teach for America (Delta Region) Program Completers	N/A	193	N/A	N/A	N/A	N/A	N/A	N/A
Total Traditional Preparation Program Completers 2010-2011:								1158
Total Alternate Route Program Completers 2010-2011:								476
Total for All Preparation Programs at MS Institutions of Higher Learning:								1634

Source: MS Department of Education

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4. SYSTEM – REPORT ON EXISTING PROGRAMS NOW OFFERED ONLINE

- a. *Delta State University* is offering the *Educational Specialist's Degree* in *Education Administration and Supervision*.
- b. *Mississippi State University* is offering the *Bachelor of Science Degree* in *Teacher Technology Education/Business Technology*.
- c. *Mississippi State University* is offering the *Master of Arts* in *Teaching-Middle Level*.

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
FEBRUARY 21, 2013 BOARD MEETING SUBMISSION DEADLINE**

NOTE: THE FOLLOWING ITEMS WERE APPROVED BY THE BOARD'S REAL ESTATE AND FACILITIES STAFF ACCORDING TO BOARD POLICY §904 (A) 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 105-343 – Lee Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$93,157.20 and zero (0) 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: February 8, 2013

Change Order Justification: **Change Order #2** is necessary to install dowels in the new concrete work associated with the plumbing work to reduce the possibility of cracking in the new tile flooring, to install new floor joists against the existing joists that had been shortened, to relocate the existing fire pump feeder around the footprint of the new elevator shaft at the basement level, to correct a conflict between the existing siren and the new skylight & relocate the siren to a new location, provide a new feeder & temporary feeder to the existing electrical panel located in the third floor mechanical room on the auditorium balcony, to install new carpet underlayment over the existing wood floors to remain to prevent the curling edges of the existing wood flooring from telescoping through the new carpet and to construct a wood environmentally controlled storage box to house the existing mural for the remainder of the contract as the mural could not be rolled onto a cylinder because it was fully pasted onto a board.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$171,388.80.

Project Initiation Date: June 16, 2011

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

General Contractor: West Brothers Construction, Inc.

Project Budget: \$20,700,000.00

Funding Source(s): HB 1641, L'08 (\$2,463,146.89); HB 1722, L'09 (\$4,660,866.80); HB 1701, L'10 (\$8,000,000.00); SB 3100, L'11 (\$5,575,986.31)

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2. MSU – GS 105-345 GC02 – Classroom Building with Parking

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Design Development Documents** as submitted by Belinda Stewart Architects, P.S. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 8, 2013

Project Initiation Date: August 19, 2010

Design Professional: Belinda Stewart Architects, P.S.

General Contractor: TBA

Project Budget: \$37,509,471.00

Funding Source(s): SB 3100, L'11 (\$9,712,400.00); HB 246, L'07 (\$2,300,000.00); EBC Bonds and University Funds (\$25,497,071.00)

3. MSU– GS 113-130 – Necropsy Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$48,296.98 and zero (0) additional days to the contract of T. L. Wallace Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 8, 2013

Change Order Justification: **Change Order #7** is necessary to furnish and install a 12' high chain link fence with privacy slats to include fence, concrete footing and curb along the fence line.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$ 612,860.30

Project Initiation Date: October 21, 2010

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

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General Contractor: T. L. Wallace Construction, Inc.

Project Budget: \$12,697,791.22

Funding Source(s): HB 1701, L'10 (\$12,697,791.22)

4. MSU – IHL 205-260 – Expansion and Renovation to Davis Wade Stadium

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$148,426.55 and zero (0) additional days to the contract of Harrell Contracting Group, LLC.

Staff Approval Date: February 13, 2013

Change Order Justification: **Change Order #1** is necessary to change the specified electrical manhole to a 9'x9'x8' manhole and to delete two 48"x48"x36" in grade junction boxes north of TMH -5, to replace the sanitary sewer lift station with a gravity fed sewer to an off-site location and to rework the fiber optic size and routing.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$ 148,426.55.

Project Initiation Date: May 19, 2011

Design Professional: LPK Architects

General Contractor: Harrell Contracting Group, LLC

Project Budget: \$80,000,000.00

Funding Source(s): EBC Bonds/Commercial Paper (\$80,000,000.00)

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5. MSU – IHL 205-267 – Sawyer Tennis Courts (Fresh Food Company Dining Facility)

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by JH&H 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: February 1, 2013

Project Initiation Date: September 11, 2012

Design Professional: JH&H Architects

General Contractor: TBA

Project Budget: \$12,500,000.00

Funding Source(s): EBC Bonds (\$12,500,000.00)

6. MUW– GS 104-178 – Fant Library Renovation Phase One

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$29,561.51 and ten (10) additional days to the contract of West Brothers Construction. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 12, 2013

Change Order Justification: **Change Order #3** is necessary to provide all material, labor, supervision, general conditions, overhead, and profit to revise the site drainage to drain to the SW of the site rather than the NW corner.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$ 89,932.73.

Project Initiation Date: October 20, 2011

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

General Contractor: West Brothers Construction

Project Budget: \$6,800,000.00

Funding Source(s): SB 3100, L'11 (\$5,952,000); HB 1701, L'10 (\$848,000)

7. UM- GS 107-302 – Lamar Hall Renovation

Staff Approval #1 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$79,286.98 and zero (0) additional days to the contract of Evan Johnson and Sons Construction, Inc.

Staff Approval #2 : In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #6** in the **credit amount** of \$30,196.00 and zero (0) additional days to the contract of Evan Johnson and Sons Construction, Inc.

Staff Approval Date: February 12, 2013

Change Order Justification: **Change Order #5** is necessary for addition and changes for digital signage, and for changing storage areas to future offices, replacement of manual flush valves for battery operated flush valves, to include credit for electrical circuits, revisions to the deli area, additional rise in the ramp due to the actual site grades being different from what was indicated on the survey, relocation of the fire sprinkler risers from the existing elevator shafts as drawn to stairwells to accommodate plan changes in future phases. **Change Order #6** is necessary for changes to the original design layout due to future layout of Phase 2B, replacement of the existing sewer piping beneath the existing slab that was broken, cost-saving measure to eliminate laminate panels at the elevator wall & solid surface tops at the mezzanine beams, credit for omission of decorative resin panels at the writing center & elevator shaft and cost to locate the buried manhole as indicated on the site plan.

Total Project Change Orders and Amount: Six (6) change orders for a total amount of \$446,140.70.

Project Initiation Date: August 20, 2009

Design Professional: Barlow Eddy Jenkins Architects

General Contractor: Evan Johnson & Sons Construction, Inc.

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Project Budget: \$7,800,000.00

Funding Source(s): HB 1722, L'09 (\$3,170,846.50); HB 1701, L'10 (\$2,000,000.00);
Internal R&R (\$2,629,153.50)

8. UM– IHL 207-345 – University Housing – Package A

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #11** in the amount of \$18,444.00 and zero (0) additional days to the contract of D. Carroll Construction.

Staff Approval Date: February 8, 2013

Change Order Justification: **Change Order #11** is necessary to furnish and install new iron hand rails on concrete staircases with new rise and run configuration.

Total Project Change Orders and Amount: Eleven (11) change orders for a total amount of \$144,062.61.

Project Initiation Date: November 18, 2010

Design Professional: Cooke Douglass Farr Lemons + Eley & Associates – A Joint Venture

General Contractor: D. Carroll Construction

Project Budget: \$39,314,500.00

Funding Source(s): Self-Generated Funds (\$9,314,500.00); EBC Bonds (\$30,000,000.00)

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

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$58,409.00 and twenty-nine (29) additional days to the contract of Evan Johnson & Sons Construction, Inc.

Staff Approval Date: February 15, 2013

Change Order Justification: **Change Order #1** is necessary to fill voids in the 8” cmu block at each side of the 560 window openings, a stop work order was issued for three days to allow for student move-in, to change the mortar mix from a standard mix to a white sand mix and the addition of four days due to weather delays.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$58,409.00.

Project Initiation Date: February 17, 2011

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

General Contractor: Evan Johnson & Sons Construction, Inc.

Project Budget: \$8,000,000.00

Funding Source(s): Auxilliary R&R (\$8,000,000.00)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by BEJ-CDFL A Professional Association.

Staff Approval Date: February 8, 2013

Project Initiation Date: February 16, 2012

Design Professional: BEJ-CDFL A Professional Association

General Contractor: TBA

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Project Budget: \$15,000,000.00

Funding Source(s): Internal R&R (\$15,000,000.00)

11. UM– IHL 207-363 – Library Cooling Tower Replacement

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Schematic Design Documents** as submitted by CGM Group, Inc.

Staff Approval Date: February 8, 2013

Project Initiation Date: October 18, 2012

Design Professional: CGM Group, Inc.

General Contractor: TBA

Project Budget: \$1,500,000.00

Funding Source(s): Internal R&R (\$1,500,000.00)

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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 Lawrence Bernstein (statements dated 1/3/13 and 2/1/13) from the funds of the University of Mississippi. (These statements, in the amounts of \$812.50 and \$162.50, respectively, represent services and expenses in connection with WUMS (FM) - University of Mississippi Campus Radio Station.)

TOTAL DUE.....\$ 975.00

Payment of legal fees for professional services rendered by Mayo Mallette (statement dated 2/12/13) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$4,141.50, represents services and expenses in connection with general advice.)

TOTAL DUE.....\$ 4,141.50

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 1/24/13) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Pelvic Floor Strength Assessment Device" - \$442.50; "Water Repellant Solids - Non Provisional Application" - \$42.50; "Solid Heat Carrier Pyrolysis Reactor" - \$832.50; "Enhanced Wood Preservative Composition" - \$2,622.50 and "Indian Patent Application No. 1657/DELNP/2006" - \$68.00.)

TOTAL DUE.....\$ 4,008.00

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 1/3/13) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: "Cache Mapping Technology Matter" - \$1,641.00.)

TOTAL DUE.....\$ 1,641.00

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 9/20/12, 10/5/12, 12/10/12, 12/11/12, 12/11/12 and 12/11/12) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: "Preparation of Pre-Coated RP-Rotors and Universal Chromatrotors, Chromatographic Separation Devices and Methods for Centrifugal Preparative Chromatography" - \$4,405.00; "Preparation of Pre-Coated RP-Rotors and Universal Chromatorotors,

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Chromatographic Separation Devices and Methods for Centrifugal Preparative Chromatography” - \$281.50; “Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$4,669.50; “Method for Preparing Delta-9 Tetrahydrocannabinol” - \$757.31; “Highly Selective Sigma Receptor Ligands” - \$1,926.50 and “Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$1,556.10, respectively.)

TOTAL DUE.....\$ 13,595.91

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 5/25/12, 5/25/12, 5/25/12, 8/20/12, 8/20/12, 8/20/12, 8/20/12, 8/20/12, 8/20/12, 8/20/12, 8/20/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 12/18/12, 1/18/13, 1/18/13, 1/18/13 and 1/18/13) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Particle Feeder” - \$130.00; “Methods for Detecting Humans” -\$350.00; “Methods for Detecting Humans” - \$40.50; “A Stable Plasmonic Cluster of Molecular Definition” - \$930.00; “Particle Feeder” - \$673.00; “Highly Purified Amphotericin-B” - \$1,019.55; “Multi-modal Plate Acoustic Wave Devices” - \$1,576.50; “Stabilized Formulation of Triamcinolone Acetonide” - \$372.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$288.50; “Methods for Detecting Humans” - \$145.25; “Gas Separating Membranes” - \$610.50; “Delivery of Medicaments to the Nail” - \$1,197.95; “Highly Purified Amphotericin-B” - \$1,277.85; “Highly Purified Amphotericin-B” - \$404.48; “Highly Purified Amphotericin-B” - \$767.07; “Highly Purified Amphotericin-B” - \$559.10; “Highly Purified Amphotericin-B” - \$604.25; “Highly Purified Amphotericin-B” - \$489.56; “Highly Purified Amphotericin-B” - \$1,218.50; “Multi-modal Plate Acoustic Wave Devices” - \$1,465.50; “Particle Feeder” - \$656.00; “Stabilized Formulation of Triamcinolone Acetonide” - \$643.98; “Stabilized Formulation of Triamcinolone Acetonide” - \$1,203.70; “Stabilized Formulation of Triamcinolone Acetonide” - \$1,594.00; “Gas Separating Membranes” - \$81.00; “A Stable Plasmonic Cluster of Molecular Definition” - \$1,027.00; “Highly Purified Amphotericin-B” - \$302.00; “Highly Purified Amphotericin-B” - \$1,302.00; “Multi-modal Plate Acoustic Wave Devices” - \$240.00 and “Particle Feeder” - \$145.50 , respectively.)

TOTAL DUE.....\$ 21,315.24

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 1/23/13 and 1/24/13) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with the following patents: “Lockheed - Oil Dispersant Patent” - \$1,147.50 and “Self-Repairing Oxetane-Submitted Chitosan Polyurethane Networks” - \$290.00, respectively.)

TOTAL DUE.....\$ 1,437.50

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1. SYSTEM – COMMISSIONER’S NOTIFICATION OF APPROVAL

The following items have been approved by the Commissioner on behalf of the Board and are available for inspection in the Board Office.

- a. **MSU** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000.” On February 25, 2013, the Commissioner approved the request for MSU on behalf of its Coastal Research and Extension Center to enter into a revenue producing lease agreement with USDA’s Animal and Plant Health Inspection Service/Plant Protection and Quarantine Center for Plant Health Science and Technology (APHIS). This agreement is for the lease of space in the MSU Coastal Research and Extension Center in Biloxi, MS, that includes four (4) single offices and four (4) cubicles or the equivalent thereof; available meeting and/or laboratory space as needed; and, outdoor storage space. The lease term will run for a twelve (12) month period beginning March 1, 2013 and ending February 28, 2014. The lease term may be extended for additional twelve (12) month period(s) upon notice by the Lessee prior to the end of the then current lease year. In return for the lease of the designated space, MSU will receive an annual rent payment of \$25,000; salary for the employment of a maintenance worker; and, on-site specified support as requested. The Executive Office legal staff have reviewed and approved the contract documents.
- b. **UMMC** – In accordance with Board Policy 301.0702 Duties of the Commissioner “The Commissioner is authorized to conduct the day to day administrative affairs of the Board. . .” On February 11, 2013, the Commissioner approved the request to enter into a multi-year lease agreement with WLBT, LLC (WLBT). This agreement will allow UMMC to locate antenna and radio transmitting equipment on WLBT’s broadcast transmission tower in Raymond, MS. By using WLBT’s broadcast tower, UMMC will have access to an unobstructed transmission path for communication with its medical helicopters. UMMC has leased space on the tower since 2002. The most recent lease term expired on August 14, 2012. Since the expiration, UMMC has continued to use the space without a written agreement. The proposed lease term would commence upon execution of the agreement by both parties. The initial lease term will run for a three (3) year period and may be extended for up to three (3) additional years upon written request by UMMC at least thirty (30) days prior to the then current lease term. Approval is granted for the maximum lease term of six (6) years. UMMC will pay monthly rent in the amount of \$625.03 for the

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initial three-year term of the lease for a total cost of \$22,501.08. In the event UMMC exercises its option to extend the lease agreement beyond the initial period, it is anticipated that the monthly rent amount will increase by 3% annually for the remainder of the lease term for a total cost of \$23,878.35. The total estimated cost for a six (6) year lease term is \$46,379.43. WLBT, as Lessor, will provide tower space and electricity for the transmitting equipment. The Executive Office legal staff have reviewed and approved the contract documents.

- c. **UMMC** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On March 5, 2013, the Commissioner approved the request for UMMC on behalf of Children's Healthcare of Mississippi (a UMMC entity) to enter into a lease agreement with Memorial Hospital at Gulfport. (As background, this is a continuation of an agreement University Physicians had in place to serve the needs of children's healthcare in this area of the state.) The agreement is for the lease of approximately 2,340 square feet of medically equipped and furnished clinical space on the 3rd floor of Gulfport Memorial Physician Clinics. The area will be used by UMMC pediatric physicians who subspecialize in the fields of pediatric orthopedics, hematology and oncology for the provision of specialty care to patients in this area of the State. UMMC physicians will be on-site two (2) days per month for patient consultation and supervision. The lease term will run for a five (5) year period, March 1, 2013 through February 28, 2018. For the twice monthly use of the premises and salaries for the part-time services of clerical and clinical personnel, UMMC will pay \$1,085.45 each month. The total cost for the lease term is \$65,187. Memorial, as Lessor, will provide utilities, and, maintenance for the building, grounds and parking lot. The Executive Office legal staff have reviewed and approved the contract documents.
- d. **USM** - In accordance with Board Policy 707.01 Land, Property, and Service Contracts, "The Commissioner is authorized and empowered to approve non-oil, gas and mineral leases in an amount equal to or less than \$100,000." On February 4, 2013, the Commissioner approved the request to enter into a revenue generating lease agreement with General Electric Company d/b/a GE Aviation-Ellisville (GE). This agreement is for the lease of approximately 372 square feet of space in USM's Accelerator Building. The proposed lease space is to be used as temporary office space for GE support personnel during the construction of a new GE facility in Ellisville, MS. The lease term will run for an initial four month period and will be extended for up to three additional four-month periods unless written notice of termination is given by either party at least sixty days

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prior to the end of the then current lease term. In return for the lease of the designated space, USM will receive monthly rent in the amount of \$620. The university, as Lessor, will provide utilities, janitorial services and routine maintenance services for the premises. The Executive Office legal staff have reviewed and approved the contract documents.

- e. **USM** – In accordance with Board Policy 1107 Enactment of Traffic Rules and Regulations, the Board delegates to the Commissioner the power to approve university traffic rules and regulations on its behalf. On March 5, 2013, the Commissioner approved the Traffic and Parking Regulations 2013-14 for the University of Southern Mississippi. The Attorney General’s Office has reviewed and approved the regulations.
- f. **USM** – At the February 13, 2013 Emergency Board meeting, the Board delegated to the Commissioner the authority to approve any purchase, contract or other legal document on behalf of the Board necessary to assist USM in dealing with any issues related to the recent tornado damage at the university that may arise in between meetings of the Board, and to require that any such Commissioner approvals must be reported to the Board at its next meeting. This authority extends until April 2013. In accordance with the above authority, the Commissioner approved the following items.
 - i. On February 10, 2013 a significant quantity of “tornado-weather generated” hazardous debris (i.e., glass) was deposited on the USM artificial “playing” surface located in M.M. Roberts Football Stadium. Based on significant safety and security concerns, two artificial surface firms were consulted and upon inspection concluded that the “playing” surface was unsafe for further use. As a result, the “playing” surface was condemned and barriers erected to ensure no unauthorized entrance to the field. Upon further inspection, it was also determined that the field sub-surface was inadequate relative to water drainage considerations and needed replacement in conjunction with the “playing” surface. Over the past few years, the old sub-surface drainage system has significantly eroded and no longer adequately drains rain water. As a result, the university would like to replace both the sub-surface and the artificial “playing” surface at M.M. Roberts Stadium. Consulting firms have advised that both the “playing” surface and sub-surface components mutually support each other in providing safe field conditions for athletic competition. The university would like to accomplish both projects simultaneously to ensure they are completed correctly and efficiently in restoring the football field back to where the safety of the student-athletes

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is adequately met. Current estimates have the project lasting approximately twelve weeks focused on a July 15th completion date to provide sufficient time to determine if everything is ready and in good working order. Currently USM is not only losing training time on the field, the University is also losing its recreational and club sports programming on the field as well. On March 6, 2013, the Commissioner approved the request to employ a civil engineer to advise about the necessary treatment of the surface under the turf on the football field including drainage.

- ii. On February 25, 2013, the Commissioner approved the request to delete from inventory and demolish the Jazz Lab building, the Leech House, and a residential property. All three properties were destroyed in the February 10, 2013 tornado and are beyond repair. The Jazz Lab building is located on the campus. The Leech House is a residential property located at 301 Chevy Chase Drive, Hattiesburg, MS and housed the offices for the USM Symphony Orchestra. The other residential property located at 307 Chevy Chase Drive, Hattiesburg, MS housed the offices for the Rape Crisis Center. Approvals from the Mississippi Department of Archives and History and the Mississippi Department of Environmental Quality will be obtained prior to demolition.
- iii. On March 4, 2013, the Commissioner approved the request to contract with Allred and Associates as the project professional for the Frank E. Marsh Fine Arts Building and the Mannoni Performing Arts Building to repair damage due to the February 10, 2013 tornado. Allred and Associates were employed some time ago to assist with a survey of roofs on campus buildings. That same firm assisted with some renovations in the Mannoni Performing Arts Building which were completed just before the tornado on February 10; therefore, their previous experiences with these facilities will be valuable in the restoration of the Frank E. Marsh Fine Arts Building and the Mannoni Performing Arts Building.
- iv. On March 4, 2013, the Commissioner approved the request to contract with Larry Albert as the project professional in the restoration of The Ogletree House, Southern Hall, and Kennard-Washington Hall, which are being restored due to tornado damage on February 10, 2013. Larry Albert is recognized as a very knowledgeable architect in restoration of historic buildings.