Policies and Bylaws

Amended Through September 17, 2026

MISSISSIPPI BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

| 3825 Ridgewood Road, Jackson MS 39211 | 601 432 6198 |

IHL Board of Trustees
Policies & Bylaws

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SECTION 100 - AUTHORIZATION

101 ESTABLISHMENT OF THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING

101.01 CONSTITUTIONAL

The state institutions of higher learning now existing in Mississippi, to-wit: University of Mississippi, Mississippi State University of Agriculture and Applied Science, Mississippi University for Women, University of Southern Mississippi, Delta State University, Alcorn State University, Jackson State University, Mississippi Valley State University, and any others of like kind which may be hereafter organized or established by the State of Mississippi, shall be under the management and control of a board of trustees to be known as the Board of Trustees of State Institutions of Higher Learning, the members thereof to be appointed by the Governor of the state with the advice and consent of the Senate.

Miss. Const. Art. VIII, Section 213-A
(BT Minutes, 9/90; 1/98)

101.02 NAME

The official name of the Board of Trustees under the constitution (Section 213-A) is the Board of Trustees of State Institutions of Higher Learning.

Miss. Const. Art. VIII, Section 213-A

(For the purposes of these bylaws and policies, the Board of Trustees of State Institutions of Higher Learning shall hereafter be referred to as the "Board.")

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

101.03 SEAL

The Board is hereby authorized and empowered, in its discretion, to adopt and have an official seal in such form as it deems appropriate for its official use.

The official seal of the Board shall contain an inner circle and an outer circle. The inner circle shall be a facsimile of the inner circle of the Great Seal of the State of Mississippi. It portrays the great eagle with extended pinions, holding in the right talon a palm branch and a bundle of arrows in the left talon, meaning "by

valor and arms." The outer circle shall have inscribed therein the words "State Institutions of Higher Learning."

Miss. Code Ann., §37-101-11, as amended.
(BT Minutes, 9/90; 1/98)

102 MISSION STATEMENTS

102.01 STATE INSTITUTIONS OF HIGHER LEARNING (IHL SYSTEM)

The Mississippi Institutions of Higher Learning (IHL System), under the governance of its Board of Trustees, will operate as a strong public university system with eight distinct, mission-driven universities, and will enhance the quality of life of Mississippians by effectively meeting their diverse educational needs. In so doing, the IHL system will be characterized by, and become nationally recognized for, its emphasis on student achievement and on preparing responsible citizens; its adherence to high academic standards and to quality in instruction, research, service and facilities; and its commitment to affordability, accessibility, and accountability.

(BT Minutes, 9/2002)

102.02 BOARD OF TRUSTEES

The purpose of the Board of Trustees is to manage and control Mississippi's eight institutions of higher learning in accordance with the Constitution and to see that the IHL System mission is accomplished. To do so, the Board will operate a coordinated system of higher education, establish prudent governance policies, employ capable chief executives, and require legal, fiscal and programmatic accountability. The Board will annually report to the Legislature and the citizenry on the needs and accomplishments of the IHL System.

(BT Minutes, 9/2002)

102.03 INSTITUTIONAL MISSION STATEMENTS

Each institution of higher learning has common characteristics intrinsic to success. Each institution also has a distinct history, unique traditions, and separate mission to be performed within the IHL System. Each institution shall develop a concise statement of its core mission for approval by the Board. The core mission statement shall be based upon and consistent with the statement

of institutional purpose and mission required by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), which is co-branding as The Commission on Colleges and Universities, and the Board and System mission statements. The core mission statement shall set forth clearly and concisely the major emphasis, scope, and character of the institution's instructional, research, and public service programs, and shall describe those characteristics and features that distinguish it from other institutions in the IHL system. Core mission statements shall be reviewed annually by each institution and may be modified with prior approval of the Board. The core mission statement of each institution shall be filed with the Commissioner.

(BT Minutes, 9/2002; 11/2024; 8/2026)

102.04 PLANNING PRINCIPLES

Effective performance of the system, board, and institutional missions requires sound planning. The IHL planning process is grounded in six principles, or core values, which undergird the ongoing work of universities and of the trustees.

- *Higher Education Matters*. Universities are the wellsprings of civilization and human capital. Ours must be vital for our citizenry to thrive.

- *Planning Begins With Self-Assessment and Research*. The divides of history, geography, wealth, and culture are particular threats to diverse institutions and trustees. A willingness to honestly and collegially address issues is central to IHL planning. Well-researched, factual information leavens disputes into discussion.

- *Successful Institutions Focus on Their Assets*. Our universities are home to rich traditions, diverse environments, and exceptional talent. By nurturing and building on these assets, each of our institutions can flourish within the IHL system.

- *System Planning Requires Collaboration*. As diverse institutions and individuals, we need to pay attention to building institutional cooperation, eschewing insidious competition, broadening leadership, and promoting collaborative decision-making. Collaboration must also extend to other agencies and organizations, particularly other education entities.

- *Viable Institutions Incorporate Resource Stewardship and Accountability in All Functions*. Trustees and universities have a duty to be good

stewards. Accountability and evaluation ensure integrity and effectiveness and will be reviewed annually.

(BT Minutes, 9/2002; 11/2024)

102.05 STATEMENT ON HIGHER EDUCATION ACCESS AND SUCCESS

Consistent with IHL's commitment to high academic standards, student achievement, and the preparation of responsible citizens, IHL recognizes that the effectiveness of our academic community is enhanced by embracing the perspectives, backgrounds, and experiences of all students, faculty, and staff. We encourage all members of the academic community to engage in respectful, meaningful discourse with the aim of promoting critical thinking in the pursuit of knowledge, a deeper understanding of the human condition, and the development of character.

All students should be supported in their educational journey through programming and services designed to have a positive effect on their individual academic performance, retention, and graduation. IHL is committed to higher education access and success among all populations to assist the state of Mississippi in meeting its enrollment and degree completion goals, as well as building a highly-skilled workforce.

(BT Minutes, 1/2005; 1/2013; 11/2024)

102.06 ACADEMIC RESPONSIBILITY

As a public system of higher education, IHL is committed to providing an environment that promotes learning, academic freedom, and the transmission of knowledge free from any requirements to exhibit or maintain a specified ideology, viewpoint, or political perspective and without providing advantages or disadvantages to individuals for holding or professing a specified ideology viewpoint, or political perspective. In alignment with state law, IHL articulates the following principles applicable to all IHL institutions.

1. Inquiry and Expression
   Our faculty, students, and staff possess the freedom to explore, discuss, challenge, and disseminate ideas across the spectrum of thought. This freedom is essential to our educational mission and democratic society.

2. Merit and Qualifications
   We do not require and will not consider any political or ideological statements, including those related to diversity, equity, and inclusion, as conditions for academic promotion or admission. This ensures that individuals are evaluated based on merit and qualifications.

3. Protection Against Compelled Speech and Censorship
   In accordance with constitutional law as well as institutional and IHL policy, free speech is respected and protected. We protect members of our community from being compelled to express beliefs they do not hold. This includes refraining from imposing mandatory statements or training that operate as ideological litmus tests.

4. Curriculum
   Faculty and institutions maintain autonomy to design curriculum content provided content adheres to high academic standards, standards and current understandings within disciplines, accreditation guidelines, IHL policy, and institutional policy. An institution's curriculum should reflect a commitment to academic rigor and depth, interdisciplinary opportunities, student demand and ability, competence development, and workforce preparedness. Institutions should undertake a regular review of academic programs, including majors, minors, concentrations, and courses, to ensure their continued academic merit, relevance, effectiveness, and alignment with institutional goals.

5. Research and Instruction
   Our faculty are entitled to freedom in scholarly research and in the publication of results. Faculty are entitled to freedom in the classroom in discussing their subject, but they should be careful not to introduce into their teaching controversial matters or divisive concepts which have no relation to their subject. The rights of faculty to speak outside the classroom are largely governed by their constitutional rights rather than their rights under academic freedom. Faculty are individuals, members of a learned profession, and officers of a public educational institution. When they speak or write as individuals, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution. Unlawful, unethical, or

other inappropriate conduct and breach of academic standards by faculty are subject to institutional review pursuant to institutional and IHL policies.

(BT Minutes, 7/2025)

SECTION 200 - GENERAL POWERS AND DUTIES

201 CONSTITUTIONAL ORGANIZATION

201.01 MEMBERS AND QUALIFICATION

The Governor shall appoint only those men or women as members who are qualified electors residing in the district from which each is appointed, and who are at least twenty-five (25) years of age, and of the highest order of intelligence, character, learning, and fitness for the performance of such duties, to the end that such board shall perform the high and honorable duties thereof to the greatest advantage of the people of the state and of such educational institutions, uninfluenced by any political considerations.

Miss. Const. Art. VIII, Section 213-A
Miss. Code Ann., §37-101-5, as amended.
(BT Minutes, 9/90; 1/98)

201.0101 APPOINTMENTS

The Board of Trustees shall be composed of twelve (12) members. Four (4) members of the Board of Trustees shall be appointed from each of the three (3) Mississippi Supreme Court districts and, as such vacancies occur, the Governor shall make appointments from the Supreme Court district having the smallest number of Board members until the membership includes four (4) members from each district.

Miss. Const. Art. VIII, Section 213-A
(BT Minutes, 9/90; 1/98; 4/2004)

201.0102 TENURE TERMS

The members of the Board of Trustees as constituted on January 1, 2004, shall continue to serve until expiration of their respective terms of office. Appointments made to fill vacancies created by expiration of members' terms of office occurring after January 1, 2004, shall be as follows: The initial term of the members appointed in 2004 shall be for eleven (11) years; the initial term of the members appointed in 2008 shall be for ten (10) years; and the initial term of the members appointed in 2012 shall be for nine (9) years. After the expiration of the initial terms, all terms shall be for nine (9) years.

Miss. Const. Art. VIII, Section 213-A
(BT Minutes, 9/90; 1/98; 4/2004)

201.0103 VACANCIES

In case of a vacancy on said board by death or resignation of a member, or from any other cause than the expiration of such member's term of office, the Board shall elect his/her successor, who shall hold office until the end of the next session of the Legislature. During such term of the session of the Legislature, the Governor shall appoint the successor member of the Board from the district from which his/her predecessor was appointed, to hold office for the balance of the unexpired term for which such original trustee was appointed, to the end that one-third (1/3) of such trustees' terms will expire for each three (3) years.

Miss. Const. Art. VIII, Section 213-A
(BT Minutes, 9/90; 1/98; 4/2004)

201.0104 REMOVAL OF BOARD MEMBERS

Members of the Board of Trustees are state officials appointed by the Governor and confirmed by the Senate. As such, they may only be removed from office pursuant to specific Mississippi statutory or constitutional provisions. Some examples of legal mechanisms for removal of a Board member are as follows:

a. Pursuant to Art. 6 §175 of the Mississippi Constitution, public officers shall be removed for willful neglect of duty or misdemeanor in office upon conviction.

b. Pursuant to Miss. Code Ann. § 25-5-1, if any public officer is convicted or pleads guilty or nolo contendere to any felony, other than manslaughter or any violation of the United States Internal Revenue Code, or corruption in office, or of gambling or dealing in futures with money coming to his hands by virtue of his office, any court of this state shall adjudge the defendant removed from office; and the office of the defendant shall thereby become vacant. If any such officer is found by inquest to be of unsound mind during the term for which he was elected or appointed, or shall be removed from office by the judgment of a court of competent jurisdiction or otherwise lawfully, his office shall thereby be vacated.

   When any such officer is found guilty of a crime which is a felony under the laws of this state or which is punishable by imprisonment for one (1) year or more, other than manslaughter or any violation of the United States Internal Revenue Code, in a federal court or a court of competent jurisdiction of any

other state, the Attorney General of the State of Mississippi shall promptly enter a motion for removal from office in the Circuit Court of Hinds County in the case of a state officer, and in the circuit court of the county of residence in the case of a district, county or municipal officer. The court, or the judge in vacation, shall, upon notice and a proper hearing, issue an order removing such person from office and the vacancy shall be filled as provided by law.

c. Pursuant to Miss. Code Ann. § 25-4-109 (2), concerning a violation of the Miss. Ethics in Government Statutes, removal can occur as follows:

Upon a finding by clear and convincing evidence that any nonelected public servant has violated any provision of this article, the Ethics Commission may censure the nonelected public servant or impose a civil fine of not more than Ten Thousand Dollars ($10,000.00), or both. The Ethics Commission may further recommend to the Circuit Court for Hinds County that the nonelected public servant be removed from office, suspended, or subjected to a demotion or reduction in pay.

(BT Minutes, 6/2017)

201.02 STAFF OF THE BOARD

The trustees shall have authority to appoint a non-member as Commissioner of Higher Education, who shall possess the highest qualifications as an administrator and research worker.

Miss. Code Ann., §37-101-7, as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

201.0201 DUTIES OF THE COMMISSIONER

The Commissioner of Higher Education shall maintain an office and be responsible to the Board for the efficient functioning of the staff which the Board may from time to time establish. It shall be the duty of the Commissioner of Higher Education to make constant inquiry into the problems of higher education, to survey and study carefully the organization, management, and all other affairs of each institution under the control of said trustees, to make report of all findings and recommend such changes as will increase efficiency and economy in the operation of each institution, and to perform such other duties as the Board may prescribe. The Commissioner of Higher Education shall be responsible for compiling all laws and all rules and regulations of a general nature adopted by the Board for the governance of the various institutions of higher

learning in pamphlet or loose-leaf form. Current copies of such compilations shall be furnished to all officials directly responsible for carrying out of such laws, rules and regulations. The expenses for such compilation and publication shall be paid by the Board out of any funds available for the operation of said Board.

Miss. Code Ann., §37-101-7, as amended.

(For the purposes of these bylaws and policies, the Commissioner of Higher Education shall be referred to hereafter as the "Commissioner".)

(BT Minutes, 9/90; 1/98; 3/2011)

201.0202 OTHER BOARD PERSONNEL

The trustees shall authorize the employment of such other personnel as may be required from time to time to carry out the functions of the Board and may assign to the personnel so employed such functions and duties and may delegate to the Commissioner or other personnel such powers of the Board as may be necessary to accomplish the purposes for which the Board was established. All such personnel shall be employed by the Commissioner with the approval of the Board and shall hold office at the pleasure of the Commissioner. The Board shall also have the authority to employ on a fee basis such technical and professional assistance as may be necessary to carry out the powers, duties and purposes of the Board.

Miss. Code Ann., §37-101-7, as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

201.03 MEETINGS OF THE BOARD

The Board shall hold two (2) regular slated meetings annually, one (1) in June and the other in January, and as many special meetings as may be necessary on call of the president or on call of five (5) members. In either case, the call shall be in writing and shall be mailed by registered letter with return receipt requested, or by certified mail, to each and every member at least five (5) days prior to the date of meeting. Eight (8) members of the Board shall constitute a quorum for transaction of business.

Miss. Code Ann., §37-101-9, as amended.
(BT Minutes 5/92; 1/98; 3/2011)

201.0301 MINUTES

A. Minutes shall be kept of all meetings of a public body, whether in open or executive session, showing the members present and absent; the date, time and place of the meeting; an accurate recording of any final actions taken at such meeting; and a record, by individual member, of any votes taken; and any other information that the public body requests be included or reflected in the minutes. The minutes shall be recorded within a reasonable time not to exceed thirty (30) days after recess or adjournment and shall be open to public inspection during regular business hours.

   Miss. Code Ann., §25-41-11, as amended.

B. In accordance with statute, the Board shall keep complete minutes and records of all proceedings which shall be open for inspection by any citizen of the state.

   Miss. Code Ann., §37-101-15, as amended.
   (BT Minutes, 9/90; 1/98; 3/2011)

201.0302 PROCEDURES FOR CHANGING BOARD POLICIES AND ADOPTING NEW POLICIES

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

(BT Minutes, 5/90; 1/98; 3/2011; 8/2013)

201.0303 PROCEDURES FOR ALTERING, AMENDING OR REPEALING BOARD BYLAWS OR ADOPTING NEW BYLAWS

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

(BT Minutes, 5/90; 1/98; 3/2011; 8/2013)

201.04 COMPENSATION OF MEMBERS AND STAFF

201.0401 BOARD MEMBERS COMPENSATION AND PER DIEM

The Board shall serve without salary compensation but shall receive a per diem and mileage as authorized by law including time of going to and returning from meetings of said Board, together with actual travel and hotel expenses incident to the meetings of the Board, and in the discharge of duties prescribed by the Board.

Miss. Code Ann., §37-101-9, as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

201.0402 PERSONNEL SALARIES

A. The Commissioner and other personnel employed by the Board shall receive reasonable salaries commensurate with their duties and functions, the amount of which shall be fixed by the Board.

   Miss. Code Ann., §37-101-7, as amended.
   (BT Minutes, 9/90; 1/98; 3/2011)

B. The Board shall annually determine the compensation of the Commissioner and the Institutional Executive Officers. The Commissioner shall provide the Board with regional and national information about the amount, nature, and sources of executive officer compensation to assist it in determining compensation for the Commissioner and Institutional Executive Officers.

The Board shall consider state and institutional resources, and any supplementary resources provided, or to be provided, by university foundations and alumni associations in determining the annual compensation of the Institutional Executive Officers.

The Board and the Commissioner shall meet with representatives of the university foundations and alumni associations in advance of the Board's annual determination of compensation for Institutional Executive Officers to discuss the amount, nature, and sources of any supplementary compensation or benefits provided, or to be provided, to Institutional Executive Officers.

(BT Minutes, 10/99; 3/2011)

201.0403 TRAVELING EXPENSES

The reasonable traveling expenses and other authorized expenses incurred by the Commissioner and other personnel in the performance of their duties, together with other expenses of the operation of the executive office, shall be prorated and deducted from the appropriations for the current expenses of the several institutions.

Miss. Code Ann., §37-101-7, as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

201.05 GENERAL POWERS AND DUTIES

201.0501 ROLE AND SCOPE OF THE INSTITUTIONS

It shall be the duty of the Board to conduct a periodic comprehensive study of the role and scope of all of the various institutions under its jurisdiction, including a detailed study of the programs of study, degrees and courses offered. Following the completion of such study, the Board shall make such adjustments as may be found to be necessary in the programs of the various institutions, to the end that the broadest possible educational opportunities shall be offered to the citizens of this state without inefficient and needless duplication. The Board shall, through such officers of the Board and through such procedures as it shall see fit to establish, exercise continuing jurisdiction and control over the establishment of new courses of study, new departments and new functions and activities in each institution so that the growth and development of the program of higher education in the state shall proceed in an orderly and rational manner, inefficient and needless duplication may be avoided, and new expanded programs will be undertaken only as the same may become justified, based upon

objective criteria to be established by the Board. The Board, in conjunction with the chancellor and presidents of the institutions of higher learning, shall take such steps as may be necessary to improve and coordinate such programs and shall exercise such direct control over the establishment, organization, operation and granting of credit for such programs as may be necessary to accomplish such purposes.

Miss. Code Ann., §37-101-13, as amended.
(BT Minutes, 9/90; 1/98; 3/2008; 3/2011)

201.0502 MANAGEMENT

The Board shall succeed to and continue to exercise control of all records, books, papers, equipment, and supplies, and all lands, buildings, and other real and personal property belonging to or assigned to the use and benefit of the Board formerly supervising and controlling the institutions of higher learning named in §37-101-1.

Miss. Code Ann., §37-101-15(A), as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

201.0503 BYLAWS

The Board shall exercise all the powers and prerogatives conferred upon it under the laws establishing and providing for the operation of the several institutions herein specified. The Board shall adopt such bylaws and regulations from time to time as it deems expedient for the proper supervision and control of the several institutions of higher learning, insofar as such bylaws and regulations are not repugnant to the constitution and laws, and not inconsistent with the object for which these institutions were established.

Miss. Code Ann., §37-101-15(C), as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

201.0504 SUPERVISION

The Board shall have general supervision of the affairs of all the institutions of higher learning, including the departments and the schools thereof. The Board shall have the power in its discretion to determine who shall be privileged to enter, to remain in, or to graduate therefrom. The Board shall have general supervision of the conduct of libraries and laboratories, the care of dormitories, buildings, and grounds; the business methods and arrangement of accounts and

records; the organization of the administrative plan of each institution; and all other matters incident to the proper functioning of the institutions. The Board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the Board may establish.

Miss. Code Ann., §37-101-15(B), as amended.
(BT Minutes, 9/90; 1/98; 3/2011)

201.0505 INSTITUTIONAL OFFICERS

Each institution of higher learning shall be under the management and control of an Institutional Executive Officer. In exercising this authority as delegated by the Board, the Institutional Executive Officer shall act in accordance with Board policy, institutional policy, the laws of the State of Mississippi, the Federal government, and in coordination with the Commissioner.

(BT Minutes, 2/98; 3/2008; 3/2011)

201.0506 POLITICAL ACTIVITY

(1.) Official Legislative Interactions.

Relationships, interactions, and communications between the state Legislature and its various committees and the institutions governed by the Board of Trustees of State Institutions of Higher Learning (hereinafter IHL) shall be governed by the Board. No official, employee or agent representing the institutions shall appear before the state Legislature or any committee thereof except upon direction of the Board, the Commissioner of Higher Education on behalf of the Board, or on request of the Legislature or a committee thereof. However, this policy does not restrict the right of any Board member to express opinions or communicate with any member of the Legislature or with any legislative body. Even so, such individual Board member should clarify that the opinions expressed are his/her own and not necessarily those of the Board, if that is the case.

(2.) Authorization of Outside Lobbyists.

The IHL Board must approve annually the use of all outside lobbyists which will perform lobbying activities within the State of Mississippi on behalf of any of the institutions prior to an institution contracting therewith. The Board must further approve any proposed contracts with such specific lobbyist. Requests for approval must include disclosure of all other clients represented by the proposed lobbyist. Requests for approval must also include the specific source(s) of funding to be used for the payment of any such outside lobbyists and their expenses, including whether funding is to be derived from state general funds or self-generated funds.

The Board must also approve annually the use of all outside lobbyists which will perform lobbying activities outside the State of Mississippi on behalf of any of the institutions prior to an institution contracting therewith.

(3.) Continuing Duty to Disclose.

Those lobbyists authorized to represent an IHL institution regarding lobbying activities to be conducted within the State of Mississippi are required, during the term of the representation, to apprise the Board, through the Commissioner, of all new clients after engaging the client or clients. The contractual agreement with such lobbyists must either be terminable at will or contain a provision that provides that such contract may be terminated by IHL or the client institution if IHL or the institution determines that a new client of the lobbyist creates a conflict. In addition, such lobbyists conducting in-state lobbying activities on behalf of an institution are required to apprise the Commissioner regarding lobbying activities related to IHL or any individual IHL institution and to coordinate those activities within system strategies and processes prescribed by the Board.

Miss. Code Ann., §37-101-15(D), as amended.
(See Section 1002.01 Appearances in Legislature)
(BT Minutes, 9/90; 1/98; 12/2005; 3/2011; 5/2012)

201.0507 CAMPUS LOCATIONS AND PROGRAMS

A. GENERAL
It is the responsibility of the State Institutions of Higher Learning to serve the citizens of the state with programs and services at on and off-campus locations and through distance learning.

(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2008; 3/2011)

B. SUPERVISION AND CONTROL OF FACILITIES

The Board exercises control over all lands, buildings and other real property belonging to or assigned to the use or benefit of the various institutions at their campuses. The Board shall have general supervision over matters relating to the care of all buildings and grounds. An institution may add locations and facilities to its campuses as determined to be reasonable and necessary by the Board. Such additional campus locations and facilities must be used by the institution in direct support of, or related to, the institution's educational purpose.

(BT Minutes, 9/90; 1/98; 5/99; 11/2005; 12/2005; 3/2011)

C. ESTABLISHMENT OF OFF-CAMPUS INSTRUCTIONAL PROGRAMS AUTHORIZED; ATTENDANCE

The Board may establish off-campus instructional programs for universities if, in its opinion, such action is in the best interest of quality education for the State of Mississippi and the university system. However, an existing Board-approved institutional academic program may be offered at any Board-approved off-campus site for that institution without obtaining additional Board approval to offer the program at a specific institutional off-campus site. Even so, the requirements of 201.0507 E. below regarding "Off-Campus Conflicts" shall still apply.

Attendance at an off-campus site or through distance learning shall fulfill residency requirements.

Miss. Code Ann., §37-102-1, as amended.
(BT Minutes, 9/90; 1/98; 5/99; 11/2005; 12/2005; 3/2008; 3/2011; 11/2019)

D. OPERATION AND LOCATION OF PROGRAMS

The Board may designate the university which shall operate and be responsible for each off-campus site. However, off-campus sites shall be located in such a manner as to make the services of the institutions of higher learning available to the people of Mississippi without unnecessary program duplication in the same geographic area.

Miss. Code Ann., §37-102-5, as amended.
(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2011)

E. OFF-CAMPUS CONFLICTS

Whenever one institution desires or is requested to offer a program/course within 50 miles of the main and/or branch campuses of another state university that currently does not offer that program/course, state universities should first explore offering the program/course collaboratively.

If attempts for collaborative program/course delivery have been exhausted, the program/course may be offered by the requesting institution providing an agreement is made with the closest institution.

i. The IEO at the institution requesting to offer a program/course within the area/region of another IHL institution(s) must notify (in writing) the IEO(s) at the closest IHL institution(s) of that intent at least one full semester prior to the anticipated date of enrolling students, and copy the Commissioner. IEO notification is required, regardless of the program/course availability at the closest institution(s).

ii. The IEO(s) at the closest institution(s) must respond (opposing or not opposing the intent in writing) to the IEO at the requesting institution within 30 days of receiving the request and copy the Commissioner.

iii. If the IEO(s) at the closest institution(s) does not oppose the intent of the requesting institution, then the requesting institution has satisfied Board policy 201.0507 E.

iv. Opposition by the closest institution(s) to the requesting institution delivering a program/course in the area/region of the closest institution(s) should be based on program/course duplication or future plans of the closest institution(s) to deliver said program/course.

v. If the closest institution(s) plans to offer said program/course in the near future, that institution(s) must provide the IEO at the requesting institution and the Commissioner documentation of current efforts to offer said program/course, a reasonable timeline for implementation, and the institution must adhere to that timeline.

vi. Following written opposition from the IEO(s) at the closest institution(s), the IEO from the requesting institution may request that the Commissioner mediate the conflict.

vii. If mediation from the Commissioner is necessary to resolve a conflict, the Commissioner will inform the IEOs of his/her decision to resolve the conflict and report his/her decision to the Board.

(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2008; 3/2011; 11/2013; 11/2019)

F. BUDGET REQUESTS

The Board shall submit to the Legislature budget requests with off-campus programs being an identified part of the total general support budget request for universities by being a separate item within the budget request of the respective university which offers the program. Said budget request shall include a statement of all actual or estimated receipts and disbursements for such off-campus programs and such other information as may be required by the Legislative Budget Office.

Miss. Code Ann., §37-102-7, as amended.
(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2011)

G. ASSISTANCE IN PROVIDING FACILITIES

The political subdivision or the people of the area may assist in providing facilities for the establishment of such off-campus sites.

Miss. Code Ann., §37-102-9, as amended.
(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2011)

H. EXTRACURRICULAR FACILITIES AND INTERCOLLEGIATE ATHLETICS PROHIBITED

Extracurricular facilities such as stadiums and such shall not be constructed for use by off-campus sites of universities.

Miss. Code Ann., §37-102-11, as amended.
(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2008; 3/2011)

I. CONSIDERATION OF PROGRAMS OF PRIVATE COLLEGES BEFORE AUTHORIZING OFF-CAMPUS PROGRAMS

The Board shall take into account the ongoing programs of the private colleges in the State of Mississippi when said Board authorizes off-campus programs to meet the educational needs of students who do not have ready access to the educational opportunities that they desire.

Miss. Code Ann., §37-102-13, as amended.
(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2008; 3/2011)

J. CAPITAL IMPROVEMENT EXPENDITURES
The Board and the Bureau of Buildings, Grounds and Real Property Management shall not make any expenditure for capital improvements for off-campus sites unless specifically authorized by the Mississippi Legislature. However, this shall not preclude such capital improvements from being made by county or municipal governments locally or regionally involved.

Miss. Code Ann., §37-102-15, as amended.
(BT Minutes, 9/90; 1/98; 11/2005; 12/2005; 3/2011)

201.0508 POLITICAL ACTION COMMITTEES

The official position of the Board of Trustees regarding political action committees is that neither the state university system nor any individual state university may be associated with a political action committee. No political action committee is authorized to suggest that it represents either the state university system or an individual state university, or any part of any such university. To the extent that any person associated with the state university system or with any individual state university chooses to exercise their constitutional rights to participate in the political and electoral process, including participation in political action committees, they are expected to exercise those rights in a manner that does not state or suggest that they are in any way, officially or unofficially, representing or acting on behalf of the state university system, or any individual state university, or any part of any such university.

(BT Minutes, 4/2012)

201.0509 INSTITUTIONAL EXECUTIVE OFFICER/COMMISSIONER OF HIGHER EDUCATION SEARCH PROCESS

A. General Policy
Pursuant to Art. 8 §213 A of the Mississippi Constitution of 1890, as amended, and Miss. Code Ann. §37-101-15 (f) (1972), as amended, the Board shall have the power and authority to elect the heads of the various institutions of higher learning. The accrediting body for our Mississippi public universities, The Commission on Colleges and Universities, requires, in part, within Section 4 of its Principles of Accreditation that the governing board of a university select the institution's chief executive officer.

Therefore, the Board of Trustees is legally authorized and required to appoint the Commissioner and the Institutional Executive Officers (IEOs). The Board may make temporary appointments to executive officer and/or commissioner positions as necessary and with such consultation as the Board considers appropriate. The confidentiality of all applicants in a search for an IEO or Commissioner is of upmost importance. The identity of applicants shall not be revealed at any point in time, other than that of the successful applicant after the conclusion of a search.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 3/2011; 5/2011; 4/2012; 4/2022; 8/2026)

B. Board Search Committee

The President of the Board shall appoint a committee of Board members to manage the search for a Commissioner or an IEO. However, any Board member who wants to serve on the committee may serve. Board members considering serving on a Board Search Committee should be aware that their service will involve reviewing many documents related to candidates in preparation for committee meetings. It will also involve participation in a number of meetings above and beyond the monthly meetings of the Board of Trustees, including campus listening sessions and candidate interviews. The time commitment for serving in this capacity is considerable. Only those Board members serving on the Board Search Committee will be allowed to vote on matters before that committee. However, all Board members will be invited to attend all meetings of the Board Search Committee and may participate in committee discussions. The President of the Board, with the consent of the Board, shall appoint a member of the committee as chairperson. The President of the Board is encouraged to select a Board Search Committee chairperson that has a relationship with the subject university. The Board shall next announce that a search is underway.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 6/2013; 4/2018; 4/2022)

C. Extended Search Process

1. Hiring of a Search Consultant

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

Board may select a search consultant to assist with the search for a new Commissioner.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 6/2013; 4/2018; 4/2022)

2. Listening Sessions
   As part of the initiation of the IEO search process, the Commissioner and Board may consider the input of constituents regarding preferred characteristics of a new IEO. The solicitation of input from the university family may be initiated by the Board to ensure that interested parties have an opportunity to be heard. The Board may also consider input from any constituents regarding the preferred characteristics of a new Commissioner.

   (BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 6/2013; 4/2018; 4/2022)

3. Search Advisory Constituency
   If the Board would like to seek additional constituent input, the Board may, at its discretion, appoint a Search Advisory Constituency (SAC). If the Board chooses to appoint a SAC in a search for an IEO, the Commissioner and Chair of the Board Search Committee shall prepare a list of the proposed membership of the SAC, which must be approved by a consensus of the Board as presented or as revised by the Board. The SAC shall be representative of the various constituent groups of the university and representative in terms of diversity. Said SAC will be composed of no more than 15 members. The SAC members will be provided with a protocol questionnaire for them to respond to individually and in writing containing their individual recommendations. No meeting of the SAC will be held to discuss candidates, since the process seeks to obtain independent and confidential advice from each member of the SAC without consultation among the members. In order to protect the integrity of the search process and demonstrate respect for potential candidates that prefer that their candidacy or interest in the position remain confidential, the Board of Trustees will not share any input provided by any SAC member with any parties other than IHL Board members, the Board's staff and the Search Consultant.

The Commissioner shall accumulate the results of those recommendations and report same to the Board Search Committee members.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 6/2013; 4/2018; 4/2022; 9/2022)

4. Position Qualifications, Advertisement and Search Schedule
   The Board shall approve any candidate profile and minimum qualifications for candidates. The Commissioner and the Chair of the Board Search Committee, with the assistance of any search consultant (if one is used), shall develop the position advertisement and a general schedule for the search with the approval of the Board Search Committee. The Board Search Committee shall have maximum flexibility in establishing the schedule for the search. The position shall then be advertised in accordance with the schedule.

   (BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 4/2018; 4/2022)

5. Candidate Screening
   The Commissioner and Board Search Committee Chair shall then assess any written recommendations of the individual SAC members and any community and campus input (obtained in Section C. 2. above) for possible use by the Board Search Committee. After candidate applications and resumes have been collected, the Commissioner and Board Search Committee Chair shall then review the applications and resumes of candidates. The Board Search Committee shall then meet and discuss which candidates to interview. At that meeting, the Commissioner and Board Search Committee Chair shall make recommendations to the Board Search Committee regarding which candidates to interview. Any other Board members may attend and participate in this meeting. All Board members will then be informed of those candidates that the Board Search Committee would like to interview. If any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed, a Board teleconference or other meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be interviewed, the Board Search Committee shall proceed with planning

first round candidate interviews. The search consultant shall then be informed of the candidates to be interviewed.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 4/2018; 4/2022)

6. Recruitment

Candidates will be advised to submit their materials by a specified date to ensure optimum consideration for the position. However, in the Board's discretion, recruitment may occur up to the point of selection.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 4/2022)

7. First Interviews

The Board Search Committee and the Commissioner will conduct the first round of interviews. Interviews should be conducted on the basis that the confidentiality of the candidate is critical to the ultimate success of the search. Except in extraordinary circumstances, more than one candidate should be selected for first interviews. All Board members will be invited to attend the interviews. The Board's staff and the consultant, if one is used, will conduct background checks on all candidates that are to be given a first round interview. The background checks will be completed and results reported to the Board Search Committee and Commissioner prior to the commencement of the first round interviews. The Board may, but shall not be required to, proceed to second round interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012; 4/2018; 4/2022)

8. Reference Contacts

Under the direction of the Commissioner and/or the consultant, reference contacts may be made on any candidate at any time. Reference contacts must be made on each candidate prior to participating in the second round of interviews or any candidate prior to selection. The results of the reference contacts shall be made known to the Board before the second round of interviews and before any selection prior to the second round of interviews.

(BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012; 4/2018; 4/2022)

9. Second Interviews
   The Board Search Committee shall discuss whether to conduct a second round of interviews and, if so, who and how many to interview during the second round of interviews. All Board members will be invited to attend this meeting. All Board members will be informed of those candidates that the Board Search Committee would like to interview for second round interviews. If any Board member expresses a desire to the Commissioner to call a full Board meeting to discuss further the candidates to be interviewed for a second interview, a Board meeting shall be properly noticed and called. If no Board member requests such a Board meeting within forty-eight hours of being notified of the candidates to be further interviewed, the Board Search Committee shall proceed with planning the second round interviews by the full Board. The Board may conduct as many additional interviews as it deems necessary in conducting the search process. The Board will determine whether and the extent to which individual Trustees or groups will separately meet with the candidates.

   (BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012; 4/2018; 4/2022)

10. Board Discussion of Candidates
    Unless the Board Search Committee is prepared to make a recommendation after the initial interviews, after all of the above has been completed, the Board of Trustees will meet to hear from the Board Search Committee regarding an assessment of each candidate. The Commissioner's assessment will be sought.

    (BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012; 4/2022)

11. Decision
    The Board of Trustees will then vote to name the institution's new Institutional Executive Officer, or the Board may vote to delay, suspend or extend the search. If a new Institutional Executive Officer is not selected, the Board may also, in its discretion, appoint an interim or acting Institutional Executive Officer, or the Board may ask that the outgoing Institutional Executive Officer stay in the position for some temporary period.

    (BT Minutes, 1/2008; 3/2011; 5/2011; 4/2012; 4/2022)

D. Expedited Search Alternative

The Board may, in its discretion, interview candidates that are known to the Board and consider their selection in accordance with an expedited search alternative described in Section D. The Board will conduct interviews of internal candidates or other candidates at an early point in the process. The Board may invite anyone it chooses to interview, even if that individual has not applied or expressed interest in the position. The Board may conduct as many additional interviews as it determines appropriate. If utilized, an expedited search alternative will be used prior to the hiring of a search consultant. Following interviews of candidates, the Board, as it deems appropriate, may proceed with utilizing any portions of the extended search process set out above. A Board vote to select an IEO interviewed in accordance with this expedited search alternative shall require the affirmative vote of at least nine Board members. If candidates are interviewed in accordance with an expedited search alternative and no candidate is selected, the Board has the power to engage in another expedited search alternative described above, or to delay, suspend or extend the search as required to serve the best interests of the university.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 6/2013; 4/2018; 4/2022)

E. Commissioner Search

In a search for a Commissioner, the Board Search Committee may request appropriate individuals or groups to submit unranked recommendations of candidates to be considered for initial interviews. The Board Search Committee shall schedule initial interviews and all members of the Board will be invited to attend the initial interviews and participate in the selection of candidates for final interviews, unless the Board determines a Commissioner should be named based upon the initial interviews. Background checks should be conducted and results reported prior to initial interviews. Any reference contacts should be made prior to an additional interview and prior to hiring. If additional/final interviews are conducted, the Board Search Committee will next develop an interview schedule for the candidates selected for final interviews for the position of Commissioner. The Board shall then meet and conduct final interviews and select the Commissioner, or the Board may vote to delay, suspend or extend the search.

(BT Minutes, 4/2000; 11/2005; 12/2005; 1/2006; 1/2008; 3/2011; 5/2011; 4/2012; 4/2022)

201.0510 APPLICATION BY INTERIM OR ACTING INSTITUTIONAL EXECUTIVE OFFICER FOR INSTITUTIONAL EXECUTIVE OFFICER POSITION

Upon the recommendation of the Board President and as needed, the Board may, but is not required to, appoint an individual as an acting or interim institutional executive officer (IEO) at an institution. If the Board has chosen to appoint an acting or interim institutional executive officer at an institution, an individual that serves in that position after the formal circulation of the Advertisement requesting applications for an IEO shall not be considered as a candidate for the permanent IEO position at that university during that search process. This policy does not prohibit consideration of an individual who has completed service as an interim or acting IEO prior to the circulation of the formal Advertisement for applications and who discontinues such service at that time.

(BT Minutes, 1/2009; 3/2011; 4/2012; 4/2018; 4/2022)

SECTION 300 - BYLAWS

301 ORGANIZATION OF THE BOARD

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:
There shall be a president elected by the Board from its membership. A class of Trustees shall consist of those Trustees who take office on the same date, or those whose terms as trustees end on the same date. A member of a class may serve more than one term, if elected. The length of a term shall be one year. The president of the Board may not immediately succeed himself/herself as president after having served a full term. The president of the Board shall preside at all meetings of the Board; he or she shall be an ex officio member of all standing and special committees; he or she shall, with the Commissioner, execute such instruments and contracts as may be ordered by the Board; he or she shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board; and he or she shall be governed in his action by the usual parliamentary procedure. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie.

Miss. Code Ann., §37-101-7, as amended.
(BT Minutes, 9/90; 1/98; 3/2011; 5/2017)

B. VICE PRESIDENT:
There shall be a vice president elected by the Board from its membership. A vice president shall serve until completion of the term of the president that the vice president will succeed. The vice president shall preside at meetings of the Board in the absence or disability of the president.

The vice president of the Board shall automatically succeed to the office of president after having served a term as vice president.

The vice president shall become president upon the resignation, removal, death or incapacity of the president.

(BT Minutes, 9/90, 1/98, 3/2011)

301.02 ELECTION OF OFFICERS

The Board of Trustees shall elect its officers at the meeting of the Board held three months before new officers are to take office, unless no meeting is held during that month. However, the Board may vote, if it so chooses, to hold the election of officers at another meeting of the Board.

(BT Minutes, 9/90; 1/98; 3/2011)

301.03 BOARD COMMITTEES

A. The Board by formal action and/or the President may establish standing, special or advisory committees as deemed appropriate to carry out the duties, obligations and functions of the Board. The members and a chair of each are to be appointed by the President and approved by a majority vote of the Board.

B. These committees may be assisted by the Commissioner and his/her staff.

C. The committees may meet at such times and locations as deemed appropriate by the designated chairman of the committee.

D. The respective committees shall report to the Board their recommendations for the consideration of the Board, but committee action or approval is not required prior to approval or action by the Board.

(BT Minutes, 5/90; 1/98; 4/2012)

301.04 BOARD REGULATIONS

A. The Board shall manage and control:

1. Alcorn State University
2. Delta State University
3. Jackson State University
4. Mississippi State University
5. Mississippi University for Women
6. Mississippi Valley State University
7. University of Mississippi
8. University of Southern Mississippi

B. The Board shall elect the heads of the various institutions of higher learning and contract with faculty and staff members.

C. The Board shall terminate the contract of any employee at any time for malfeasance, inefficiency, contumacious conduct, or financial exigency but not for political reasons.

D. The Board shall make any adjustments the Board thinks necessary between the various departments and schools of any institution or between the different institutions.

E. The Board shall appoint a Commissioner of the Board who will have the highest qualifications as an administrator and research worker, and shall employ such additional personnel and contract for such services as may be necessary to accomplish the purposes for which the Board was established.

F. It shall be the duty of each member of the Board to:

1. Periodically visit all of the institutions of higher learning under the jurisdiction of the Board.
2. Attend functions and events at all institutions.
3. Inspect the buildings and equipment.
4. Become informed as to the general business administration and instructional programs.
5. Meet with the personnel of the institutions.
6. Gather such other information as may be deemed necessary so as to be qualified to perform the duties of the office.

G. No public officer or member of the legislature shall be interested, directly or indirectly, in any contract with the state, or any district, county, city, or town thereof, authorized by any law passed or order made by any board of which he/she may be or may have been a member, during the term for which he/she shall have been chosen, or within one year after the expiration of such term.

Miss. Const. Art. IV, Section 109
Miss. Code Ann., §25-4-105(2), as amended.
(BT Minutes, 9/90; 1/98)

301.05 BOARD MEETINGS AND AGENDA

301.0501 REGULAR MEETINGS

There shall be two regular slated meetings of the Board annually, one in June and the other in January.

Miss. Code Ann., §37-101-9, as amended.
(BT Minutes, 5/90; 1/98)

301.0502 SPECIAL MEETINGS

There shall be as many special meetings of the Board as may be necessary upon call of the president of the Board or upon call of five members.

Miss. Code Ann., §37-101-9, as amended.
(BT Minutes, 5/90; 1/98)

301.0503 CALL TO MEETINGS

The call shall be in writing and shall be mailed by certified letter with return receipt requested, or by certified mail, to each and every member at least five days prior to the date of meeting.

Miss. Code Ann., §37-101-9, as amended.
(BT Minutes, 5/90; 1/98)

301.0504 DATE OF MEETINGS

It shall be the general policy of the Board to meet the third week of each month.

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

301.0505 OPEN MEETINGS REQUIREMENTS

It is the policy of the Board to conduct its meetings pursuant to the provisions of the Mississippi Open Meetings Act.

Miss. Code Ann., §25-41-1, as amended.
(BT Minutes, 5/90; 1/98)

301.0506 BOARD RECESSES

The Board may recess itself indefinitely to be reconvened by the president, or it may recess to a time and place designated.

(BT Minutes, 5/90; 1/98; 11/2005)

301.0507 PLACE OF MEETINGS

Generally, the Board will hold its meetings at its regular offices; however, the Board may designate as its meeting place any suitable place within the state.

(BT Minutes, 5/90; 1/98; 11/2005)

301.0508 MINUTES OF MEETINGS

The Commissioner shall compile and file for safekeeping full and complete minutes of all official acts of the Board. The minutes shall be compiled within a reasonable period after a given action of the Board, bound in a volume, and at the office of the Board made an open document to any citizen of the state during the normal office days and hours of the Board's central office.

(BT Minutes, 5/90; 1/98; 11/2005)

301.0509 ABBREVIATED MINUTES

Abbreviated minutes may be used by the Board in dispatching business coming before it, but all official references to the minutes and all transcripts, excerpts, copies, pictures, or quotes shall be made from the full and complete official minutes and the Commissioner shall be the certifying officer thereto for the Board.

(BT Minutes, 5/90; 1/98; 11/2005)

301.0510 MEETING RULES OF ORDER

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

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

B. Convening Meetings
The Board and its committees shall convene at the times and places announced by public notice and as required by law, policy, or Board action.

C. Quorums, Agenda, Rulings of the Presiding Officer, and Delay
1. Quorums
A quorum for the transaction of business shall be a minimum of eight members of the Board. For committees, a quorum shall be a majority of the members. No business may be transacted without the presence of a quorum.

2. Agenda
The agenda for each Board and committee meeting shall be submitted to the members and published by the Office of the Commissioner of Higher Education prior to each meeting. Proposed agenda items arriving after the deadline for submission to the Commissioner may only be added by a two-thirds (2/3) vote of the members present. This requirement will apply to consideration of all agenda items including recommendations by Board committees in instances where agenda items relating to such recommendations are not submitted prior to the deadline.

The formal agenda will consist of items submitted on behalf of the various institutions and the Board offices. The deadline for the submission of agenda items by the institutions shall be set by the Commissioner. A Board member may notify the Commissioner that an item should be placed on the agenda. Unless otherwise specified on the face of an agenda item, the submission of an agenda item for Board approval by an Institutional Executive Officer or the Commissioner reflects the Institutional Executive Officer's or Commissioner's determination that: (1) the proposed action is authorized by all applicable laws, (2) all requirements of State law and Board policy relating thereto have been met prior to submission of the item, and, (3) adequate funds are available and have been identified for any expenditures authorized thereunder.

The form of agenda items will be determined by the Commissioner. The deadline for submission of agenda items by a member of the Board that are to be included on an agenda shall be two days before the date of official meeting. The Commissioner may refer agenda items to appropriate Board committees for consideration. However, no committee's approval is required before Board consideration of any agenda item or matter.

3. Agenda Item Placement
   The presiding officer may move items up or down the agenda with a two-thirds (2/3) vote by the members present.

4. Delay of Board Consideration
   Any member may request a delay in consideration of an agenda item from one meeting to the next, but no agenda item may be so delayed more than once by any member. Such a request shall not be granted if there is a vote to proceed by the lesser of (a) two-thirds (2/3) of the members legally present or (b) by seven (7) Board members legally present.

D. Motion to Suspend Policies, Bylaws or Rules
   A member may move to suspend any policies, bylaws or rules. A motion to suspend shall state the matter of business to be considered, must be properly seconded, and shall fail without a vote in favor of same by at least seven members of the Board.

(BT Minutes, 5/90; 2/98; 11/2005; 4/2012; 6/2013; 8/2013)

301.0511 PRESIDENT'S VOTE

The president of the Board shall be entitled to the same vote as any other member of the Board.

(BT Minutes, 5/90; 1/98; 11/2005)

301.0512 PERMISSION REQUIRED TO LEAVE MEETINGS

No member shall absent himself/herself from a meeting of the Board without approved leave from the president.

(BT Minutes, 5/90; 1/98; 11/2005)

301.0513 PRESENTATIONS AND APPEARANCES BEFORE THE BOARD

Because of the number and complexity of the items considered by the Board, it is the practice and the strong preference of the members of the Board to base their consideration in large part on written material submitted prior to Board meetings, rather than to consider issues raised during oral presentations, since such oral presentations allow inadequate opportunity for analysis, review and consideration. Oral presentations are generally limited to those made by designated staff of the board, Institutional Executive Officers, other persons designated by the Institutional Executive Offices, and other persons invited by the Board to make presentations. While the Board retains the power to determine its agenda and to determine when to allow others to address the board, the Board will generally receive, as a matter of custom, practice, and courtesy, oral presentations from state elected officials, legislators, and representatives of other state agencies and institutions. In general, the Board of Trustees receives presentations from other persons or entities only in written form made available to the Board in a manner that allows sufficient time for consideration prior to the meeting at which the matter is to be considered. Any request to submit any written or oral communication should be made as soon as possible and should be submitted in writing to the Commissioner of Higher Education, along with a full explanation of the issue and the interest and position of the party seeking to submit the material related to the issue. Any request to make an oral presentation should provide a detailed explanation as to why a written presentation would not be sufficient. The Commissioner will then submit same to the President of the Board, who will make a decision as to whether an oral presentation will be permitted, subject to review by the Board.

(BT Minutes, 1/91; 1/98; 11/2005; 9/2016)

301.06 COMPENSATION OF BOARD MEMBERS AND STAFF

301.0601 BOARD MEMBERS' PER DIEM COMPENSATION

The Board shall serve without salary compensation, but each member shall receive a per diem as authorized by law including time of going to and returning from meetings of said Board, together with actual travel and hotel expenses incident to the meetings of the Board and in discharge of duties prescribed by the Board.

Each Board member may claim the per diem each day while representing the Board individually or as one member of a group as follows:

A. Regular monthly meetings or special meetings either in the Board office or on the campus of an institution or any place designated by the president of the Board.

B. Committee meetings attended as a member or on invitation by the chairman of the committee whether the meeting is held in the Board office or on the campus of an institution or at a designated place.

C. Functions and events on the campus of any institution attended in the capacity of a Board member.

D. When requested by the Board or president of the Board to represent the Board at any meeting where such meeting deals with official business.

E. When attending conventions of governing boards or other professional groups.

F. Duties such as inspecting buildings or other construction or equipment on a campus or attending meetings of the Bureau of Building, Grounds and Real Property Management involving the institutions.

G. When attending bid openings whether buildings, equipment, or other projects of the institutions or attending to other duties as directed by the Board.

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

301.0602 PERSONNEL SALARIES

The Commissioner and other personnel employed by the Board shall receive reasonable salaries commensurate with their duties and functions, the amount of which shall be fixed by the Board.

Miss. Code Ann., §37-101-7, as amended.
(BT Minutes 9/90; 1/98)

301.0603 TRAVELING EXPENSES

Reasonable traveling expenses and other authorized expenses incurred by the Commissioner and other personnel in the performance of their duties, including

the rate of reimbursement thereof, shall be authorized by the Board from time to time.

Miss. Code Ann., §37-101-7, as amended.
(BT Minutes, 9/90; 1/98)

301.07 STAFF OF THE BOARD

301.0701 THE COMMISSIONER

The Board shall have authority to appoint a non-member as Commissioner, who shall possess the highest qualifications as an administrator and research worker.

Miss. Code Ann., §37-101-7, as amended.
(BT Minutes, 9/90; 1/98)

301.0702 DUTIES OF THE COMMISSIONER

A. The Commissioner shall serve as system executive officer of the university system and the Institutional Executive Officer of each of the several state institutions shall report directly to the Commissioner, who reports to the Board of Trustees. The Commissioner shall also perform such services assigned by the Board as may be necessary to accomplish the purposes for which the Board was established, namely the management and control of the several state institutions of higher learning and other like bodies presently existing and any which may be hereafter created by the Legislature of the State of Mississippi.

B. The Commissioner shall maintain an office for the Board and be responsible for efficient functioning of the Board's staff.

C. The Commissioner shall conduct constant inquiry and studies into the problems of higher education.

D. The Commissioner shall survey and study carefully the organization, management, and all other affairs of each institution under the control of the trustees, and report all findings to the Board.

E. The Commissioner shall recommend such changes as will increase efficiency and economy in the operation of each institution.

F. The Commissioner shall compile and distribute to responsible officials copies of the laws, rules, and regulations for the governance of the state institutions of higher learning.

G. The Commissioner shall employ such other personnel as may be required from time to time to carry out the functions of the Board and may assign to the personnel so employed such functions and duties and may delegate to other personnel such powers as may be necessary to accomplish the purposes for which the Board was established.

H. The Commissioner shall make those financial decisions that are commensurate with the efficient management of the Board office and in support of the activities of the various institutions.

I. The Commissioner is authorized to apply for and receive grants and contracts on behalf of the Board. The Commissioner is further authorized to execute any and all documents relating thereto on behalf of the Board. Applications for and receipt of grants and contracts shall be reported to the Board.

J. The Commissioner is authorized to conduct the day to day administrative affairs of the Board and staff of the Board.

(BT Minutes, 9/90; 2/98; 4/2001; 6/2005)

301.0703 DELEGATION OF AUTHORITY

A. The authority delegated by the Board to the Commissioner may be further delegated by the Commissioner in writing to appropriate and responsible officials of the System Office.

B. The authority delegated by the Board to the Institutional Executive Officers may be further delegated by the Institutional Executive Officers in writing to appropriate and responsible officials of the universities.

C. The Institutional Executive Officers and the Commissioner shall identify by position the persons authorized to act in their place in the event of absence from the office of more than a week or other unavailability. Each Institutional Executive Officer shall notify the Commissioner in writing of such delegation of authority by the Institutional Executive Officer, and the

Commissioner shall notify the Board in writing of such delegation of authority by the Commissioner.

(BT Minutes, 1/98)

301.0704 COMMISSIONER'S USE OF STATE VEHICLE

The official duties of the Commissioner of Higher Education necessitate his/her taking a state vehicle home at night and on weekends as the Commissioner is on call at all times and must travel to the various institutions with little notice to conduct the official business of the agency. Since such use of a state vehicle is in the best interest of the Board, the Commissioner shall be permitted to take an agency vehicle home at nights and on weekends for official business purposes.

(BT Minutes, 5/2006)

301.0705 COMMISSIONER ASSESSMENT/EVALUATION

The Board shall evaluate the Commissioner biennially.

(BT Minutes, 4/2012; 3/2020)

301.08 INSTITUTIONAL EXECUTIVE OFFICERS

301.0801 DUTIES OF THE INSTITUTIONAL EXECUTIVE OFFICERS

A. The Institutional Executive Officer of each of the several state institutions shall report directly to the Commissioner of Higher Education, who reports to the Board of Trustees.

   (BT Minutes, 6/2005)

B. The Institutional Executive Officer of each of the several state institutions of higher learning shall be responsible for the administration of the divisions and departments of his/her institution and for keeping its expenditures strictly in compliance with the budgetary authorizations of the Board and within the limitations provided therein.

   (BT Minutes, 5/92; 1/98; 3/2008)

C. The Institutional Executive Officer shall make recommendations regarding the educational policy and academic standards of his/her institution. The Commissioner may recommend such policy to the Board for approval.

(BT Minutes, 6/2005; 3/2008)

D. The Institutional Executive Officer shall recommend for election by the Board all employees and faculty members of his/her institution. In an emergency, the Institutional Executive Officer shall have authority to fill the vacancy when the salary outlay is within the budget appropriations provided for such positions, all subject to authority for review and rejection or approval by the Board at the Board's next regular meeting.

(See also 401.0102 Delegation of Authority.)
(BT Minutes, 9/90; 1/98; 3/2008)

E. All personnel appointments at the level of deans and above shall be submitted separately for approval before appointments have been finalized and/or announced.

(BT Minutes, 9/90; 1/98; 3/2008)

F. The Institutional Executive Officer IEO, or their designated official, is charged with the responsibility for maintaining appropriate standards of conduct of students, and is authorized to expel, dismiss, suspend, and place limitations on continued attendance and to levy penalties for disciplinary violations, subject to procedures of due process.

(BT Minutes, 9/90; 1/98; 8/2026)

G. After ten (10) or more years of satisfactory service as an Institutional Executive Officer or as Commissioner, he/she may apply for a Board Distinguished Professorship. This position would be separately funded by the Board at a salary rate of no less than 75 percent of the Institutional Executive Officer's or Commissioner's last base state salary and could be placed in any institution under the governance of the Board. Each appointment must be approved by the Board based upon merit and possible future contributions to higher education in the state.

(See also 403.04 Tenure of Institutional Executive Officers.)
(BT Minutes, 9/90; 1/98; 2/2006; 3/2008)

301.0802 INSTITUTIONAL EXECUTIVE OFFICER ASSESSMENT/EVALUATION

The objective of the Institutional Executive Officer Assessment/Evaluation is to promote good communication and build strong working relationships between the Institutional Executive Officer (IEO), the Commissioner, the Board of Trustees, and the campus constituencies. The assessment is designed to provide each Institutional Executive Officer with feedback on performance and the opportunity for professional reflection and development. The performance reviews of the IEOs will be conducted at least every two years.

A. The Commissioner of Higher Education has primary responsibility for the two-year evaluation of the IEO. The Commissioner's two-year evaluation shall include at a minimum:

    1. An assessment of institutional performance at the system level,
    2. An assessment of individual performance goals and specific performance indicators reflective of long-term strategic institutional goals, and
    3. A written evaluation by the Commissioner.

B. The Commissioner will seek input on IEO performance from on-campus constituent groups and external constituencies.

C. The Commissioner will share the written evaluation of the IEO with the person being assessed and will provide the IEO with a copy and the opportunity to add a statement responding to the assessment and adding any additional information as appropriate. The written evaluation and any IEO response will then be shared with the Board of Trustees. Based on the results of the evaluation, the Commissioner may ask the IEO to develop a written improvement plan for the following year that will be approved by the Commissioner.

D. The Commissioner shall report to the Board of Trustees the process being used for IEO assessment at the beginning of each two-year cycle.

(BT Minutes, 5/2005; 6/2017)

301.0803 INSTITUTIONAL ORGANIZATIONAL CHARTS

The respective institutions will maintain current organization charts with the Board. The organization charts shall be on file in the Commissioner's office and

will identify academic positions down to the Department Head level and non-academic positions down to two levels below the Institutional Executive Officer.

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

301.0804 RECORDS

Pursuant to the Mississippi Public Records Acts of 1983 (the "Act"), effective from and after July 1, 1983, the Board hereby adopts the following regulations and procedures with respect to such records as may be in its possession, or in the possession of any university or other institution under its jurisdiction or control. Such rules and procedures are applicable to and shall govern the right to inspect, copy, or reproduce or obtain a reproduction of any public records in the possession of the Board, or any institution under its jurisdiction or control.

A. Any person wishing to inspect or copy public records must make the request in writing to the agency and must clearly identify the specific information sought. All requests should be dated and include the name of requester, address of the requestor, and current contact information for the requestor. Any response by the Board for a request for access to records will be forwarded to the requesting party within seven (7) working days of the receipt of such request. If the Board is unable to produce the requested record within seven working days after the request is made, the Board shall provide a written explanation to requestor(s) stating that the record will be produced and specifying with particularity why the record(s) cannot be produced within the seven-day period. Absent a mutual agreement between the parties, in no event shall the date for the Board's production of requested records be any later than fourteen (14) working days from receipt by the Board of the original request.

B. Denial by the Board of a request for access to or copies of public records shall be in writing and shall contain a statement of the specific exemption relied upon by the Board for the denial. A file of all denials of requests for public records will be maintained by the Board for a period of no less than three (3) years from the date such denials are made.

C. Recipient(s) will be assisted by a staff member at a charge not to exceed actual costs. Actual costs for search, review and/or possible redaction of information by a staff member will be based upon the hourly rate of compensation for the lowest paid agency employee qualified to perform the task and multiplied by the actual time utilized to complete the task. Recipient(s) will be charged fifteen cents per page for standard black and

white photocopies. For all nonstandard photocopies, actual costs of reproduction will be assessed to recipient(s). Records will be available for inspection and copying by appointment during regular working hours (8:00 a.m. - 5:00 p.m.), Monday through Friday, holidays excluded.

D. Recipient(s) will deposit cash, check or money order in escrow with the staff accountant prior to receiving material. This estimated amount must be sufficient to cover the estimated cost of the staff member's assistance, copying fees, mailing fees, and/or any associated reproduction fees. Recipient(s) desiring information by mail will be charged actual mailing costs in addition to those costs set forth in subsection C.

E. Adequate space to inspect requested documents will be provided at no cost, if available. Recipient(s) will be provided requested documents by a staff member but no more than two recipients per organization will be assisted at a time.

Miss. Code Ann., §25-61-1 - 17, as amended.
(BT Minutes, 9/90; 1/98; 3/2008; 8/2010)

301.0805 COUNCIL OF THE INSTITUTIONAL EXECUTIVE OFFICERS/ PRESIDENTS/CHANCELLOR

The Board authorizes the organization of an Institutional Executive Officers' Council, consisting of the Institutional Executive Officers of the institutions of higher learning under the jurisdiction of the Board. The Commissioner of the Board shall be an ex officio member of said Council. The function of the Council shall be to study problems of common interest to the Institutional Executive Officers and to members of the Board.

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

301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES

A. Purpose of Foundations and Similar University Affiliated Entities:

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

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

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

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

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

B. Relationship Between Board and Affiliated Entities

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

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

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

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

C. Affiliation Agreements Required

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

Universities are required to review and update affiliation agreements to comply with any changes to this Policy 301.0806. As stated above, substantive changes to affiliation agreements require IHL Board approval.

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

D. General Requirements of Affiliation Agreements

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

1. Outlining the services and benefits the institution and the Entity are to provide to each other and the compensation or other requirements related thereto;
2. Describing the mechanisms by which the institution shall, through its IEO, keep the Entity apprised of the needs and priorities of the institution, and requiring that the Entity, in concert with donor intent or directives, if any, agree to consider and communicate to the university its ability and plans to fund university needs and priorities, as determined by the IEO;
3. Describing whether, and the terms under which, any institutional assets of the institution itself are to be managed by the Entity on behalf of the institution and providing for appropriate rights of inspection and auditing for such funds by the IHL and all appropriate state officials;
4. Delineation of the terms upon which the Entity is authorized to accept gifts, restricted and unrestricted, on behalf of or for the benefit of the institution;
5. Requiring that the Entity abides by a gift acceptance policy to be jointly endorsed by the university and affiliated entity and describing the method by which the entity will keep the University informed about endowment performance, endowment spending policy, and anticipated accumulation and distribution of funds.
6. Requiring that all gifts made to the university shall be accounted for and ownership maintained by that university, even though they may be managed by the Entity;

7. Requiring that the records of such Entity shall be maintained separately from the records of the respective affiliated institution;
8. Requiring maintenance of financial and accounting records, including thorough documentation of donor intent, in accordance with Generally Accepted Accounting Principles;
9. Requiring that the Entity must cause to be prepared annual financial statements of the condition of the Entity, which shall include such detail as the IHL Board may from time to time require; The Entity must also engage a Certified Public Accounting (CPA) firm to perform annual audits of the Entity's annual financial statements; The Entity shall submit the audited financial statements, along with a list of Entity officers, directors or trustees, not later than five months following the completion of the Entity's fiscal year, to the affiliated university's IEO and to IHL; However, the annual audited financial statements of some of the Entities will be required for inclusion in the State of Mississippi's Comprehensive Annual Financial Report (CAFR); Those Entities which will be required to submit annual audited financial statements for inclusion in the CAFR, as determined by the IHL Board's Associate Commissioner of Finance and Administration and the external auditing firm hired to perform the annual IHL system audit, must submit annual audited financial statements to the affiliated university's IEO and to the IHL, along with a list of Entity officers, directors or trustees, by October 15 of each year; The IHL Board's Associate Commissioner of Finance and Administration shall notify each such Entity of the applicability of the October 15 deadline to such Entity as far in advance of the deadline as possible each year; The CPA firm to be utilized by the Entity must be in good standing with the Mississippi State Board of Public Accountancy, have substantial experience in auditing like organizations, and must be approved by the IEO or his/her designee; However, at the request of the Entity, the IEO of a university , with the approval of the IHL Board, may grant a request of the Entity to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds, such as a showing that the assets of the Entity are so limited as to make the expense of engaging a CPA firm to perform an audit financially burdensome to the Entity and unnecessary; Such a waiver may be conditioned upon such other review of the financial records of the Entity in lieu of an audit as the University and the IHL may deem feasible; Such a request for a waiver must be accompanied by (a) the most recent annual audited financial statements of the Entity (if any such statements exist), (b) the financial statements of the most recently completed fiscal year, (c) a written description of how the Entity anticipates that the year-end financial statements for the current year will differ from the financial statements as of the end of the most

recently completed fiscal year, and (d) a good faith estimate of the cost of engaging an auditor with respect to the statements; The granting of any request to waive the requirement of an annual audit by a CPA firm approved by the IHL is within the sole discretion of the university and the IHL Board; Any waiver of the audit requirement will apply only for one year, and any request to waive the requirement for the next year should be submitted as outlined above;

10. Requiring that the Entity only accept or solicit gifts for the benefit of the university that are consistent with the university's mission, goals or objectives;
11. Requiring that the Entity manage all funds in its control in a fiscally sound and prudent manner;
12. Requiring that the Entity establish and maintain a conflict-of-interest policy that complies with all requirements of Miss. Code Ann. §79-11-269 (1972) as amended, entitled "Conflict of interest Transaction", university conflict of interest policies, and which addresses transactions with university or entity staff;
13. Requiring that no form of additional compensation for an IEO or any IHL system office employee be underwritten or increased by the Entity without the prior approval of the Board; The request for approval shall come through the Commissioner to the IHL Board; As to other university employees, the Affiliation Agreement will provide that no form of additional compensation may be provided or paid by the Entity without the prior approval by the IEO; All such approvals by the IEO must be reported to the Board of Trustees at its next official meeting; This provision does not apply to transfers from the Entity to the supported university for items such as professorships, chairs, and other programmatic support that are paid directly to the university and included in its annual budget;
14. Requiring the Entity to submit to the IHL an annual report providing a detailed list of supplemental compensation provided to administrators, faculty, athletic staff, and other employees; provided however that the Affiliation Agreement may provide for appropriate exceptions for such compensation made by the institution out of funds routinely provided to the institution to be included in its budget; and,
15. Requiring compliance with all state and federal laws applicable to such organizations.
16. Establishing appropriate maximum limits on the period of time for which the Entity shall enter into contracts for professional, advisory, or other personal services.
17. Requiring that the provisions of the affiliation agreement shall apply to any and all entities owned or controlled by the affiliated Entity, with the

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

18. Affiliation agreements must address the reporting relationship of the chief executive of the affiliated entity and the roles of the IEO and the affiliated entity board in hiring, assessment, compensation and termination decisions related to the entity's chief executive.
19. Requiring that the entity abides by a gift acceptance policy to be jointly endorsed by the university and affiliated entity and describing the method by which the affiliated entity will keep the university informed about endowment performance, endowment spending policy, and anticipated accumulation and distribution of funds.
20. Requiring documentation of donor intent.
21. Requiring that the university ensure that gift funds distributed by the affiliated entity are used in a timely manner in compliance with donor intent and that the university provide affiliated entity staff and auditors access to records and accounts needed to monitor and verify use of gift funds.

E. Affiliation Agreements Shall Require Notice of Certain Events

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

1. The Entity has materially breached any of its contractual obligations under the Affiliation Agreement;
2. The Entity has materially failed to properly receive, apply, manage or disburse any funds or has materially failed to properly comply with any binding instructions from donors relating to those funds;

3. The Entity has engaged in any conduct that is prohibited or subject to sanction under state or federal law, including any and all requirements applicable to tax exempt organizations;
4. There has been a failure by the Entity or any of its officers and directors to comply with any conflict of interest requirements created by applicable state or federal law or by the governing documents or procedures of the Entity;
5. Any state or federal regulatory body begins any investigation of any matter that may have a significant financial or regulatory effect on the Entity or upon its status as a tax-exempt organization; or
6. The Entity has contracted with or entered into any business or pecuniary relationship with any of its board members, other than a full time employee of the Entity, or any Entity controlled directly or indirectly by the board member, which would reasonably be expected to provide for payment or benefits to that person exceeding the value of $50,000 in any calendar year; The previous sentence creates a duty for the Entity to report any such transaction but does not suggest or imply that all such transactions are either prohibited or permitted.

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

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

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

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

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

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

Ordinarily, the Board will not request information from any Entity and will allow the IEO to oversee the compliance by the Entity with the Affiliation Agreement and to determine that funds are being appropriately received, managed, and expended. In some circumstances, however, the Board may determine it to be necessary to secure additional information from the Entity or to review appropriate records of the Entity. The Entities hold funds that are intended to benefit the institutions of the state, and the Board has an interest in the proper administration of those funds. Thus, the Affiliation Agreement will provide that the Board may require the Entity to provide information or allow inspection of its records as required by the Board to determine that the Entity is in compliance with the Affiliation Agreement and that the funds held for the institution or for its benefit are appropriately utilized and protected. No such request for information will be made by individual Board members to any Entity or to any IEO.

As a matter of general policy, the Board will attempt, when appropriate, to resolve any issues or concerns about the activities of any Entity informally. Examples of such informal methods include responses by the Entities to requests from the auditors employed by the Board or a report from an accounting firm approved by the Board to review records related to the matters at issue. The decision of any entity as to whether and how to comply with such informal requests is within the discretion of the governing authorities of the entities. The Board anticipates that, normally, any

questions related to the Entities can be resolved through such informal procedures.

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

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

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

Affiliation Agreements must require that governing documents of the affiliated entity, including but not limited to, articles of incorporation, bylaws, or articles of organization provide that upon dissolution of the entity all of its assets be transferred to the university for one or more public purposes exclusively for the use and benefit of the university or another entity identified by the IEO and approved by the IHL board or identified by the IHL board for one or more exempt purposes within the meaning of

section 501(c)(3) of the Internal Revenue Code, or the corresponding section of any future tax code provided such purposes are exclusively for the use and benefit of the university. Any exceptions to this requirement must be approved by the IHL board.

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

(BT Minutes, 9/93; 1/98; 3/2005; 8/2006; 10/2009; 9/2010; 8/2019)

302 BOARD PERFORMANCE EVALUATION

The Board of Trustees will regularly evaluate its responsibilities and performance with respect to the oversight of Mississippi's eight institutions of higher learning. This assessment is designed to inform and improve the Board's a) policies and bylaws and operating procedures, including the orientation of new members, b) strategic planning, through an analysis of goals and progress made toward those goals, and c) adherence to expectations of other bodies concerned with higher education, including the state and federal governmental agencies, accrediting agencies, and university constituents.

The process or instrument to be used for this evaluation will be determined by the President and Vice President of the Board and may include surveys, individual self-reflection, and/or consultation. The evaluation of the Board will be conducted at least every two years.

Important general elements of the evaluation will include:

- Ethical performance of duties (e.g., adherence to Section 1200 Ethics Policy and related policies on conflict of interest, undue external influence, fiduciary responsibilities, etc.)
- Board logistical processes (e.g., adequacy, relevance, and availability of information provided to Board members, utility of agendas and minutes, effectiveness of communications, etc.)
- Board leadership and engagement (e.g., effectiveness of committee structure, leadership, participation by members, etc.)
- Oversight of institutions (e.g., review of mission and scope of institutions, selection/evaluation of CEOs, oversight of the financial health of institutions, etc.)
- Board level planning (e.g., effectiveness of the process of setting system-wide goals and evaluating progress toward implementation, etc.)
- Appropriateness of role (e.g., maintenance of a clear and appropriate distinction between the policy-making function of the Board and the responsibility of the institutions' administration and faculty to administer and implement policy)

(BT Minutes, 8/2018)

SECTION 400 - FACULTY AND STAFF

401 TENURED AND NON-TENURED EMPLOYEES OF INSTITUTIONS OF HIGHER LEARNING IN MISSISSIPPI

401.01 AUTHORIZATION FOR EMPLOYMENT

By statute, the Board has the power and authority to contract with all deans, professors, and other members of the teaching staff and all administrative employees of said institutions for a term not exceeding four years. Although the law does not empower the Board to contract for indefinite periods, its bylaws provide that "It shall be the policy of the Board to elect all officials for a definite tenure of service and to re-elect during the period of satisfactory service." The Board also empowers the executive heads of the institutions to "adopt policies of continuing employment for the purpose of making nominations for the teaching positions." All amendments, revisions, additions and reductions to employee contracts are subject to approval by the Board.

(BT Minutes, 3/91; 2/98)

401.0101 STATUTE APPLICABLE

The Board shall have the power and authority to elect heads of the various institutions of higher learning and to contract with all deans, professors, and other members of the teaching staff and all administrative employees of said institutions for a term of not exceeding four years. The Board shall have the power and authority to terminate any such contract at any time for malfeasance, inefficiency, or contumacious conduct, but never for political reasons. It shall be the policy of the Board to permit the executive head of each institution to nominate for election by the Board all subordinate employees of the institution over which he presides. It shall be the policy of the Board to elect all officials for a definite tenure of service and to reelect during the period of satisfactory service. The Board shall have the power to make any adjustments it thinks necessary between the various departments and schools of any institution or between the different institutions.

Miss. Code Ann., Section 37-101-15(F), as amended.
(See Section 201.0605 and Section 301.04, D.)
(BT Minutes, 3/91; 2/98)

401.0102 DELEGATION OF AUTHORITY

Acting under appropriate statutory authority, the Board of Trustees hereby empowers the Commissioner and the Institutional Executive Officers of the several institutions to make all appointments and promotions of faculty and staff except as otherwise noted below:

a. Board approval shall be required for creation, appointment, elimination, or significant modification of the position of Vice Chancellor, Provost, Vice President, Dean, or Associate/Assistant Provost, Vice President or Vice Chancellor who supervises Deans.
b. Board approval shall be required for the final, involuntary separation of an employee to be effective during the term of an employment contract, and where applicable creation, elimination, or modification of categories of appointments as approved by the Board.
c. Acceptance of the resignation of an employee with a written contract on behalf of the Board may be made by the Commissioner for the System Office and the Institutional Executive Officers of the several institutions.
d. In accordance with Miss. Code. Ann., § 37-101-7, as amended, the Board delegates to the Commissioner the authority to approve the quarterly reports of employment from the several institutions.

(BT Minutes, 3/91; 7/98; 6/2005, 8/2005; 3/2008; 5/2022)

401.0103 SALARIES AND COMPENSATION

The Commissioner, after consultation with the Institutional Executive Officers, shall annually develop guidelines for the award of salary increases which shall be approved by the Board.

With respect to additional compensation for additional service, the Institutional Executive Officers are hereby empowered to grant and expend institutional funds for additional service. Each institution shall prepare an annual report of additional compensation for additional service and compensation in excess of $1,000 from outside employment approved pursuant to Section 801.07 for those employees whose appointment is required to be approved by the Board pursuant to Section 401.0102a. The report shall be submitted to the Board by August 1 for the preceding fiscal year. This report shall include but not be limited to employee name, original contract amount, amount of additional compensation paid, amount of compensation from outside employment, and total compensation for the reporting year. With respect to outside employment

approved pursuant to Section 801.08, the report shall include the amount and source of gross income in excess of $1,000.

(BT Minutes, 3/98; 2/2000; 5/2000)

402 ORGANIZATIONAL STRUCTURE

402.01 FACULTY DEFINED

The teaching staff and those members of the administrative staff having academic rank in a college, university or other educational institution or one of its divisions. In all institutions the faculty will consist of the Corps of Instruction and the administrative officers with faculty rank.

A. Corps of Instruction:
Professors, associate professors, assistant professors, instructors, lecturers, and teaching personnel with such other titles as may be approved by the Board, shall be the Corps of Instruction. Research and extension personnel and duly certified librarians may be included in the Corps of Instruction on the basis of comparable training. Persons holding honorary titles shall not be considered to be members of the faculty.

(BT Minutes, 3/91; 3/98; 3/2008; 4/2018)

B. Administrative Officers:
Faculty status of full-time administrative officers will necessarily vary with the size and complexity of the institution. A faculty member who has academic rank and rights of tenure in the Corps of Instruction and who accepts an appointment to an administrative office shall retain his/her academic rank and rights of tenure as an ex officio member of the Corps of Instruction but shall have no rights of tenure in the administrative office to which he or she has been appointed. The additional salary or method of salary computation, if any, for the administrative position shall be stated in the employment contract and shall not be paid to the faculty member when he or she ceases to hold the administrative position. In all other cases of an individual becoming a full-time member of the faculty after relinquishing an administrative position, his or her salary shall be determined on the basis of such individual's qualifications as a faculty member. An administrative officer having faculty status shall retain privileges of faculty membership. Administrative officers shall be nominated by the Institutional Executive

Officer for election by the Board, as provided in Section 401.0102 Delegation of Authority.

(BT Minutes, 3/91; 3/98; 3/2008)

402.02 STANDARDS FOR FACULTY RANKING

The minimum academic requirements for rank are set out hereinafter. Institutions are encouraged to establish other criteria unique to their mission.

A. Professor:
   1. Doctoral or other terminal degree or equivalent
   2. Successful teaching experience
   3. Successful research and/or creative work
B. Associate Professor:
   1. Doctoral or other terminal degree or equivalent
   2. Successful teaching experience
   3. Successful research and/or creative work
C. Assistant Professor:
   1. Master's degree or the equivalent
   2. One year of additional graduate work
D. Instructor:
   Master's Degree or the equivalent
E. Other Equivalent Ranks:
   Other ranks equivalent to the above designations may be proposed by the Institutional Executive Officer to the Board for approval. Such ranks may reflect assignments in medical and/or health related, agricultural, research, and other special areas.

(BT Minutes, 3/91; 2/98)

402.03 PROMOTIONS IN RANK

Heads of institutions in making decisions regarding ranks and promotions in rank shall take into consideration evidence of professional achievement and academic growth to include but not necessarily be limited to the following:

- Professional training and experience;
- Effectiveness of teaching;
- Effectiveness, accuracy and integrity in communications; The Board endorses the American Association of University Professors' (AAUP) Statement of Principles on Academic Freedom and Tenure, which states in part: "When they speak or write as citizens, they should be free from

institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution."

- Effectiveness in interpersonal relationships, including collegiality, professional ethics, cooperativeness, resourcefulness and responsibility;
- The absence of malfeasance, inefficiency and contumacious conduct in the faculty member's performance of his/her faculty position at the university;
- Professional growth, such as research, publications and creative activities;
- Service and other non-teaching activities which reflect favorably upon the institution; and
- Any other criteria for promotions in rank set out in the applicable institution's policies which are not inconsistent with this policy.

(BT Minutes, 3/91; 2/98; 4/2022)

403 TENURE TRACK FACULTY

403.01 TENURE DEFINED

Tenure is defined as continuing employment that may be granted to a faculty member after a probationary period by the Institutional Executive Officer. Tenured faculty are protected from dismissal except for those reasons set forth in this section below. Faculty are tenured to a department unless otherwise designated by the Board.

In the interpretation of this principle it is understood that the following represent acceptable academic practice.

(BT Minutes, 3/91; 2/98; 5/2022)

403.0101 MINIMUM STANDARDS FOR TENURED EMPLOYMENT

All faculty contracts will specify whether the appointment is with tenure, tenure track, or non-tenure track. Beginning with a tenure track appointment to any professorial rank (assistant professor, associate professor, or professor), a faculty member must be reviewed for tenure during the sixth academic year of the

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

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

When an institutional recommendation for the award of tenure is before the Institutional Executive Officer for consideration, the Institutional Executive Officer is to consider the following criteria in deciding to deny or grant tenure:

- Professional training and experience;
- Effectiveness of teaching;
- Effectiveness, accuracy and integrity in communications; The Board endorses the American Association of University Professors' (AAUP) Statement of Principles on Academic Freedom and Tenure, which states in part: "When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution."
- Effectiveness in interpersonal relationships, including collegiality, professional ethics, cooperativeness, resourcefulness, and responsibility;
- The absence of malfeasance, inefficiency and contumacious conduct in the faculty member's performance of his/her faculty position at the university;
- Professional growth, such as research, publications, and creative activities;

- Service and other non-teaching activities, which reflect favorably upon the institution; and
- Any other criteria for granting tenure set out in the applicable institution's tenure policies, which are not inconsistent with this policy.

Prior to recommending that tenure be granted to a faculty member, the faculty member's department chair, dean and provost, when reviewing a faculty member's dossier for possible advancement to the next level of approval for tenure attainment, must each sign a written statement that certifies that each of the criteria set out within IHL Policy 403.0101 has been satisfactorily met. The written certification statement must contain each of the bulleted criteria set out within IHL Policy 403.0101 and any additional criterion separately set out in the applicable institution's tenure policies, which are not inconsistent with this policy. In addition, the IEO must also sign the same written certification statement prior to granting tenure to any faculty member.

At the time of initial employment at the University, a faculty member or an administrative employee whose preceding employment included faculty rank at the level of assistant professor, associate professor, or professor with tenure may be granted tenure only if approved by the President/Chancellor.

There shall be appropriate tenure/grievance committees at the institutions.

(BT Minutes, 3/91; 2/98; 12/2004; 3/2008; 4/2022)

403.0102 NOTICE OF NON-RENEWAL OF TENURE TRACK FACULTY

1. Notice of intention not to renew a tenure track faculty member shall be furnished in writing according to the following schedule:
   a. not later than March 1 before the date of termination during the first year of service,
   b. not later than December 1 before the date of termination during the second year of service,
   c. not later than September 1 before the date of termination of a contract after two or more years of service in the institution.

   This schedule of notification does not apply to persons holding temporary or part-time positions, or persons with courtesy appointments, such as adjunct appointments.

(BT Minutes, 3/91; 2/98)

403.0103 POST-TENURE REVIEW

1. Each institution shall have a post-tenure review process for all tenured faculty. Post-tenure review criteria shall be consistent with the institution's mission and priorities and shall include the following:
   - Effectiveness of teaching and/or research;
   - Effectiveness, accuracy and integrity in communications; The Board endorses the American Association of University Professors' (AAUP) Statement of Principles on Academic Freedom and Tenure, which states in part: "When they speak or write as citizens, they should be free from institutional censorship or discipline, but their special position in the community imposes special obligations. As scholars and educational officers, they should remember that the public may judge their profession and their institution by their utterances. Hence, they should at all times be accurate, should exercise appropriate restraint, should show respect for the opinions of others, and should make every effort to indicate that they are not speaking for the institution."
   - Effectiveness in interpersonal relationships, including collegiality, professional ethics, cooperativeness, resourcefulness, and responsibility;
   - The absence of malfeasance, inefficiency and contumacious conduct in the faculty member's performance of his/her faculty position at the university;
   - Professional growth, such as research, publications, and creative activities;
   - Service and other non-teaching activities, which reflect favorably upon the institution; and
   - Any other criteria set out in the applicable institution's post-tenure review policies, which are not inconsistent with this policy.

2. Institutional post-tenure review policies and procedures shall be linked to annual review policies and procedures. Institutional post-tenure review policies and procedures may require a periodic review of all tenured faculty, a review of individual faculty triggered by one or more unsatisfactory annual reviews, or a combination of periodic and triggered reviews.

3. Institutional post-tenure review policies and procedures shall provide for systematic and comprehensive assessments of performance, peer involvement in the post-tenure review process, and opportunities for faculty development. The policies and procedures shall specify the consequences of unsatisfactory performance, including termination of service as provided in

Section 403.0104. The policies and procedures shall provide for appeals by aggrieved faculty.

4. Institutional post-tenure review policies and procedures shall be filed with the Commissioner. The Commissioner shall review the policies and procedures for consistency with Board policy and recommend modifications as appropriate.

5. Each institution shall prepare an annual report of post-tenure reviews. The report shall be in a format specified by the Commissioner, and shall be submitted to the Board by August 1 for the preceding academic year.

(BT Minutes, 4/2000; 4/2022)

403.0104 TENURED FACULTY DISMISSAL

1. Termination of service of a tenured faculty member is made only under these extraordinary circumstances:
   a. Financial exigencies as declared by the Board;
   b. Termination or reduction of programs, academic or administrative units as approved by the Board;
   c. Malfeasance, inefficiency or contumacious conduct; or
   d. For cause.

   (BT Minutes, 3/91; 2/98)

2. Termination for cause of a tenured faculty member or the dismissal for cause of a faculty member prior to the expiration of a term appointment shall not be recommended by the Institutional Executive Officer until the faculty member has been afforded the opportunity for a hearing. In no event shall the contract of a tenured faculty member be terminated for cause without the faculty member being afforded the opportunity for a hearing.

   In all cases, the faculty member shall be informed in writing of the proposed action against him/her and that he/she has the opportunity to be heard in his/her own defense. Within ten (10) calendar days of notification of the proposed action and opportunity to be heard, the faculty member shall state in writing his/her desire to have a hearing. He/she shall be permitted to have with him/her an adviser of his/her own choosing who may be an attorney. The institution is directed to record (suitable for transcription) all hearings. In the hearing of charges of incompetence, the testimony shall include that of faculty and other scholars. Any decision made by a hearing body shall be a

recommendation to the Institutional Executive Officer. Tenured faculty members, who are dismissed for reasons stated as follows:

a. financial exigencies as declared by the Board;
or
b. termination or reduction of programs, academic units and/or administrative units as approved by the Board;

shall remain employed for a minimum of 9-12 months, consistent with current contract, periods of time, from date of notification.

Tenured faculty members, who are dismissed for reasons stated as follows:

c. malfeasance, inefficiency or contumacious conduct; or

d. for cause;

shall have their contracts terminated at any time subsequent to notice and hearing with no right to continued employment for any period of time. At the discretion of the Institutional Executive Officer, any faculty member's salary may be paid, and he/she may be relieved of all teaching duties, assignments, appointments and privileges when he/she is dismissed for any reasons stated above or pending a termination hearing.

(BT Minutes, 3/91; 2/98)

403.0105 APPEALS

1. Conditions of Appeals to the Board of Trustees:
Miss. Code Ann., Section 37-101-15 sets forth the general obligations of the Board of Trustees of State Institutions of Higher Learning with respect to employment at the various institutions of higher learning. It is the policy of the Board to consider appeals of faculty personnel decisions only after the aggrieved faculty member has exhausted all administrative remedies at the institutional level. In the event that an appeal to the Board is requested by the aggrieved party, the Institutional Executive Officer shall transmit to the Board the full report of the grievance/tenure committee concerning the matter appealed.

The individual allegedly aggrieved will be allowed to submit a written statement of his grievance to the Commissioner within a thirty (30) day

period following notification of the decision of the Institutional Executive Officer. No persons will appear personally before the Board unless invited.

If review is allowed by the Board, only the record developed at the institution will be reviewed. Review by the Board is not a matter of right, but is within the sound discretion of the Board. Review by the Board, if granted, is only on the record made at the lower level. No new evidence may be submitted on appeal.

2. Review of Appeal by the Board:
   The Board, upon receipt of such an appeal, shall review the records of the institutional committee's hearing and all documentation relative to the personnel decision. The Board reserves the right to correct an omission or other inaccuracy in the record submitted upon suggestion by either party or upon its own motion. The Board shall then determine the following:

   a. If the institutional due process procedures were followed;
      and/or
   b. If the decision was arbitrary or capricious.

   The Board, after reviewing the written argument and documentary evidence, shall affirm the decision of the Institutional Executive Officer or make another decision which shall be final and binding.

   (BT Minutes, 3/91; 2/98)

403.02 OTHER FACULTY GRIEVANCES AND APPEALS

403.0201 GRIEVANCE DEFINED

A grievance is defined as the claim of an individual employee that there has been a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, including working hours, working conditions, leaves, promotions and other conditions of employment.

(BT Minutes, 3/91; 2/98)

403.0202 APPEALS TO THE BOARD CONCERNING GRIEVANCES

Grievances are not appealable to the Board. The decision of the Institutional Executive Officer is final and binding.

(BT Minutes, 3/91; 2/98)

403.03 TENURE OF INSTITUTIONAL EXECUTIVE OFFICERS

Institutional Executive Officers, upon appointment, will be concurrently appointed to the faculty in his/her discipline at the rank of full professor. After successful completion of five (5) years of service as Institutional Executive Officer, the incumbent may be tenured as a full professor in the designated department at the discretion of the Board. Tenure shall carry the usual rights and privileges as specified in Board and institutional policy. In the event that the Institutional Executive Officer resigns and elects to remain with the institution, the salary as a professor shall be determined based upon the appropriate consideration of teaching, research, public service and salary conditions in the discipline. After ten (10) or more years of satisfactory service as an Institutional Executive Officer or as the Commissioner, he/she may be appointed to a Board

Distinguished Professorship per section 301.0801 (G) Duties of the Institutional Executive Officers.

(BT Minutes, 3/91; 2/98; 3/2008)

404 NON-TENURE TRACK FACULTY

404.01 NON-TENURE TRACK DEFINED

Universities are authorized to establish faculty positions designated as non-tenure track positions. Universities may enter into renewable contracts, for periods up to four years in length, with non-tenure track faculty members in three separate categories - research, teaching, and service - based on the mission and needs of the institution. Each institution employing non-tenure track faculty will have a formal system of annual evaluations to assess each such faculty member's performance. Renewal of contracts is not guaranteed and will be determined by the institution on the basis of the faculty member's performance, availability of funding, and institutional priorities.

Individuals employed in non-tenure track positions have no expectation of continuing employment beyond the expiration of their contracts and shall not be eligible for consideration for the award of tenure. Individuals in non-tenure track positions may not have their status converted to tenure track positions. However, they are eligible to apply for tenure track positions.

(BT Minutes, 3/91; 2/98; 2/2005)

404.02 NOTICE OF NON-RENEWAL OR TERMINATION OF NON-TENURE TRACK PERSONNEL

1. Notice of intention not to renew non-tenure track personnel shall be furnished in writing thirty (30) days prior to the expiration date of the contract. Notice of non-Renewal of employees with written contracts, other than those covered in § 403.0102, is 30 days.

2. Lack of Funds - Notice of termination of non-tenure track personnel prior to expiration of the contract due to a lack of funds shall be furnished in writing thirty (30) days prior to the termination.

(BT Minutes, 3/91; 2/98)

405 GRIEVANCE PROCEDURE FOR NON-FACULTY POSITIONS

405.01 GRIEVANCE DEFINED

A grievance is defined as the claim of an individual employee that there has been a violation, misinterpretation or misapplication of a rule, policy or procedure in relation to personnel policies, including working hours, working conditions, leaves, promotions and other conditions of employment.

(BT Minutes, 3/91; 2/98)

405.02 APPEALS

If all previous steps have not led to a satisfactory settlement of a problem, the Chief Personnel Officer will place it before the university grievance committee. The committee's purpose is to review the problem thoroughly and make a decision which is appealable to the Institutional Executive Officer. Upon completion of the hearing, the committee will have five (5) working days in which to make a decision. The decision will be promptly communicated within five (5) working days to the employee and the administration in writing. The decision of the committee will be subject to review by the Institutional Executive Officer. The decision of the Institutional Executive Officer shall be final.

(BT Minutes 3/91; 2/98)

406 MEDICAL CENTER EMPLOYMENT POLICIES

406.01 GENERAL POLICY

In recognition of the Medical Center's unique role and needs, the Board of Trustees adopted special salary and employment policies for this institution. Specific policies will be on file with the Commissioner in the Board office and will be made available upon request.

(BT Minutes, 3/91; 2/98)

407 EVALUATION OF EMPLOYEES

407.01 GENERAL POLICY

Institutions shall have evaluation procedures for all employees, which shall include annual evaluations of all tenure track faculty. A general description of procedures shall be filed with the Commissioner.

(BT Minutes, 3/91; 2/98; 4/2000)

407.02 EVALUATING TEACHING

The method of annually evaluating the quality of teaching may employ multiple sources of data appropriate to the discipline. At a minimum, students enrolled in the course shall have the opportunity to provide written feedback about the faculty member's teaching effectiveness to the faculty member, department chair/head and academic dean.

(BT Minutes, 4/2019)

408 EDUCATIONAL AND SABBATICAL LEAVE

408.01 GRADUATE AND POST-DOCTORAL STUDY:

The policy of the institutions has been to encourage leaves of absence for graduate and post-doctoral study. For this purpose, leaves are granted for a school year, a semester or, on occasions, a part of a semester. No salary is paid by the institution for the period of the leave, except under the provisions of the Board's sabbatical leave policy.

Miss. Code Ann., Section 37-101-183, as amended.
(BT Minutes, 9/90; 2/98)

408.02 UPGRADING CREDENTIALS

Any member of the faculties of Alcorn State University, Jackson State University and Mississippi Valley State University shall be eligible for leave of absence to pursue advanced academic training so as to elevate the scholastic qualifications of the faculties of these above-mentioned universities, in line with the requirement of the several accrediting agencies. In no instance shall leave be granted unless there is a contract providing for continued service, after expiration of the leave, in the university where the faculty member is employed.

The Board of Trustees of State Institutions of Higher Learning is hereby authorized to make payment of salary, or such part of salary as may be decided, of such faculty members who are under contract for academic leaves.

Miss. Code Ann., Section 37-101-181, as amended.

Under provisions of the Plan of Compliance (1974), incumbent personnel of each institution will have opportunities to upgrade their employment credentials sufficiently to be promoted and to be offered new positions; leaves of absence are to be made available to minority faculty members for this purpose.

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

408.03 SABBATICAL LEAVE

A. QUALIFICATIONS
Any member of the faculty of the State institutions of higher learning of the State of Mississippi shall be eligible for sabbatical leave, for the purpose of professional improvement, for not more than two semesters (fall and/or spring) immediately following any twelve (12) or more consecutive semesters of active service in an institution of higher learning of this state where such faculty member is employed or for not more than one (1) semester immediately following any six (6) or more consecutive semesters of such service. Absence on sick leave shall not be deemed to interrupt the active service herein provided for.

Miss. Code Ann., Section 37-101-183, as amended.
(BT Minutes, 9/90; 2/98; 3/2008)

B. APPLICATION

Applications for sabbatical leave shall be made to the Institutional Executive Officers and submitted to the Commissioner for consideration by the Board.

Approval or disapproval of the applications for sabbatical leave shall be made on the basis of regulations prescribed by the Board.

(BT Minutes, 9/90; 2/98; 3/2008)

C. CONTRACTUAL AGREEMENTS

Any person who is granted sabbatical leave and who fails to comply with the provisions of such leave as approved by the state institutions of higher learning may have his or her leave terminated by the Board. No person on sabbatical leave can be denied any regular increment of increase in salary because of absence on sabbatical leave.

Service on sabbatical leave shall count as active service for the purpose of retirement and contributions to the retirement fund shall be continued.

In order to provide for the above leaves, the Board shall have the power to adopt rules and regulations regarding such leave. In no instance shall leave be granted unless there is a contract providing for continued service, after expiration of the leave, in the college where the faculty member is employed.

Every person on sabbatical leave shall enjoy all the rights and privileges pertaining to his or her employment in the state institutions of higher learning in which such person is employed, which such person would have enjoyed if in active service during such leave in the position from which such leave was taken.

Miss. Code Ann., Section 37-101-183, as amended.
(BT Minutes, 9/90; 2/98; 3/2008)

D. COMPENSATION

The Board is hereby authorized to make payment of salary, or such part of salary as may be decided for such faculty members who are under contract for academic leaves. No salary is to be paid by the institution for the period of leave, except under the provisions of the sabbatical leave policy. Each person granted sabbatical leave may receive and be paid compensation up to the rate of fifty percent of such person's annual salary. Compensation

payable to persons on sabbatical leave shall be paid at the same time and in the same manner in which salaries of the other members of the faculty are paid.

Miss. Code Ann., Section 37-101-183, as amended.
(BT Minutes, 9/90; 2/98; 3/2008)

E. BENEFITS
A faculty member on sabbatical leave remains a full-time employee of the Board. Such faculty member shall retain all the rights and benefits including those of retirement, insurance, housing, longevity, and other benefits.

(BT Minutes, 9/90; 2/98; 3/2008)

F. INSTITUTIONAL QUOTA
No more than 4 percent (4%) of the full-time regular faculty of any one institution may be on sabbatical leave during any one semester.

(BT Minutes, 9/90; 2/98; 3/2008)

408.04 PROFESSIONAL LEAVE

Any actively contributing member of the Public Employees' Retirement System who has at least four (4) years of membership service credit and who receives, or has received, professional leave without compensation for professional purposes directly related to the employment in state service shall receive creditable service for the period of professional leave without compensation provided:

(a) The professional leave is performed with a public institution or public agency of this state, or another state or federal agency;
(b) The employer approves the professional leave showing the reason for granting the leave and makes a determination that the professional leave will benefit the employee and employer;
(c) Such professional leave shall not exceed two (2) years during any ten-year period of state service;
(d) The employee shall serve the employer on a full-time basis for a period of time equivalent to the professional leave period granted immediately following the termination of said leave period;
(e) The actively contributing member shall pay to the retirement system the actuarial cost as determined by the actuary for each year of professional leave. The member may begin to purchase such service credit at such time as the total eligible additional credit, when added to the member's creditable

service, will entitle the member to receive a retirement allowance within five (5) years. The provisions of this subsection are subject to the regulations of the Internal Revenue Code limitations:

(f) Such other rules and regulations consistent herewith as the Public Employee Retirement System may adopt and in case of question, the Board shall have final power to decide the questions.

Miss. Code Ann., §25-11-109(8), as amended.
(BT Minutes, 2/98)

SECTION 500 - ACADEMIC AFFAIRS

501 ACADEMIC PROGRAMS AND UNITS

All new curricula, departments, programs of study, organized research or services being proposed by any or all of the institutions must be submitted to the Board and must be approved by the Board before being initiated.

Miss. Code Ann., §37-101-13, as amended.
(BT Minutes, 9/90; 1/98; 3/2008)

502 NEW ACADEMIC PROGRAMS AND UNITS

Requests to establish new degree programs, colleges, schools, departments, institutes, and centers will be considered by the Board on a schedule and in accordance with guidelines and procedures to be determined by the Commissioner after consultation with the Institutional Executive Officers. In developing such guidelines and procedures, the Commissioner shall consider state, system, and institutional priorities, institutional missions, institutional performance, comparative funding, market demand, and other appropriate criteria.

(BT Minutes, 9/90; 3/98; 6/2000; 3/2008)

503 PROGRAM MODIFICATION

As part of its broad constitutional authority to govern the universities, the Board shall exercise its authority to modify programs offered by the universities generally or at various units of the universities.

Miss. Const. Art. VIII, Section 213-A
Miss. Code Ann., Section 37-101-13, as amended.
(BT Minutes, 3/91; 2/98; 3/2008)

504 SUSPENSION OF PROGRAMS

A program may be suspended such that new students are not permitted to enroll, without obtaining Board approval, for a period not to exceed three academic years and may subsequently be reinstated by the institution within that period. However, the Commissioner must be advised of such actions. If the

program has not been reactivated by the end of the third academic year, the program will be deleted from the Academic Program Inventory.

(BT Minutes, 9/90; 1/98; 3/2008)

505 INVENTORY OF ACADEMIC PROGRAMS

The Office of the Commissioner of Higher Education will maintain an accurate and current inventory of all academic programs approved by the Board of Trustees of State Institutions of Higher Learning. A revised copy of the inventory will be made available to the Board following every meeting where changes in the inventory are approved. Each Institutional Executive Officer shall be responsible for ensuring that all institutional publications list academic offerings in a manner consistent with the approved inventory of academic programs maintained by the Office of the Commissioner of Higher Education.

(BT Minutes, 5/2005; 3/2008)

506 COURSE REQUIREMENTS

Course requirements shall include at a minimum the following.

- The number of weeks must meet Federal financial aid requirements and The Commission on Colleges and Universities requirements.

(BT Minutes, 5/92; 1/98; 7/2004; 3/2008; 11/2020; 8/2026)

507 ACCREDITATION

All institutions under the governance of the Board shall maintain regional accreditation with The Commission on Colleges and Universities. Institutions shall endeavor to acquire accreditation for all programs and units for which professional accreditation is available and shall comply with the procedures as set forth in 508 below.

(BT Minutes, 9/90; 1/98; 3/2005; 3/2008; 10/2021; 8/2026)

508 ACCREDITATION PROCEDURES

(1) A copy of any letter received from an accrediting body stating formal action taken by the body shall be sent to the Commissioner of Higher Education. Other documents including site visit reports and other documents commonly

included as part of the accreditation process will be made available at the request of the Commissioner of Higher Education.

(2) The Commissioner of Higher Education shall report to the Board at least annually, through its Academic Affairs Committee, on each accreditation visit or change in accreditation status of each university.

(3) A copy of the Compliance Certification Report and Quality Enhancement Plan submitted in connection with The Commission on Colleges and Universities accreditation review shall be filed, electronically if available, with the Commissioner of Higher Education. Supporting documentation need not be submitted.

(4) The Commissioner of Higher Education shall be notified by the Institutional Executive Officers of all site visits by accreditation agencies.

(5) A copy of any specialized accrediting agency self-study documents will be made available at the request of the Commissioner of Higher Education or Board.

(6) The Commissioner of Higher Education or designee shall be given an opportunity to meet with the accreditation committee and/or participate in the exit conference at the request of the accrediting agency.

(BT Minutes, 3/2005; 3/2008; 8/2026)

509 DISTANCE LEARNING POLICY

All distance learning courses and programs shall be in accord with The Commission on Colleges and Universities Principles of Accreditation and Council of Regional Accrediting Commissions Interregional Guidelines for the Evaluation of Distance Education.

Unless otherwise provided, all Board and university policies, standards, and guidelines for on and off campus instruction apply to distance learning.

(BT Minutes, 2/98; 3/2008; 4/2018; 8/2026)

510 AWARDING OF DEGREES

Degrees granted by institutions under the governance of the Board are awarded by and with the consent of the Board and are countersigned by the President of

the Board. Recommendations for the awarding of degrees to students by the various institutions must be made no later than the Board meeting prior to the commencement at which such awards will be made. Board approval represents permission to award degrees if all requirements are met and does not constitute direction to award a degree. In an exceptional case where a student is in all respects qualified for degree and Board approval has not been obtained, the Commissioner is authorized to provide administrative approval to award the degree. In such cases, the Commissioner must formally notify the Board at the meeting immediately following the commencement at which the degree was awarded.

(BT Minutes, 9/90; 1/98; 3/2008)

511 HOURS TO DEGREE

All undergraduate degree programs must have a minimum of 120 hours and a maximum of 124 hours unless the Board has granted an exception. A request for exception will come to the Board with a justification and recommendation from the Commissioner. Among other issues, these reviews will take into account:

A. Accreditation standards of the appropriate specialized accrediting agencies which mandate a baccalaureate program of over 124 credit hours.

B. Licensing standards of the professions involved which require a baccalaureate program of over 124 credit hours.

Developmental and curriculum prerequisite preparative courses do not count as part of the 124 credit hour requirement.

(BT Minutes, 7/2004; 3/2008)

512 CORE CURRICULUM

In order to be awarded a baccalaureate degree, all students must complete a core curriculum consisting of the following:

English Composition	6 semester hours
College Algebra, Quantitative Reasoning, or higher level mathematics	3 semester hours
Natural Science	6 semester hours

Humanities and Fine Arts	9 semester hours
Social or Behavioral Science	6 semester hours

(BT Minutes, 1/2003; 3/2008)

513 HONORARY DEGREES AND OTHER AWARDS

The Board may award certificates of achievement, merit awards or other appropriate recognitions to those who have achieved a record of distinction at the state or national level or who have made an especially outstanding and significant contribution to the Board, the university or higher education.

Honorary degrees may be awarded by the Board to persons who have achieved a record of major distinction at the state or national level in such areas as education, public service, research, humanities, business, or the professions. In exceptional circumstances, honorary degrees may be awarded to persons who, though they have not achieved national or statewide recognition, have made an especially outstanding and significant contribution to the system, the university, or higher education.

Honorary degrees may be awarded only by approval of the Board upon the recommendation of the Institutional Executive Officer. Each Institutional Executive Officer shall establish a representative committee, composed of faculty and academic staff, which shall recommend to the Institutional Executive Officer proposed honorary degree recipients selected from nominations by the faculty, students, staff, and alumni. Before requesting Board approval, the Institutional Executive Officer shall submit to the Commissioner written information concerning the candidate's achievements and any significant contributions to the university, the system, higher education, or the State of Mississippi. Unless an exception is approved by the Commissioner, Board approval of candidates must be obtained at least two months prior to the award of the degree and not more than two honorary degrees may be awarded by a university each year.

Elected or appointed public officials in state or local government, and members and employees of the Board are ineligible for award of any honorary degree during their term of office or employment and one (1) year thereafter.

(BT Minutes, 2/98; 3/2008)

514 CLASS ATTENDANCE

The Board requires that each institution develop, maintain, and follow written class attendance procedures. Such procedures shall conform to all applicable state and federal laws.

(BT Minutes, 3/2008)

515 MILITARY POLICIES

The Institutional Executive Officers are authorized to offer Reserved Officers' Training Corps (R.O.T.C.) as an elective course.

(BT Minutes, 9/90; 1/98; 3/2008)

516 STUDENTS CALLED TO ACTIVE DUTY

Any student who has enrolled at an institution under the governance of the Board of Trustees, who is a member of the Mississippi National Guard, or one or more units of the Mississippi State Guard, or who is a member of any of the reserve components of the armed forces of the United States, and who has been placed in active duty status by orders of the President of the United States, or who has been drafted into any component of the armed forces of the United States, may be allowed to withdraw as a student of the institution, with a full refund of tuition, out-of-state fees (if applicable), student fees and any special fees, with room and board fees prorated with the approval of the Institutional Executive Officer.

Any student who withdraws from an institution under this policy will not receive any grades. The student record will show evidence of the withdrawal with documentation on file.

Any student called to active duty who has completed at least 3/4 of the semester and is in good standing with the institution, and who needs to only take the final examination to complete the semester, has the option to leave the university pursuant to this policy, without his/her class standing effected, and without refund of any of the above fees or tuition. However, within ninety (90) days after release from active duty, the student may make arrangements to take the final examination. The score of the final exam plus the unfinished semester's work will constitute the student's final grade.

Alternatively, any student called to active duty who has completed at least 3/4 of the semester and is in good standing with the institution, has the option to leave the university pursuant to this policy, without his/her class standing effected, and without refund of any of the above fees or tuition and shall have the option of receiving full credit for each enrolled course of study with the grade earned at the date he or she was called into active duty.

(BT Minutes, 9/90; 1/98; 10/2004; 3/2008)

517 TRANSFER OF THE ASSOCIATE OF ARTS OR ASSOCIATE OF SCIENCE 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 or Associate of Science 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 or Associate of Science degree.

1) Students that graduate with an Associate of Arts or Associate of Science 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 or Associate of Science 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 or Associate of Science 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 Community College Board to articulate the transfer of courses.

(BT Minutes, 3/2010; 4/2013; 10/2021; 8/2026)

518 CREDIT FOR PRIOR LEARNING

An IHL institution may integrate prior learning assessment (PLA) and competency-based education (CBE) into university coursework. PLA and CBE credits may apply toward academic degree requirements.

A. PLA credit may include individualized student portfolios, evaluation of corporate and military training, program evaluations, challenge exams, and standardized exams. Credit earned through PLA may count as lower-division or upper-division credit. Credit earned through PLA shall not count toward the 25 percent residency requirement for the degree-awarding institution. The types of PLA accepted may be determined by the IHL institution.

B. CBE credit may include demonstrated mastery of competencies embedded into a conventional curriculum comprised of courses (course/credit-based approach) and evaluation of student achievement solely on the demonstration of competencies (direct assessment). An institution may accept up to 25 percent of the degree requirements as CBE. This requirement may be waived for institutions that have gained The Commission on Colleges and Universities approval to offer an entire program as direct assessment or a hybrid direct assessment competency-based educational program where at least 50 percent of the competency-based program is direct assessment. Credit earned through CBE may count as lower-division or upper-division credit. Credit earned through CBE may count toward the 25 percent residency requirement for the degree-awarding institution. The types of CBE accepted may be determined by the IHL institution.

(BT Minutes, 1/2026; 8/2026)

519 ADULT DEGREE COMPLETION PROGRAM

A. General Policy
The Adult Degree Completion Program was developed to encourage Mississippi adults who have completed some college, but earned no degree, to return to college and finish what they started. This program provides adult learners with a flexible path to a bachelor's degree and is one option

for returning students to obtain degree completion. The Adult Degree Completion Program is intended to serve adult learners who have earned at least 90 credit hours but have not completed a baccalaureate degree and have not attended a postsecondary institution in the past twenty-four months based on last date of attendance. The curriculum may be individualized for each adult learner based on coursework completed and career goals. IHL institutions may exercise discretion regarding the hours earned and the length of non-enrollment in a postsecondary institution while maintaining the original intent of this degree program to help students, who have stopped out, earn degrees.

1) Adult Degree Completion Program
   Each IHL institution may offer the Adult Degree Completion Program as a baccalaureate program called University Studies. An IHL institution may choose to list discipline-specific concentrations for the programs under the Adult Degree Completion Program on the adult learner's final transcript.

   A student may not be enrolled in the Adult Degree Completion Program and another baccalaureate degree program simultaneously. Admission to the Adult Degree Completion Program does not provide for admission to other baccalaureate degree programs at the IHL institutions; however, an institution may choose to allow a transfer path from the Adult Degree Completion Program to another baccalaureate degree program within their institution.

2) Admission to Adult Degree Completion Program
   A student is eligible for admission to the Adult Degree Completion Program if he/she has earned at least 90 credit hours but has not completed a baccalaureate degree and has not attended a postsecondary institution in the past twenty-four months based on last date of attendance. IHL institutions may exercise discretion regarding the hours earned and the length of non-enrollment in a postsecondary institution while maintaining the original intent of this degree program to help students, who have stopped out, earn degrees.

   All earned credit for college-level academic credit-bearing work that was earned before admission into the Adult Degree Completion Program may be accepted to satisfy the Adult Degree Completion Program's degree requirements. Transfer coursework for which a student earned a grade of "D" may be accepted to satisfy the Adult Degree Completion Program degree requirements. All failing grades (e.g., "F" grades) received before

admission to the Adult Degree Completion Program may be disregarded but should count in credit hours attempted to determine financial aid eligibility. Additional requirements may be established by the admitting institution.

3) Institutional Policies
   a. Adult learners returning to postsecondary education may choose the Adult Degree Completion Program and only the requirements set forth in this policy may apply. For the Adult Degree Completion Program, additional degree requirements, catalog year requirements, and academic residency requirements may be waived by an institution.
   b. An adult returning to postsecondary education may choose a baccalaureate degree program other than the Adult Degree Completion Program, and institutional policies and degree requirements will apply. Institutional readmission policies will apply to adult learners who choose a baccalaureate program other than the Adult Degree Completion Program.

4) Minimum Adult Degree Completion Program Requirements
   a. The minimum number of hours required in the Adult Degree Completion Program is 120 credit hours. Credits earned through prior learning assessment, competency-based education, or regionally-accredited Career Technical programs may be included as part of the 120 hours.
   b. A program grade point average (GPA) of 2.0 must be earned. This may be the only GPA requirement that an adult learner in the Adult Degree Completion Program must satisfy to meet graduation requirements from an IHL institution. Only the credit hours required for the degree will be used to calculate the program GPA.
   c. Of the 120 credit hours required for the Adult Degree Completion Program, minimum requirements are as follows:

General Education Core Curriculum *(IHL Policy 512 Core Curriculum)*	30 credit hours
Credit in residence at the awarding institution	30 credit hours
Upper-Division Credit	30 credit hours

5) Financial Holds
   Adult learners with previous financial holds returning through the Adult Degree Completion Program must establish a repayment plan with the admitting institution prior to enrolling and registering for classes.

6) Tuition and Fees
   Tuition and fees for enrollment in courses will be assessed according to the established tuition and fee schedule at each IHL institution.

7) Delivery Format
   The format (e.g., online, accelerated, hybrid, face-to-face) of the courses offered in the Adult Degree Completion Program may be determined by the admitting institution.

8) Repeated Courses
   Grades of "F" earned while enrolled in the Adult Degree Completion Program may be repeated to earn a grade that satisfies the Adult Degree Completion Program degree requirements. The highest grade may stand as the official grade, and in that case, only the highest grade earned may be calculated in the Adult Degree Completion Program GPA.

(BT Minutes, 8/2017; 10/2021; 1/2026)

520 AWARDING OF ACADEMIC CREDITS EARNED THROUGH MILITARY LEARNING

Each IHL institution shall provide opportunities for an admitted student to be awarded academic credit for military education, training, and experience (hereinafter referred to as "military learning"). The process for awarding of academic credits for military learning must be compliant with The Commission on Colleges and Universities accreditation standards. Institutions shall follow the recommendation of the academic department and the American Council on Education guidelines for determining academic credit equivalencies; however, the IHL Guidebook for Evaluating Military Learning for Academic Credit (hereinafter referred to as "the IHL Guidebook") shall be used to conduct prior-learning assessments via programs of instruction and occupational faculty panel reviews.

The IHL Guidebook provides guidance for creating appropriate faculty expert panels and templates for conducting evaluations. For military learning that has not been evaluated using the IHL Guidebook, an IHL institution may choose to follow the processes established in the IHL Guidebook to conduct an evaluation. Alternatively, the IHL institution may award academic credit for military learning through prior learning assessment processes developed at the institutional level,

evaluation of joint services transcripts, administration of challenge exams, administration of standardized exams, and evaluation of portfolio assessments. All aforementioned evaluation processes require institutional approval before credits will be accepted at the system level. Academic credits earned for military learning may count as lower-division or upper-division credit. These credits shall not count toward the 25 percent residency requirement for the degree-awarding institution. An IHL institution may award up to 90 hours of academic credit for military learning at the undergraduate level.

Academic credit for military learning once recorded at an IHL institution or as prescribed in the IHL/MCCB Statewide Articulation Agreement, is transferable on the same basis as if the credit had been earned through regular study at the institution that awarded the credit. Evaluation of military learning for academic credit will occur at the time the student is admitted and enrolls at an IHL institution and will be recorded on the student's transcript at that time to allow for informed advisement.

Academic credits that have been evaluated and marked as equivalents for a specific military occupation classification will be made available by each IHL institution to the IHL system office in order to maintain a website that will inform prospective students prior to admission. The processes for evaluating military learning are documented in the IHL Guidebook which is given to university personnel and maintained by the IHL system office.

(BT Minutes, 6/2019; 10/2021; 1/2026; 8/2026)

521 APPLIED BACCALAUREATE DEGREE

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

The AAS and AAT degrees offered in Mississippi follow the 30/45/60 stackable credential model. At 30 hours, a career certificate is awarded. At 45 hours, a

technical certificate is awarded. At 60 hours, an AAS or AAT degree is awarded. The AAS or AAT degree requires 15 credit hours of general education core courses. The general education core courses earned as part of the AAS or AAT may be accepted as satisfying half of the general education requirements for the applied baccalaureate degree. Provided the general education component of this degree program complies with The Commission on Colleges and Universities, an IHL institution may exercise flexibility in determining the remaining general education core requirements for the applied baccalaureate degree based on specific needs of adult learners in the workplace.

Applicants who have earned technical credits but have not earned a technical associate degree program may be considered for admission into an applied baccalaureate degree program at the discretion of the admitting institution. An IHL institution may award credit for technical expertise using prior learning assessment (PLA) and competency-based education (CBE) as outlined in Policy 518.

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

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

(BT Minutes, 8/2019; 10/2021; 1/2026; 9/2026)

SECTION 600 - STUDENT AFFAIRS AND ADMISSIONS

601 ADMISSION STANDARDS

The Board shall have the authority to establish minimum standards of achievement as a prerequisite for entrance into any of the institutions under its jurisdiction, which standards need not be uniform between the various institutions and which may be based upon such criteria as the Board may establish.

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

Miss. Code Ann., §37-101-15, as amended.
(BT Minutes, 9/90; 9/93; 1/98; 1/2003; 2/2009;6/2024)

602 FRESHMAN ADMISSION REQUIREMENTS FOR UNIVERSITY SYSTEM INSTITUTIONS

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

A. HIGH SCHOOL COURSE REQUIREMENTS (College Preparatory Curriculum)

Subject Area	**Required[1] Carnegie Units and Content/Remarks**		***Recommended[2] Carnegie Units and Content/Remarks***	
English	*4*	*Units must require substantial communications skills (i.e. reading, writing, listening, and speaking). Compensatory Reading and Compensatory Writing may not be included.*	*4*	*Units must require substantial communication skills (i.e. reading writing, listening, and speaking). Compensatory Reading and Compensatory Writing may not be included.*
Mathematics	*4*	• *Algebra I or its equivalent* • *Math higher than Algebra I (2 units)* • *Additional math higher or lower than Algebra I (1 unit)*	*4*	• *Algebra I or its equivalent* • *Math higher than Algebra I (3 units)*
Science	*3*	• *Biology I or its equivalent* • *Science higher than Biology I (2 units)*	*4*	• *Biology I or its equivalent* • *Science higher than Biology I (3 units)*

Subject Area	**Required[1] Carnegie Units and Content/Remarks**		***Recommended[2] Carnegie Units and Content/Remarks***	
Social Studies	*3*	*Units must include integrated courses of social sciences and humanities promoting civic competence*	*4*	*Units must include integrated courses of social sciences and humanities promoting civic competence*
Arts	*1*	*Includes any one Carnegie unit (or two ½ units) of visual and performing arts course(s) meeting the requirements for high school graduation.*	*1*	*Includes any one Carnegie unit (or two ½ units) of visual and performing arts course(s) meeting the requirements for high school graduation.*
Advanced Electives	*2*	• *Option 1: Foreign Language I and Foreign Language II* • *Option 2: Foreign Language I and one unit from Option 3* • *Option 3: (1) Any combination of advanced electives above the required Carnegie units in: (a) as noted in the Office of Academic and Student Affairs CPC Manual and/or (b) any Advanced Placement (AP), Academic or Career and Technical Dual Credit (DC), International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) course.* *(2) Completion of any two-year Career and Technical course may count as one unit. Example: completion of both Health Sciences I & II will count as an advanced elective.*	*2*	• *Option 1: Foreign Language I and Foreign Language II* • *Option 2: Foreign Language I and one unit from Option 3* • *Option 3: (1) Any combination of advanced electives above the required Carnegie units in: (a) as noted in the Office of Academic and Student Affairs CPC Manual and/or (b) any Advanced Placement (AP), Academic or Career and Technical Dual Credit (DC), International Baccalaureate (IB) or Advanced International Certificate of Education (AICE) course.* *(2) Completion of any two-year Career and Technical course may count as one unit. Example: completion of both Health Sciences I & II will count as an advanced elective.*
Technology or Computer Science	**1**	*A technology course emphasizes the use of technology as a productivity tool. Instruction should include utilizing various forms of technology to create, collaborate, organize, and publish information. The application of technology as a*	**1**	*A technology course emphasizes the use of technology as a productivity tool. Instruction should include utilizing various forms of technology to create, collaborate, organize, and publish information. The application of technology as a*

Subject Area	**Required[1] Carnegie Units and Content/Remarks**		***Recommended[2] Carnegie Units and Content/Remarks***	
		productivity tool, rather than specific hardware and/or software packages should be the focus of the course. A computer science course emphasizes computational thinking to solve problems. Courses will involve the study of computers and algorithmic processes, including their principles, their hardware and software designs, their applications, and their impact on society and should include focus on one or more of the following core concepts: computing systems, networks and the internet, data and analysis, algorithms and programming, and impacts of computing. Course equivalent or additional advanced elective may be acceptable for non-Mississippi residents.		*productivity tool, rather than specific hardware and/or software packages should be the focus of the course. A computer science course emphasizes computational thinking to solve problems. Courses will involve the study of computers and algorithmic processes, including their principles, their hardware and software designs, their applications, and their impact on society and should include focus on one or more of the following core concepts: computing systems, networks and the internet, data and analysis, algorithms and programming, and impacts of computing. Course equivalent or additional advanced elective may be acceptable for non-Mississippi residents.*
Pre-High School Units	*Courses taken prior to high school will be accepted for admission provided the course earns Carnegie credit and the content is the same as the high school course.*			
Substitutions	*Advanced Placement (AP), International Baccalaureate (IB), Academic or Career Technical Dual Credit (DC), and Advanced International Certificate of Education (AICE) courses may be substituted for each requirement in the College Preparatory Curriculum.*			
Course Acceptance	*A course may not be used to satisfy more than one requirement.*			
Total Carnegie Units	**18**		**20**	

[1]High school Carnegie units **required for regular admission** to an IHL institution
[2]Recommended high school Carnegie units to enhance preparedness for college-level work

Students seeking admission to four-year degree programs must earn credit for the course requirements listed above or equivalent preparation from another state as determined by the admitting institution. The Required and Recommended College Preparatory Curricula (CPC) are approved by the IHL Board of Trustees and maintained in the IHL Office of Academic and Student Affairs.

(BT Minutes, 5/92; 9/93; 9/94; 3/95; 10/95; 9/96; 1/98; 2/2005; 5/2005; 9/2005; 8/2006; 2/2007; 2/2009; 3/2010; 11/2010; 5/2015; 6/2018; 2/2021; 4/2022; 6/2024)

B. FULL ADMISSION FOR FIRST-TIME UNDERGRADUATES

A first-time undergraduate applicant is one who is a recent high school graduate who enrolls in the first fall term after graduation regardless of their summer school academic activity between graduation and their first fall term of enrollment. A December graduate who attends any postsecondary institution before enrollment would be considered a first-time transfer. Dual enrollment courses taken while in high school are not considered previous enrollment. The following criteria are established for both traditional and non-traditional first-time undergraduates. Traditional undergraduate students are defined as those who are under 25 years of age; non-traditional students are defined as individuals 25 years of age and older.

Full admission will be granted to all students who meet the following criteria:

(1) Have completed high school graduation requirements and the College Preparatory Curriculum (CPC) or have completed equivalent requirements as determined by admitting IHL institution; have a minimum cumulative GPA of 3.20 on a 4.0 grading scale as reported by the high school or as calculated by the admitting institution using an IHL-approved unweighted cumulative GPA calculator; and no ACT or SAT score is required; or

(2) Have completed high school graduation requirements and the College Preparatory Curriculum (CPC) or have completed equivalent requirements as determined by admitting IHL institution; have a minimum cumulative GPA of 2.50 as reported by the high school or as calculated by the admitting institution using an IHL-approved unweighted cumulative GPA calculator or a class rank in the top 50%; and have an ACT composite score of 16 or higher; or

(3) Have completed high school graduation requirements and the College Preparatory Curriculum (CPC) or have completed equivalent requirements as determined by admitting IHL institution; have a minimum cumulative GPA of 2.00 as reported by the high school or as calculated by the admitting institution using an IHL-approved unweighted cumulative GPA calculator; and have an ACT Composite score of 18 or higher.

(4) Any student who does not meet the above requirements may be granted full admission by satisfying the NCAA Division I standards for student athletes who are "full qualifiers" or "academic redshirts".

In lieu of ACT scores, students may submit equivalent SAT scores.

Institutions will use ACT or SAT superscores as calculated by the ACT and SAT. Superscores generally use the highest subject test scores from the same test type when scores from more than one test date are submitted. A combination of ACT and SAT subtest scores cannot be combined to calculate a superscore.

Beginning April 2025, the ACT Composite score will be based on performance in the English, Math, and Reading sections. The Science and Writing sections will be optional and reported separately, with the Science section no longer included in the Composite score calculation. IHL institutions may recalculate scores from tests taken prior to the rollout of the new Composite score structure when it benefits the prospective student to do so.

In addition to their use for admissions, institutions may require ACT/SAT scores, ACCUPLACER, or other assessments for placement purposes prior to registration.

Students must submit a final, official transcript with a graduation date prior to the second term of enrollment.

Admitting institutions may establish additional admission requirements.

(BT Minutes, 9/93; 1/98; 3/2019; 4/2020; 6/2024; 4/2025; 10/2025)

C. ACADEMIC PLACEMENT RESULTING FROM VARIOUS DEFICIENCIES
Mississippi residents and graduates of any Mississippi high school who applied and failed to meet Full Admission Standards as a first-time undergraduate may, as a result of review, be admitted. The review shall involve a consideration of high school performance, ACT or SAT scores (if available), placement testing, special interests, and skills as well as other non-cognitive factors. The review shall result in full admission and placement in one of the following categories:

1. Full Admission
   As a result of a review, students may be fully admitted. In addition, students may be required to enroll in selected college-level courses equivalent to high school courses in which their background is inadequate. These courses will yield institutional credit.* Other students in this category may be required to participate in a year-long academic support program.
2. Full Admission with Academic Deficiencies
   Students who have not demonstrated adequate readiness in English or Reading or Mathematics as determined by the admitting institution in compliance with Policy 608 will be granted Full Admission with Academic Deficiencies to a developmental program. These programs concentrate on high school subject areas (English, Reading, and Mathematics) that are applicable to success in first-year college courses. These courses carry institutional credit.* Students who successfully complete a developmental program will receive full admission to the institution. The institution may require mandatory participation in intervention strategies to promote success in the courses in which they are not fully prepared, according to their highest ACT or SAT subtest scores or other placement assessments. Students who fail to successfully complete a developmental program are not eligible for enrollment in the regular academic year and will be counseled to explore other post-secondary opportunities, including those offered by community colleges.

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

(BT Minutes, 5/92; 9/93; 9/94; 3/95; 10/95; 9/96; 1/98; 2/2005; 8/2006; 2/2009; 3/2010; 05/2015; 05/2016; 4/2020; 6/2024)

D. ADMISSION AS A TRANSFER STUDENT FROM A DOMESTIC INSTITUTION
   Any student entering the admitting institution for the first time who previously attended another postsecondary institution, excluding summer school academic activity between graduation and their first full fall term of enrollment, must apply for admission as a transfer student. Such students will not be considered first-time undergraduates for the purposes of admission, even if no credits were earned at the previous institution(s), and they must meet the requirements for first-time undergraduate admissions outlined in Policy 602 (A and B).

   All other transfer students must meet the following requirements:

1. Full admission will be granted to all transfer students who have completed 30 or more transferrable hours at their previous institutions and have a minimum cumulative grade point average (GPA) of 2.0 on college-level coursework as determined by the admitting institution. While not required for admission, any students who wish to receive Federal Title IV aid must also provide proof of high school completion (a final high school transcript, homeschooling transcript, or GED record) unless they meet the following qualifications: have an associate's or prior bachelor's degree or are transferring in at least 60 credits applicable to their academic program. Students applying for aid without the appropriate documentation can be awarded for their first semester only but must provide it by the end of that term. Federal awards will not be made in subsequent terms unless the documentation is on file with the institution or the student has completed at least 60 credit hours applicable towards their degree.
2. Full admission will be granted to all transfer students who have completed less than 30 transferable hours at their previous institutions and meet the following criteria*:*
   a) Minimum cumulative grade point average (GPA) of 2.0 on college-level coursework as determined by the admitting institution; and
   b) Meet the requirements for first-time undergraduate admissions outlined in Policy 602 (sections A and B).

Admitting institutions may establish additional admission requirements for transfer students.

(BT Minutes, 5/92; 9/93; 9/94; 3/95; 10/95; 9/96; 1/98; 2/2005; 8/2006; 2/2009; 3/2010; 4/2013; 6/2024; 6/2025)

E. ADMISSIONS FOR NONRESIDENTS OF MISSISSIPPI

Any student identified as a nonresident of Mississippi will be qualified for admission to a Mississippi institution of higher learning based on the same qualifications as set forth above as determined by the admitting institution.

If, however, an admitting institution determines that anticipated enrollment will exceed the institution's capacity to adequately serve all prospective students who are otherwise qualified for admission, then the institution may make appropriate admissions decisions from among the pool of otherwise qualified non-resident applicants in light of institutional capacity and consistent with constitutional and other legal requirements, as well as in light

of the IHL and the admitting institution's values, mission, and goals.

(BT Minutes, 2/2009; 3/2011; 6/2024)

F. OTHER FACTORS

In determining whether to admit a student to an institution of higher education under the governance of the Board, institutions may also consider other relevant criteria, such as an applicant's criminal conviction history or student conduct history at their high school or another institution of higher learning. This would include consideration of pending matters or pending conduct cases.

(BT Minutes, 6/2024)

603 APPLICANTS TWENTY-ONE YEARS OF AGE OR OVER

An applicant who is at least twenty-one (21) years old and does not meet the regular undergraduate admission requirements or the transfer admission requirements set forth in Policy 602 may apply for admission as a non-degree seeking student.

Non-degree seeking students may enroll in a maximum of twelve (12) semester hours during a regular term, six (6) semester hours during a five-week summer term, or equivalent hours for alternate terms as determined by the admitting institution. To transition from non-degree-seeking to degree-seeking status, students must satisfactorily complete twelve (12) hours with a "C" or better average in the general education core. Once admitted to a degree program, a maximum of eighteen (18) semester hours credit earned as a non-degree-seeking student may be applied toward a baccalaureate degree if approved by the dean of the college or school from which the degree is sought.

Admitting institutions may establish additional admission requirements.

(BT Minutes, 2/2009; 3/2010; 6/2024)

604 OTHER APPLICANTS

A. APPLICANTS WITHOUT A DIPLOMA FROM AN INSTITUTIONALLY ACCREDITED HIGH SCHOOL; HOME SCHOOL STUDENTS

The following are documentation requirements for specific groups of applicants:

1. Applicants who have completed high school from a school that does not hold recognized institutional accreditation must submit the following:
   a. Transcripts reflecting academic performance or a secondary school leaving form; and
   b. ACT or SAT scores and GPA according to Policy 602 B.

2. Home-schooled applicants must submit the following:
   a. Home-school transcripts or portfolio summarizing home school education
   b. ACT or SAT scores and GPA according to Policy 602 B.

All applicants described in this section are subject to the requirements outlined in Policy 602. Applicants in this section may validate the College Preparatory Curriculum in an alternate way. Admitting institutions may establish additional admission requirements.

All applicants described in this section may be required, at the discretion of the admitting IHL institution, to appear for an on-campus interview.

B. APPLICANTS WITH A HIGH SCHOOL EQUIVALENCY; ADMISSION OF STUDENTS FROM A NON-DOMESTIC INSTITUTION

The following are documentation requirements for specific groups of applicants:

1. Applicants who have not completed high school must submit the following:
   a. Passing scores on a state approved high school equivalency examination; and
   b. ACT or SAT scores.

2. Applicants who have completed a non-domestic high school or attended a non-domestic institution of higher learning (including those not accredited by or in candidate status with an accreditation body recognized by an appropriate U.S. Federal Agency) may be admitted in another admissions category or on the basis of the following:
   a. Transcripts reflecting academic performance or a secondary school leaving form or
   b. ACT or SAT scores.

All applicants described in this section are subject to the requirements outlined in Policy 602. Applicants in this section may validate the College Preparatory Curriculum in an alternate way. Admitting institutions may establish additional admission requirements.

All applicants described in this section may be required, at the discretion of the admitting IHL institution, to appear for an on-campus interview.

(BT Minutes, 2/2009; 3/2010; 4/2013, 5/2015; 6/2024; 8/2026)

605 PROOF OF IMMUNIZATION

A. Measles, Mumps, and Rubella
Proof of immunization of measles, mumps, and rubella is required (two doses of the MMR vaccine) of all students, unless exempt because of (a) actual or suspected pregnancy (measles or rubella vaccines are not required for females who are pregnant; if pregnancy is suspected, a valid certificate of medical exception from a health provider is required until pregnancy is resolved), (b) medical contraindication, or (c) birth prior to 1957. Temporary waivers may be granted for students enrolled in distance learning courses and/or programs where their time on campus is limited to a minimum number of hours as determined by the admitting IHL institution.

(BT Minutes, 2/2009; 3/2010; 11/2010)

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

(BT Minutes, 1/93; 1/98; 2/2009; 3/2010)

C. RELIGIOUS EXEMPTIONS
Each institution has the authority to grant religious exemptions.

(BT Minutes, 7/2023)

D. TUBERCULOSIS
Proof of test screening for tuberculosis by chest x-ray and interferon gamma release assays (IGRA) performed in the United States prior to the start of

classes is required for all international students.

(BT Minutes, 1/93; 1/98; 2/2009; 3/2010; 2016)

606 CERTIFICATE OF ADMISSION

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

(BT Minutes, 9/90; 1/98; 2/2009; 3/2010)

607 REJECTION OF APPLICATION

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

(BT Minutes, 9/90; 1/98; 2/2009; 3/2010)

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

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

Miss. Code Ann., §97-7-10, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010)

608 INTERMEDIATE COURSES

A. All entering students admitted under Board Policy 602 enrolled at an IHL university with an ACT Mathematics subtest score of 16 or less will be required to take Intermediate Mathematics during their first year of enrollment. At the discretion of the admitting IHL institution, students whose Mathematics subtest score is 17, 18 or 19 may be required to take Intermediate Mathematics. Students with a minimum ACT Mathematics subtest score of 15 who have completed the Mississippi Department of Education approved mathematics transitional course with a grade of "80" or higher will not be required to take Intermediate Mathematics and should be enrolled in a college-level mathematics course during their first year of enrollment. Institutions may require ACT/SAT scores, ACCUPLACER, and/or other assessments for placement purposes prior to registration.

B. All entering students admitted under Board Policy 602 enrolled at an IHL university with an ACT English subtest score of 16 or less will be required to take Intermediate English during their first year of enrollment. At the discretion of the admitting IHL institution, students whose English subtest score is 17, 18 or 19 may be required to take Intermediate English. Students with a minimum ACT English subtest score of 15 who have completed the Mississippi Department of Education approved literacy transitional course with a grade of "80" or higher will not be required to take Intermediate English and should be enrolled in a college-level English course during their first year of enrollment. Institutions may require ACT/SAT scores, ACCUPLACER, and/or other assessments for placement purposes prior to registration.

C. All entering students admitted under Board Policy 602 enrolled at an IHL university with an ACT Reading subtest score of 16 or less will be required to take Intermediate Reading during their first year of enrollment. At the discretion of the admitting IHL institution, students whose Reading subtest score is 17, 18 or 19 may be required to take Intermediate Reading. Students taking Intermediate Reading should not be permitted to take reading-intensive courses, such as History. Students with a minimum ACT Reading subtest score of 15 who have completed the Mississippi Department of Education approved literacy transitional course with a grade of "80" or higher will not be required to take Intermediate Reading. Institutions may require ACT/SAT scores, ACCUPLACER, and/or other assessments for placement purposes prior to registration.

D. Students taking two or more intermediate courses must enroll in a year-long academic support program to promote success in the courses in which they are not fully prepared, according to ACT subtest scores and will not be permitted to take more than 17 semester hours.

E. Intermediate courses may be delivered through a corequisite model coupled with a credit bearing gateway course.

F. Regarding course placement using an ACT subtest score, exemptions to this policy based on prior high school course performance, postsecondary course performance, or other academic experiences must be approved by the institution's Chief Academic Officer or designee.

(BT Minutes, 2/2000; 2/2005; 2/2009; 3/2010; 1/2016; 2/2018; 5/2023; 6/2024)

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.

(BT Minutes, 4/2013)

610 RESIDENCY REQUIREMENTS

A. RESIDENCE REQUIRED
No student may be admitted to any institution of higher learning as a resident of Mississippi unless their bona fide residence has been in the State of Mississippi preceding their admission.

A person who has entered the State of Mississippi from another state and enters an educational institution is considered a non-resident, unless they can demonstrate by clear and convincing evidence that they have become a bona fide resident of Mississippi. A student is only considered a bona fide resident of the State of Mississippi if it is the place where they (or their parent(s) or guardian for a minor) actually physically reside with the

intention of remaining indefinitely or of returning permanently when temporarily absent.

Each institution shall establish a process by which admitted non-resident students can petition the institution for a change of residency and to present evidence for consideration. Each case shall be determined based on the totality of the circumstances, with no one factor being determinative. The standard for granting residency is whether the student (or their parent(s) or guardian for a minor) has presented clear and convincing evidence that Mississippi is the place they actually physically reside with the intention of remaining indefinitely or of returning permanently when temporarily absent.

Miss. Code Ann., §37-103-3, and 37-103-5, as amended.
(BT Minutes, 9/90; 1/98; 2/2009; 3/2010; 6/2024)

B. EVIDENCE OF RESIDENCY

Evidence the admitted non-resident student rented or purchased property in the state, worked in the state, paid taxes in the state, registered to vote in the state, and/or obtained a driver's license in the state shall not necessarily be indicia that the student intends to remain in the state after graduation if they are of the nature that could similarly be done by students who have no intention of remaining in the state after graduation. Any initial determination denying a change of residency shall be appealable to a residency appeals panel established by each institution. The decision of the residency appeals panel shall be final.

Miss. Code Ann., §§37-103-3 and 37-103-5, as amended.
(BT Minutes, 6/2024)

C. RESIDENCE OF A MINOR

For purposes of determining residency of a minor student for attendance and tuition at any institution of higher learning, the residence of a student less than 21 years of age is that of the father, the mother, or a general guardian duly appointed by a proper court in Mississippi. If a court has granted custody of the minor to one parent, the residence of the minor is that of the parent who was granted physical custody by the court and is where the student resides. If both parents are dead, the residence of the minor is that of the last surviving parent at the time of that parent's death, unless the minor lives with a general guardian duly appointed by a proper court of Mississippi, in which case his/her residence becomes that of the guardian provided the guardianship was not established for the purpose of obtaining instate tuition. A minor student who has been emancipated, shall be

considered an adult for the purpose of determining residency. A minor student who, upon registration at a Mississippi institution of higher learning, presents a transcript demonstrating graduation from a Mississippi secondary school and who has been a secondary school student in Mississippi for not less than the final four years of secondary school attendance shall not be required to pay out-of-state tuition.

Miss. Code Ann., §37-103-7, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010; 6/2024)

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

Miss. Code Ann., §37-103-13, as amended.
(BT Minutes, 9/90; 1/98; 2/2009; 3/2010; 6/2024)

E. EFFECTS OF MOVING OUT OF MISSISSIPPI
If the parent(s)/guardian of a minor who is enrolled as a student or an adult student in an institution of higher learning moves their legal residence from the State of Mississippi, the student shall be immediately classified as a nonresident student; such a change in classification shall not affect the tuition to be charged upon completion of the semester in which the move takes place.

Miss. Code Ann., §37-103-11, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010; 6/2024)

F. LEGAL RESIDENCE OF A MARRIED PERSON
A married person may claim the residence status of his or her spouse, or he or she may claim independent residence status as any other adult.

Miss. Code Ann., §37-103-15, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010; 6/2024)

G. CHILDREN OF EMPLOYEES
Children of parents who are employees of any institution under the jurisdiction of the Board of Trustees of State Institutions of Higher Learning

may be classified as residents for the purpose of attendance at the institution where their parents are employees.

Miss. Code Ann., §37-103-9, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010; 6/2024)

611 MILITARY PERSONNEL

A. ACTIVE DUTY STATION IN MISSISSIPPI
Members of the United States Armed Forces on extended active duty and stationed within the State of Mississippi and members of the Mississippi National Guard may be classified as residents, for the purpose of attendance at state-supported institutions of higher learning and community and/or junior colleges of the State of Mississippi. Resident status of such military personnel, who are not legal residents of Mississippi, as defined in Section 37-103-13, shall terminate upon their reassignment for duty in the continental United States outside the State of Mississippi.

Miss. Code Ann., §37-103-17, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010)

B. SPOUSE OR CHILD OF MILITARY PERSONNEL
Resident status of a spouse or child of a member of the Armed Forces of the United States on extended active duty shall be that of the military spouse or parent for the purpose of attending state-supported institutions of higher learning and community/junior colleges of the State of Mississippi during the time that their military spouse or parent is stationed within the State of Mississippi and shall be continued through the time that the military spouse or parent is stationed in an overseas area with last duty assignment within the State of Mississippi, excepting temporary training assignments en route from Mississippi. Resident status of a minor child terminates upon reassignment under Permanent Change of Station Orders of the military parent for duty in the continental United States outside the State of Mississippi, excepting temporary training assignments en route from Mississippi, and except that children of members of the Armed Forces who attain Mississippi residency in accordance with the above provisions, who begin and complete their senior year of high school in Mississippi, and who enroll full time in a Mississippi institution of higher learning or community/junior college to begin studies in the fall after their graduation from high school, maintain their residency status so long as they remain enrolled as a student in good standing at a Mississippi institution of higher

learning or community/junior college. Enrollment during summer school is not required to maintain such resident status.

The spouse or child of a member of the Armed Forces of the United States who dies or is killed is entitled to pay the resident tuition fee if the spouse or child becomes a resident of Mississippi.

If a member of the Armed Forces of the United States is stationed outside Mississippi and the member's spouse or child establishes residence in Mississippi and registers with a Mississippi institution of higher learning or community/junior college at which the spouse or child plans to attend, the

institution of higher education or community/junior college shall permit the spouse or child to pay the tuition, fees and other charges provided for Mississippi residents without regard to length of time that the spouse or child has resided in Mississippi.

A member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States who is entitled to pay tuition and fees at the rate provided for Mississippi residents under another provision of this section while enrolled in a degree or certificate program is entitled to pay tuition and fees at the rate provided for Mississippi residents in any subsequent term or semester while the person is continuously enrolled in the same degree or certificate program. A student may withdraw or may choose not to reenroll for no more than one (1) semester or term while pursuing a degree or certificate without losing resident status only if that student provides sufficient documentation by a physician that the student has a medical condition that requires withdrawal or nonenrollment. For purposes of this subsection, a person is not required to enroll in a summer term to remain continuously enrolled in a degree or certificate program. The person's eligibility to pay tuition and fees at the rate provided for Mississippi residents under this subsection does not terminate because the person is no longer a member of the Armed Forces of the United States or the child or spouse of a member of the Armed Forces of the United States.

Miss. Code Ann., §37-103-19, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010)

C. CERTIFICATION OF RESIDENCE OF MILITARY PERSONNEL
A military person on active duty stationed in Mississippi who wishes to avail himself/herself or his/her dependents of the provisions of Section 37-103-17 must submit a certificate from his/her military organization showing the name of the military member; the name of the dependent, if for a dependent; the name of the organization of assignment and its address (may be in the letterhead); that the military member will be on active duty stationed in Mississippi on the date of registration at the state-supported institution of higher learning or community/junior college of the State of Mississippi; that the military member is not on transfer orders; and the signature of the commanding officer, the adjutant, or the personnel officer of the unit of assignment with signer's rank and title. A military certificate must be presented to the registrar of the state-supported institution of higher learning or community/junior college of the State of Mississippi each semester or tri-semester at (or within 10 days prior to) registration each semester for the provisions of said section to be effective.

Miss. Code Ann., §37-103-21, as amended.
(BT Minutes, 9/90; 1/98; 12/2005; 2/2009; 3/2010)

612 AUTHORITY TO SET TUITION AND WAIVER OF OUT-OF-STATE TUITION FOR NONRESIDENTS WHO WERE BORN IN MISSISSIPPI AND ARE VETERANS OF THE ARMED FORCES

The Board of Trustees of State Institutions of Higher Learning is authorized to prescribe the amount of tuition and fees to be paid by students attending the several state-supported institutions of higher learning.

(BT Minutes, 12/2005; 2/2009; 3/2010; 6/2024)

613 ATHLETICS

A. ATHLETIC RECRUITMENT
The Board endorses the National Collegiate Athletic Association (NCAA) rules and regulations for the recruitment of student athletes. The Board reserves the prerogative to adopt standards more restrictive than those which have been approved by NCAA but under no conditions shall the Board adopt less restrictive standards. All institutional standards and/or policies relating to institutional athletics will be on file in the Board Office.

(BT Minutes, 9/90; 1/98; 2/2009; 3/2010)

B. INTERCOLLEGIATE AND INTRAMURAL ATHLETICS
The programs of intercollegiate and intramural athletics of the state institutions shall be organized and developed as elements in the total educational programs of the institutions. Athletic programs shall be conducted so as to promote the total welfare of students, including physical and mental health and the development of capacities and talents, and so as to contribute to the morale of students, alumni and friends of the institutions. Programs of intercollegiate athletics shall be under the complete control of the Institutional Executive Officers, subject to the oversight of the Board. Funds used to support all athletic programs shall be fully controlled by the Institutional Executive Officer of the institution; however, no funds budgeted for instructional purposes may be diverted to athletics and no athletics funds may be diverted to other purposes without approval by the Board. Standards of the NCAA and appropriate regional conferences shall be the standards of the institution's athletic departments.

(BT Minutes, 9/90; 1/98; 2/2009; 3/2010)

C. ATHLETIC TICKETS
Upon request, Institutional Executive Officers may furnish complimentary athletic tickets for Board members. The number of such tickets for any one event is not to exceed six.

Upon request to the institutions, former Board members may receive two complimentary tickets for athletic events.

The Board delegates to the respective Institutional Executive Officers the administrative responsibility of issuing complimentary athletic tickets to individuals other than those identified in the preceding paragraph. (Universities shall keep accurate records of complimentary tickets distributed by number of tickets and category of recipients and shall file an annual report with the Commissioner.)

(BT Minutes, 9/90; 1/98; 2/2009; 3/2010)

614 PERSONAL PROPERTY

A. Lost or abandoned personal property as defined in Miss. Code Ann., §1-3-41, as amended, shall be held by the institution for a period of at least three months.

B. Designated officers of the institution shall upon the receipt or recovery of any lost, abandoned or misplaced personal property, cause to be posted in three public places at the institution, notice that such property has been received. Such notice shall contain an accurate and detailed description of such property and if the designated officers are advised as to who owns such property, a copy of such notice shall be mailed to such person or persons in addition to being posted. The owner of such property may recover the same upon a determination by the designated officers of the rightful owner and upon the owner paying to the institution its reasonable expenses for handling and storage.

C. If not claimed and possession resumed by the rightful owner within three months from the date of notice provided for above, the designated officers may cause the same to be sold at public or private sale after first posting notice of such sale in three public places at the institution at least ten (10) days preceding the date of such sale.

D. The property may be sold by the institution, forfeited for official use, given away for a charitable or needy purpose, or other proper disposition.

E. The proceeds of institutional sale of said property shall be placed in such fund or funds as assigned by the Institutional Executive Officer.

F. All policies regarding abandoned motor vehicles should be in compliance with Miss. Code Ann., §63-23-1, *et seq.*, as amended.

Miss. Code Ann., §1-3-41, as amended; Miss. Code Ann., §63-23-1, *et seq.*, as amended.
(BT Minutes, 9/90; 1/98; 2/2009; 3/2010)

615 STUDENT APPEALS

The Board delegates to the various Institutional Executive Officers (IEOs), or their designated officials, full authority in all matters concerning student affairs. The decision of the IEO or designee shall be final so far as the institution is concerned. Upon rendering of a final decision, the aggrieved student will be notified. The IEO or designee may request the legal assistance of the Attorney General's Office through the Commissioner.

(BT Minutes, 3/91; 1/98; 2/2009; 3/2010; 8/2026)

616 ALCOHOL ON CAMPUS

The universities are directed to follow all applicable local, state and federal laws as to the possession and consumption of alcohol, light wine and beer on their respective campuses. However, each university is authorized to create more restrictive policies, rules and regulations related to the possession and consumption of alcohol, light wine and beer on campus which do not violate applicable local, state and federal laws. No alcoholic beverages shall be sold or consumed at any public athletic event at any state university.

Additionally, each university shall make educational programs on alcohol abuse available to its students.

(BT Minutes, 6/2007; 2/2009; 3/2010)

617 TEXTBOOK POLICY

Each institution shall develop and maintain an institutional textbook policy for the purposes of lowering the cost of course materials and increasing the transparency of course material prices. The textbook policies and procedures shall be in compliance with Section 133 of the federal Higher Education Opportunity Act (HEOA) of 1965, as amended, and effective on July 1, 2010.

Annually, each institution shall submit the institution's textbook policy and a report of textbook purchase and rental options available to students including the textbook cost per credit hour for the various options that are available.

(BT Minutes, 2/2010; 3/2010; 2/2023)

618 FINANCIAL LITERACY REPORT

Financial literacy emphasizes practical knowledge and skills relevant to students' unique financial challenges, such as managing limited income, student loans, credit, and long-term planning. Each IHL institution shall ensure that financial literacy concepts are meaningfully covered and accessible to all undergraduate students.

Institutions have the flexibility to tailor approaches to their degree programs, campus culture, resources, and student needs, provided the coverage is practical, evidence-informed, and reaches a broad student population.

Annually, each institution shall submit a report outlining its financial literacy efforts.

(BT Minutes, 3/2026)

619 HIGH SCHOOL ENROLLMENT PROGRAMS FOR UNIVERSITY SYSTEM INSTITUTIONS

The Board may allow early college high school, dual credit, and dual enrollment program opportunities to high school students at the discretion of the admitting institution in accordance with policies and procedures in the *Procedures Manual for the State of Mississippi Dual Enrollment and Accelerated Programs*. Notices of intent to establish an early college high school program shall be sent to the Office of Academic Affairs.

(BT Minutes, 11/2018)

SECTION 700 - FINANCE AND BUSINESS

701 BUDGET AND APPROPRIATIONS

701.01 ADEQUATE FUNDING MODEL

A. General Policy
It is the goal of the Board to provide affordable, accessible, high quality programs at the institutions under its jurisdiction. A stable, understandable, and predictable adequate funding model that promotes sound financial, educational, and programmatic planning is an important component of efforts to achieve this goal. The Adequate Funding Model provides accountability and effectively demonstrates adequate funding levels. For the model to be effective, it must have the unified support of the institutions and generate appropriations and other revenues sufficient for the institutions to fulfill their respective missions.

B. Description of Model
The essential features of the Adequate Funding Model are peer group comparisons, an open and comprehensive planning and budget process that generates planning and budget priorities to be addressed by the Adequate Funding Model, and the use of a variety of analytical tools.

1. Peer Group Comparisons
Peer group comparisons will be based on comparisons of core support revenues, appropriations, average tuition and required fees, enrollments, expenditures and other appropriate factors. Mississippi institutions will be grouped by SREB and Carnegie classifications, with peer institutions, and in other comparison groups as appropriate. Other comparisons, such as the comparison of Mississippi institutional data with allocation formulas of other states will also be utilized if appropriate.

Peer group comparisons will be used to determine the adequacy of base funding for Mississippi institutions. Resolution of inadequate base funding shall be a priority of the Adequate Funding Model.

2. Components
The primary components of the Adequate Funding Model are described below. Components may be added to or deleted from the Adequate Funding Model with Board approval if circumstances warrant such addition or deletion.

a. IHL Priorities
   This component provides an opportunity for the Board and the institutions to consider priorities resulting from institutional and system planning processes and to deal with special funding concerns such as enrollment, base funding, technology, new missions, new programs, performance measures, and legal requirements.
b. Built-ins
   Built-ins are funding requirements associated with the operation of new facilities.
c. Salary Adjustments
   Salary increase requests are considered separately and include consideration of increases based on peer group comparisons and recruitment/retention strategies.
d. Continuation Funding
   Continuation Funding considers the impact of inflation, depreciation, new policies, new requirements, contractual price changes and other such factors on institutional funding requirements.

3. Analytical Tools
   Analytical tools will be used to maintain the integrity of the Adequate Funding Model including such tools as a) a well-maintained, open, and comprehensive planning and budget cycle, b) cost studies and cost analyses, c) benchmarking, d) policy monitoring, e) academic and financial audits, and f) performance measures.

   (BT Minutes, 3/99)

701.02 PLANNING AND BUDGET PRIORITIES

The Commissioner, after consultation with the Institutional Executive Officers, shall prepare and submit an annual statement of system planning and budget priorities for consideration and approval by the Board. These priorities will then be incorporated into the Adequate Funding Model to help generate the annual budget request for the several institutions and separately budgeted units.

(BT Minutes, 9/90; 4/98)

701.0201 GENERAL FINANCIAL POLICY

All appropriations made for the use of any or all institutions including the central office of the Board shall be received by the Board as a lump sum, with the power

and authority in said Board to allocate and distribute the same among the institutions under its control in such way and manner and in such amounts as will further an efficient and economical administration of the institutions.

The Board may hold, purchase, lease, sell, convey, or otherwise dispose of public property, execute conveyances thereon, and utilize the proceeds arising therefrom; the Board may exercise the power of eminent domain in the manner provided by law; and shall have such other powers and duties as provided by law.

The Board may accept bequests, donations, grants, and transfers of land, buildings, and other property for the use of the various institutions.

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

701.03 BUDGET REQUESTS

The Commissioner, after consultation with the Institutional Executive Officers, shall use the Adequate Funding Model to prepare and submit an annual budget request for the several institutions and separately budgeted units for approval by the Board prior to its submission to the Legislature.

(BT Minutes, 4/98)

701.04 ALLOCATION OF APPROPRIATIONS

The Commissioner, after consultation with the Institutional Executive Officers, shall use the Adequate Funding Model to prepare and submit for approval by the Board an annual request for allocation of funds appropriated by the Legislature for the use of the several institutions and separately budgeted units.

(BT Minutes, 4/98)

701.05 BUDGETS

The Commissioner, after consultation with the Institutional Executive Officers, shall use the Adequate Funding Model to prepare and submit for approval by the Board annual budgets for the several institutions and separately budgeted units.

(BT Minutes, 4/98)

701.06 BUDGET ESCALATIONS AND REVISIONS

All escalations to the annual budgets of the several institutions and separately budgeted units must be submitted through the Commissioner to the Board for approval prior to implementation. 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.

(BT Minutes, 5/98)

701.07 DEPOSITORY POLICY

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

Miss. Code Ann., §7-9-43, as amended.

If the depository is not a participant in the state collateral pool, the institution shall monitor the collateralization of deposits by the depository to ensure compliance with state statutes.

(BT Minutes, 6/98; 8/2010; 10/2016)

701.08 INVESTMENT POLICY

Investments are defined to include, but are not limited to any monetary or negotiable asset or property right held by an entity including all Endowment and Similar Funds; all Loan Funds; and Current Funds, Plant Funds, and Agency Funds.

The Board authorizes the institutional executive officers or their designee to invest **institutional funds** in the following instruments as allowed by Section 27-105-33: time certificates of deposit, interest-bearing accounts, Direct United States Treasury obligations, United States Government agency, United States Government instrumentality or United States Government sponsored enterprise obligations, and direct security repurchase agreements and reverse direct security repurchase agreements of any federal book entry of the aforementioned Unites States Treasury or Government obligations.

Institutional funds are those held by an institution for its exclusive use, benefit or purposes but do not include (a) funds held for an institution by a trustee that is not an institution, or (b) a fund in which a beneficiary that is not an institution has an interest, other than possible rights that could arise upon violation or failure of the purposes of the fund. Institutional funds include Current Funds, Loan Funds, *Endowment Funds*, Plant Funds, and Agency Funds.

Endowment funds are institutional funds that are not wholly expendable by the institution on a current basis under the terms of the applicable gift instrument.

For purposes of defining allowable investment instruments for endowment funds, in addition to an investment of endowment funds otherwise authorized by Miss. Code Ann., §27-105-33, as amended, or by the applicable gift instrument, and without restriction to investments a fiduciary may make, the institutional executive officer or their designee, subject to any specific limitations set forth in the applicable gift instrument, may invest in instruments as allowed by the Uniform Management of Institutional Funds Act of 1998.

Miss. Code Ann., §79-11-601, et seq., as amended.
(BT Minutes, 6/98)

701.09 FINANCIAL REPORTS

A. For all institutions specified herein, the Board shall prepare an annual report to the Legislature setting forth the disbursements of all moneys appropriated to the respective institutions. Each report to the Legislature shall show how the money appropriated to the several institutions has been expended, beginning and ending with the fiscal years of the institutions, showing the name of each teacher, officer, and employee, and the salary paid each, and an itemized statement of each and every item of receipts and expenditures. Each report must be balanced, and must begin with the former balance. If any property belonging to the state or the institution is used for profit, the reports shall show the expense incurred in managing the property and the amount received therefrom. The reports shall also show a summary of the gross receipts and gross disbursements for each year and shall show the money on hand at the beginning of the fiscal period of the institutions next preceding each session of the Legislature and the necessary amount of expense to be incurred from said date to January 1 following. The Board shall keep the annual expenditures of each institution herein mentioned within the income derived from legislative appropriation and other sources,

but in case of emergency arising from acts of providence, epidemics, fire or storm with the written approval of the Governor and by written consent of a majority of the Senators and of the Representatives it may exceed the income. The Board shall require a surety bond in a surety company authorized to do business in this state of every employee who is the custodian of funds belonging to one or more of the institutions mentioned herein, which bond shall be in a sum to be fixed by the Board in an amount that will properly safeguard the said funds, the premium for which shall be paid out of the funds appropriated for said institutions.

(BT Minutes, 11/2005)

B. For all institutions specified herein, the Board shall provide a uniform system of recording and of accounting approved by the State Department of Audit. The Board shall annually prepare, or cause to be prepared, a budget for each institution of higher learning for the succeeding year which must be prepared and in readiness for at least thirty (30) days before the convening of the regular session of the Legislature.

Miss. Code Ann., §37-101-15(D & E), as amended.
(BT Minutes, 9/90; 1/98; 11/2005)

C. Every custodian of funds and/or property is required to have an individual official bond, as defined in Miss. Code Ann., §25-1-15, of at least $100,000. A custodian of funds and/or property is defined as an officer or employee who has signature authority on a bank account or is otherwise in direct control of funds and/or property. Blanket fidelity bonds or public employee dishonesty policies for employees who are not custodians of funds as defined shall be obtained by each institution. All official bonds, blanket fidelity bonds, and public employee dishonesty policies shall name the Board as a certificate holder. The Board, as a certificate holder, shall receive direct notification by the carrier of all bond and policy changes. The premiums for all such bonds shall be paid out of the funds appropriated for said institution.

(BT Minutes, 1/98; 11/2005)

702 TUITION, FEES AND OTHER STUDENT CHARGES

702.01 GENERAL POLICY

It is the goal of the Board to provide high quality programs at the institutions under its jurisdiction that are affordable, accessible and accountable. The level

of tuition, fees and other student charges is an important component of efforts to achieve this goal. It is the general policy of the Board that tuition, fees and other student charges should be kept as low as possible consistent with the need to provide sufficient revenues to insure the provision of high quality programs.

(BT Minutes, 6/98)

702.02 DEFINITIONS

A. **Tuition**
Tuition is the basic, comprehensive, multi-purpose charge all students are required to pay as a condition of enrollment at a university.

B. **Room and Board**
Room and Board is a charge, or set of charges, assessed to students who elect to stay in residence halls or other institution-owned facilities, or to eat in institutional food service facilities.

C. **Participation/Optional Fees**
Participation/Optional Fees are assessed for supplies, activities or services made available to students, or as fines for misconduct, violation of institutional policy, or violation of contractual agreements.

(BT Minutes, 6/98; 8/2005; 12/2005)

702.03 APPROVAL OF TUITION, FEES, AND OTHER STUDENT CHARGES

The establishment or waiver of tuition and room and board charges must be approved by the Board. The establishment or waiver of participation/optional fees may be approved by each institution. An annual report of participation/optional fees shall be presented to the Board pursuant to a schedule and guidelines established by the Commissioner.

(BT Minutes 6/98; 8/2005)

702.04 APPROVAL PROCESS

A. Schedule and Guidelines
The Commissioner, after consultation with the Institutional Executive Officers, shall prepare a schedule and guidelines for the submission of requests to establish tuition and room and board charges. The guidelines

shall include the information to be submitted in support of the requests and any limitations on the amounts to be requested.

B. Submission of Requests
Each Institutional Executive Officer shall prepare and submit to the Commissioner for consideration by the Board an annual request to maintain, increase, or decrease tuition and room and board charges. In developing the annual request, the Institutional Executive Officer shall consider family income indicators, availability of financial aid, inflationary indicators, institutional costs, performance and resource needs, bond resolutions and other legal requirements, comparisons with peer institutions and groups, state appropriations, and other appropriate criteria. Tuition and room and board charges in effect at the time of such request shall remain in effect until the Board takes action to change them.

C. Consideration of Requests
Requests to establish tuition, and room and board charges shall not be considered until at least thirty days after they have been submitted to provide an opportunity for review by the Board and the Commissioner. The Board reserves the right to waive the thirty-day review requirement during periods of extreme time constraint.

(BT Minutes 6/98, 2/2003, 7/2005)

702.05 ASSESSMENT PROCEDURES

To the extent possible, procedures for assessing tuition and participation/optional fees shall be consistent between and among the institutions. Assessment procedures shall be reported to the Board by the Commissioner at the time of submission of the annual request to establish tuition and room and board charges.

(BT Minutes 6/98; 8/2005)

703 INSTITUTIONAL SCHOLARSHIPS, TUITION WAIVERS, ASSISTANTSHIPS, AND FELLOWSHIPS

703.01 PURPOSE

The Board recognizes that providing financial support to deserving students is critical for strengthening the human capital of the state of Mississippi and achieving an educated society. Comprehensive and responsive financial

assistance programs enhance the learning environments within the System's institutions. IHL is committed to higher education access and success among all populations to assist the state of Mississippi in meeting its enrollment and degree completion goals, as well as building a highly-skilled workforce.

(BT Minutes, 3/98; 11/2024)

703.02 DEFINITIONS

Institutional Student Financial Support is financial aid provided to students from institutional Unrestricted Educational and General funds (E&G), i.e., those general state appropriations and tuition and fee revenues that are not specifically restricted as to the purpose(s) for which the funds may be expended.

Scholarships and Tuition Waivers are forms of institutional student financial support but do not include IHL employee benefits (Staff and Dependent Tuition Waivers).

Cost of Attendance (also known as the Cost of Education) includes not only tuition and fees, but the student's books and educational supplies and other reasonable living expenses while attending school. The Cost of Attendance is determined by the institution, within guidelines established by Federal regulation. The Cost of Attendance is used to develop a "Financial Aid Budget" for each student applying for institutional, State, or Federal financial aid.

(BT Minutes, 3/99)

703.03 PUBLIC DISCLOSURE

Each Institutional Executive Officer shall ensure that the public is notified that a portion of student tuition and fee charges is used for scholarships, tuition waivers, and other operating costs and that the notification is clearly and prominently displayed in official publications such as the catalog and/or application for admission.

(BT Minutes, 3/99)

703.04 POLICY GUIDELINES

A. Each Mississippi Institution of Higher Learning shall develop institutional policy guidelines for institutional financial support of both undergraduate

and graduate students. The policy guidelines should explicitly include the following elements:

1. Criteria for the inclusion of mission-related awards.
2. Criteria for awards to part-time and full-time, resident and non-resident students based on need, academic merit, service or special talent --- (artistic, musical, and/or athletic), or a combination of either.
3. Criteria for awards to students who transfer from Mississippi community colleges, from other Mississippi public four-year institutions, and from non-Mississippi institutions.
4. Criteria for continued eligibility including reasonable academic progress, an appropriate probationary period, and a campus appeals policy.
5. Criteria for relating institutional financial aid policies to recruiting practices.
6. Criteria for establishing an "Annual Scholarships and Fellowships Operating Budget Plan" with specific strategies to reallocate and/or reduce expenditures to address Board or institutional priorities or concerns.

B. The total annual expenditures for Scholarships, Tuition Waivers, Assistantships and Fellowships from institutional E&G funds shall be limited to the amount approved by the Board.

C. If any E&G funds are used to scholarship a student, the total amount awarded to the student shall not exceed the "Cost of Attendance." For individual students with scholarships from multiple sources; awards from sources other than E&G funds shall be applied to the student's "Financial Aid Budget" first, and the institutional award(s) from E&G funds shall be applied last. This policy shall not supersede any Federal, State, NCAA, or athletic conference regulations. This policy shall not apply to student-athletes for scholarships to attend vocational or graduate schools, for student-athletes' academic or graduation awards or incentives, or for other student-athlete benefits permitted by NCAA rules or applicable court orders.

D. Institutional policy guidelines developed in response to this Board policy shall be placed on file with the Commissioner on schedule and in the prescribed format. Any changes in institutional policy guidelines must be reported to the Commissioner prior to implementation.

E. Institutional Executive Officers shall submit the Scholarships and Fellowships Operating Budget Plan including budgeted expenditures by subcategory with the annual operating budget in a format prescribed by the Commissioner.

The Commissioner, after consultation with Institutional Executive Officers, shall prepare and submit for approval by the Board an annual Scholarships and Fellowships supplement supporting the budget requests that shall consider prior-year expenditures, enrollment, tuition and fees increases, peer group and regional expenditure comparisons, number of awards data, academic and accreditation requirements, inflationary indicators, State and Federal financial aid issues, and other appropriate criteria.

F. To provide the necessary accountability, each Institutional Executive Officer shall submit a report of actual Scholarships and Fellowships expenditures in comparison to budgeted expenditures by category in a format and schedule prescribed by the Commissioner. The report shall include expenditures for the fall and spring terms.

(BT Minutes, 3/99; 11/2005; 11/2021)

703.05 CATEGORIES OF SCHOLARSHIPS AND TUITION WAIVERS

Mississippi Institutions of Higher Learning may grant scholarships and tuition waivers to undergraduate and/or graduate students in the below categories. These awards shall not exceed the "cost of attendance" and may include non-resident tuition for out-of-state students. These awards shall also be subject to approved specified conditions within institutional policy guidelines:

A. **Academic Scholarships** - Each institution is authorized at the discretion of the Institutional Executive Officer to award academic scholarships to undergraduate students based on academic achievements.

B. **Mission-Specific Scholarships** - Each institution is authorized at the discretion of the Institutional Executive Officer to award scholarships to undergraduate and graduate students based on meeting mission-specific goals.

C. **Graduate Tuition and Fee Waivers**. Each institution is authorized at the discretion of the institutional executive officer to award tuition and fee waivers to graduate students.

D. **Non-Resident Tuition Waivers** - Each institution is authorized at the discretion of the Institutional Executive Officer to waive the nonresident tuition for undergraduate students that are children of nonresident alumni who are graduates of the institutions, non-resident undergraduate and graduate students approved for participation in the SREB Academic Common

Market Program, and undergraduate students who are active members of the Mississippi National Guard. "Active Member" means a member of a federally recognized unit of the Mississippi National Guard meeting the minimum requirements for satisfactory membership as defined in the Department of the Army and Air Force regulations.

E. **Performance/Service Scholarships** - Each institution is authorized at the discretion of the Institutional Executive Officer to award performance/service scholarships to undergraduate students based on service to the institution.

F. **Special Talent Scholarships** - Each institution is authorized at the discretion of the Institutional Executive Officer to award scholarships to undergraduate students based on meritorious achievement in a special area of talent.

G. **Athletic Scholarships** - Each institution is authorized at the discretion of the Institutional Executive Officer to award scholarships, including non-resident tuition (where applicable), to students competing in officially sanctioned or recognized intercollegiate athletics.

H. **Tuition Waivers for Teachers** - At the discretion of the Institutional Executive Officer, as it may be allowed, individuals holding Mississippi teaching certificates and wishing to upgrade their certificate in the areas of mathematics, science, foreign languages, special education, and computer science may be allowed to enroll with full or partial tuition waiver or with full or partial tuition rebate leading to certification in these areas.

(BT Minutes, 9/90; 6/91; 1/98; 5/98; 3/99; 8/2005)

703.06 GRADUATE ASSISTANTSHIPS AND FELLOWSHIPS

Each institution is authorized at the discretion of the Institutional Executive Officer to award Assistantships, and Fellowships to students enrolled full-time in graduate degree programs. Each institution shall adopt procedures to administer the Assistantship and the Fellowship programs that must be included in the aforementioned institutional policy guidelines. The following general guidelines are prescribed:

A. **Graduate Assistants** are full-time graduate students selected for excellence in scholarship, who do part-time teaching, part-time research, or provide part-time service, under the supervision of regular faculty members as a portion of their training in exchange for tuition and fee waivers and/or compensation.

B. **Graduate Fellows** are full-time graduate students selected for excellence in scholarship who are provided tuition and fee waivers and/or stipends (no service required).

C. **Tuition and Fee Waivers and/or Stipends** (if applicable) provided to Graduate Assistants and Fellows in conjunction with their assistantship or fellowship award shall be booked at the face value of the waiver/stipend in the appropriate functional category.

D. **Compensation (Salary)** provided to Graduate Assistants for teaching, research, or other service to the university in conjunction with their assistantship award shall be booked in the appropriate functional category and cost center regardless of fund source and must be in accordance with applicable Federal and/or State wage and salary regulations.

(BT Minutes, 3/99)

704 ATHLETIC OPERATING BUDGETS

704.01 ATHLETIC REVENUE AND EXPENDITURES

Institutional Executive Officers are authorized to transfer or use up to $1,500,000 annually from Unrestricted Educational and General (E&G) funds for athletic expenditures.

For the purposes of this section, athletic expenditures includes all direct operating costs, pro-rated costs for facilities support, all athletic scholarships, but excludes waivers of non-resident tuition for athletes.

Over and above the sums shown above, each school is authorized to expend a limited amount per student FTE from Unrestricted Education and General funds. The additional maximum amount per student FTE per semester (summer, fall, and spring) which may be expended for each institution is $198.00. Institutional Executive Officers are authorized to request allocations in excess of the calculated amount on an annual basis. Any allocations in excess of the calculated amount shall be subject to approval by the Commissioner upon review of information appropriate to such authorization.

Each year beginning July 1, 2014 the athletic allocation will be automatically indexed to the Consumer Price Index.

All other revenue for athletic expenditures must 1) be generated directly by the institution through athletic department receipts, 2) income from available athletic fund balances, or 3) for those institutions operating athletics as an auxiliary enterprise, come from available auxiliary fund balances.

Under no circumstances shall an institution conclude a fiscal year with a deficit.

(BT Minutes, 3/99; 7/2001; 7/2004; 4/2012; 6/2014; 4/2018)

704.02 ATHLETIC BUDGET APPROVAL AND REPORTING

Institutional Executive Officers shall present a detailed, balanced athletic budget for Board approval with their annual operating budget.

(BT Minutes, 3/99)

705 TRAVEL

705.01 GENERAL POLICY

Travel by staff and faculty members to professional, scientific, and educational meetings for the purpose of the improvement of instruction, for professional advancement, or for official business of the institution shall be encouraged within budgetary limitations of the institutions and subject to the following stipulations.

Miss. Code Ann., §25-3-41, as amended.
(BT Minutes, 9/90; 1/98)

705.0101 APPROVAL OF TRAVEL

Travel policies shall be clearly stated by the institutions designating proper officials having responsibility for approval of travel plans.

Miss. Code Ann., §25-3-41, as amended.
(BT Minutes, 9/90; 1/98)

705.0102 TRAVEL ADVANCES AND REIMBURSEMENTS

All travel advances and reimbursements shall be made in strict conformity with state laws covering official travel, except for requests for reimbursement for

taxable meals. Institutions shall not reimburse employees for meals where no overnight stay or rest is required in performance of official duties.

Miss. Code Ann., §25-3-41, as amended.
(BT Minutes, 9/90; 1/98)

705.0103 APPROVAL FOR TRAVEL ABROAD

Employees of the Board of Trustees of State Institutions of Higher Learning may expend funds for travel outside the continental limits of the United States upon a written finding by the applicable institutional executive officer that the travel would be extremely beneficial to the institution. Any other institutional policy requirements for obtaining approval to travel abroad must also be followed.
Miss. Code Ann., §25-3-41, as amended.
(BT Minutes, 9/90; 1/98; 1/2006; 4/2012)

706 FEDERAL FUNDS AND CONTRACTS

706.01 GENERAL POLICY

Each institution is authorized to apply for federal funds for purposes that support the institution provided that no agency of the federal government shall by virtue of federal contracts acquire any supervisory or administrative control over any institution or any unit or department of any institution. All receipts and expenditures shall be budgeted and reported annually.

(BT Minutes, 9/90; 1/98; 11/2005; 8/22)

707 CONTRACTS

707.01 LAND, PROPERTY, AND SERVICE CONTRACTS

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

Board Policy 905 (B) for environmental report requirements prior to the purchase or acceptance of real property from any source.

Board approval prior to the execution of easements or leases in an amount greater than $100,000 is required. However, Board approval is required for timber sales in an amount greater than $500,000 and prior to the execution of all easements, and of all oil, gas and mineral leases, regardless of amount. For sales of timber of an amount of $500,000 or less, the chair of the Real Estate Committee is authorized to approve sales on behalf of the Board upon satisfactory legal review and recommendation from the Commissioner. The Commissioner is authorized and empowered to approve non-oil, gas and mineral easements or leases in an amount equal to or less than $100,000. Board approval prior to execution of the contract is required for all other land, personal property, and service contracts that require an aggregate total expenditure of more than $250,000 except as set forth in Section D.

B. Legal Review and Approval (Real Property and All Other Contracts)
Regardless of whether approval is required by the Board due to aggregate expenditure, all contracts entered into by the institutions shall be required to receive a review by legal counsel indicating whether the contract is in compliance with applicable laws; however, legal counsel may delegate its review to appropriate institutional personnel selected by counsel provided the applicable contract has a value of ten percent (10%) or less than such higher authorized levels of the aggregate total expenditures authorized for the applicable institution and counsel has previously approved a template or prescribed guidelines for the applicable contract to be followed by institutional personnel in conducting the review. Legal counsel may be either an attorney employed by the institution or an attorney assigned by the Attorney General's Office.

C. Contract Review for Control Purposes (Real Property and All Other Contracts)
The Commissioner shall annually engage the IHL Internal Audit Director and/or a Certified Public Accounting firm to review the internal controls of the following items relating to financial management of contracting systems.
- Pre-contracting and procurement processes, including, but not limited to:
  - Processes that identify applicable state laws and IHL Board policies prior to initiating a contract or procurement
  - Processes that require proper authorization and approval to enter into a contract or procurement
  - Processes that provide authorization prior to execution from appropriate state entities (i.e., IHL Board, Mississippi Department of Finance and Administration, Mississippi Department of Information

Technology Services, Public Procurement Review Board, and/or Mississippi Secretary of State's Office)
  - Processes that provide a legal review of contracts and procurements to ensure that an adequate legal review occurs as defined by this policy
  - Processes that provide quality control and oversight of the contracting process in place and its effectiveness
  - Processes that identify duplicate goods and services and whether such can be consolidated for efficiencies

- Post-contracting and procurement processes, including, but not limited to:
  - Processes that ensure the management system is effectively and accurately capturing relevant financial information needed to monitor executed contracts for post-contract compliance such as overspending and activity on expired contracts
  - Processes that ensure the contract management system is effective in monitoring
    - Receipt of goods and services
    - Proper negotiated prices for the goods and services are paid
    - Preventing deviation from contracted terms
  - Processes that ensure the contract management system is effectively and accurately capturing discounts, rebates, contracted revenue, and that goods and services are received timely
  - Processes that ensure timely payments of invoices

D. Possible Additional Delegation of Approval of Expenditure Contracts, Leases and Easement

The Commissioner shall receive and maintain the above Section C. findings and update the Board regarding same annually. The Commissioner shall be authorized and empowered to approve higher levels of aggregate total expenditures for contracts (excluding contracts for the sale and purchase of real property) that otherwise require approval by the Board, and, shall be authorized to further delegate the Commissioner's authority regarding easements and leases to the IEOs or their designee(s) provided that:

- The review of contracting management systems contained in this policy does not reveal significant impairments over internal controls
- The institution has maintained compliance with guidance provided by the Commissioner for the most recent 2 year period for adequate cash on hand, adequate annual coverage of debt service, and adequate reserves as provided in Board Policy 713 Institutional Financial Sustainability contained in the audited financial statements

Should an institution fail to meet both of these criteria, the aggregate level of expenditures for contracts requiring approval by the Board shall remain at the level required by Section A. above and shall revert to the level required by Section A. above for any year in which an institution fails to meet both criteria as determined by the Commissioner. For institutions found compliant with the above provisions, the Commissioner is authorized and empowered to annually approve the following levels of aggregate expenditures for contracts that otherwise require approval by the Board under Section A. above:

- For Alcorn State University, Delta State University, Mississippi University for Women, and Mississippi Valley State University - up to $350,000
- For Jackson State University - up to $750,000
- For Mississippi State University, the University of Mississippi – Oxford, and the University of Southern Mississippi - up to $2,000,000
- For the University of Mississippi Medical Center - up to $3,500,000

The Commissioner shall evidence such higher authorized levels in writing annually to the Institutional Executive Officer. The Commissioner's justification for granting such higher authorized levels shall be based upon the findings provided by the IHL Internal Audit Director and/or a Certified Public Accounting firm and upon compliance with Board Policy 713 Institutional Financial Sustainability based upon financial statements audited by an external auditor. The Commissioner shall also be authorized and empowered to delegate approval of leases and easements of an amount equal to or less than $100,000 to Institutional Executive Officers, or their designee, based upon justification included in the findings. Management of contracting and procurement processes shall be an annual component of each Institutional Executive Officer's performance evaluation.

E. Other Contracts

The Commissioner is authorized and empowered to approve renewals of service expenditure contracts if the original contract was previously approved by the Board of Trustees, and if the contract amount does not exceed 110% of the current contract. An information item will be presented to the Board of Trustees monthly of any and all contracts approved by the Commissioner on behalf of an institution.

Board approval prior to execution of the contract is required for any bookstore, food service, or athletic concession contract projected to generate aggregate total revenues for a university of more than $250,000 or if the term of such contract exceeds four years. The Commissioner is authorized and empowered to approve renewal revenue contracts for

bookstores, food service, or athletic concession contracts where the contract results in additional revenues to the institution. An information item will be presented to the Board of Trustees monthly of any and all contracts approved by the Commissioner on behalf of an institution.

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

Institutional Executive Officers and the Commissioner are authorized and empowered to approve and execute on behalf of their respective institutions all other land, personal property and service contracts. All such contracts shall be executed in accordance with state law and board policy.

(BT Minutes, 9/90; 4/98; 3/2002; 12/2005; 3/2007; 6/2010; 9/2020)

707.02 OTHER OFFICIAL DOCUMENTS

The Institutional Executive Officer of each institution, or a designee as evidenced in writing, is authorized to sign all other official documents for and on behalf of the institution for which he or she is responsible. Anyone who signs a contract without authorization is subject to disciplinary action, up to and including termination.

(BT Minutes, 9/90; 1/98; 11/2005)

707.03 APPROVAL OF PREPAYMENT FOR GOODS OR SERVICES

Pursuant to Miss. Code Ann. § 7-7-27 (1972), as amended, the Board of Trustees of State Institutions of Higher Learning (IHL) may permit prepayment for goods or services not yet received. The procedures regarding obtaining a waiver to permit payment in advance applicable to the IHL Executive Office and the various state universities are as follows:

1. The Commissioner is delegated the authority to approve such prepayment/waivers on behalf of the Board. However, if any other Board policy requires IHL Board approval in order to contract for, lease or purchase the subject goods, services, equipment, property or facility, approval of a prepayment/waiver must be sought from the IHL Board, instead of the Commissioner, at the same time permission is sought from the Board in order to contract, lease or purchase. If a prepayment is for

$5,000.00 or less, approval authority is delegated by the Board to the institutional executive officer or his/her designee.

2. Unless a prepayment is in an amount of $5,000.00 or less, written permission from the Commissioner or Board must be obtained prior to making or contracting to make prepayment of goods or services before such goods or services are received.
3. For those prepayment items in an amount over $5,000.00, the requestor must submit a written request to the Commissioner, or an agenda item for consideration by the Board, explaining the circumstances or reasons why the waiver is being sought. A copy of the invoice or proposed contract showing the prepayment terms must be attached to the request.
4. Registration fees for conventions and conferences and deposits for hotel fees may be paid in advance and do not require permission/waiver by the Commissioner or Board.
5. If federal funds are to be used to prepay multi-year services or licensing, the requestor must ensure that the prepayment conforms to the federal grant regulations and requirements. The requestor must provide documentation to the Commissioner or Board, as part of the written request for a waiver, indicating that the prepayment conforms to the federal grant regulations and requirements.
6. A waiver from the Commissioner is not required in order to pre-pay a single payment within a fiscal year for the rental of a post office box, membership dues, subscriptions and software maintenance fees. However, if Board approval is required within another policy in order to contract for or purchase same, the Board's approval to contract or purchase must still be sought as required by the applicable policy.
7. All multi-year prepayments require a waiver granted by the Commissioner or Board.

(BT Minutes, 6/2014, 9/2018)

708 AUXILIARY ENTERPRISES

708.01 CHARGES TO STUDENTS

All charges to students in connection with auxiliary agencies must be kept at the minimum figures consistent with sound administration, and no receipts from auxiliary agencies shall be used for general fund purposes.

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

708.02 RESERVE FUNDS

Each institution shall establish reserve funds for repairs to housing facilities as well as for replacement of furniture in dormitories and faculty apartments, and charges should be adjusted accordingly. Each institution is authorized to establish, from sales to students, reserve funds for replacement of furniture and fixtures in dining halls and laundries; and charges and rates must be adjusted to provide for such reserve.

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

709 SALES AND SOLICITATIONS

The Institutional Executive Officers are authorized to adopt rules and regulations controlling sales and solicitations on campuses and grounds of the institutions.

(BT Minutes, 9/90; 1/98; 7/2006)

710 INSTITUTIONAL AUDITS

710.01 GENERAL POLICY

The institutions shall participate in a Consolidated University System Audit. The State Auditor's Office will issue a single audited financial report for the universities taken as a whole. A request for an independent audit may be submitted for Board approval once every five years, and also in the following instances:

1. A change in key management in those areas closely related to financial accountability of the university during the fiscal year to be audited.
2. Deficit fund balances and/or negative cash flow situations when these occurrences are the result of ongoing operational activities.
3. Significant problems in performing procedures properly and/or maintaining adequate documentation to support balances being produced by the accounting system and, ultimately, presented in the financial statements.

Upon approval by the Board of a request for an independent audit, the State Auditor shall be notified for the purpose of determining whether or not the State Auditor shall perform the independent audit or recommend institutional contracting with a private certified public accounting firm.

(BT Minutes, 7/99; 7/2006)

710.02 PROCEDURES

The Institutional Executive Officers, at their discretion, may contract with independent auditors to conduct specific agreed upon procedures. Agreed upon procedures do not constitute an independent audit as discussed in 710.01.

(BT Minutes, 7/99; 7/2006)

711 INSURANCE AND RISK MANAGEMENT

711.01 GENERAL POLICY

The Board recognizes its responsibility to provide for the health and safety of university employees, guests, and other members of the general public from hazards on its university campuses and to preserve and protect the property and other assets of the universities from losses arising from any occurrence. To this end, the Board shall establish such insurance and/or self-insurance programs it deems necessary to adequately protect these assets. To aid the Board in assuring coordination of coverages and compliance with Board policy, with the applicable state statutes, and the rules and policies of the Mississippi Tort Claims Act and the Mississippi Workers' Compensation Commission, all universities shall have the office of the IHL Director of Insurance and Risk Management review all insurance policies prior to procurement by the university.

Miss. Code Ann., §37-101-15, as amended.
(BT Minutes, 9/90; 1/98; 7/2006)

711.02 FIRE AND EXTENDED COVERAGE

The Board shall require the universities, and any other entities under its direction and control to maintain adequate fire and extended coverage or liability insurance, subject to the limitation of liability mandated by the Mississippi Tort Claims Act, in amounts that, at a minimum, comply with loan agreements for construction of housing and other revenue producing buildings.

Miss. Code Ann., §11-46-15, as amended.
(BT Minutes, 9/90; 1/98; 7/2006)

711.03 WORKERS' COMPENSATION

The Board maintains for the benefit of the universities and their employees a self-insurance workers' compensation program that provides required benefits to injured employees. No university shall offer any other plan of workers' compensation benefits.

Miss. Code Ann., §71-3-5, as amended.
(BT Minutes, 9/90; 1/98; 7/2006)

711.04 HEALTH AND LIFE

The Board and the entities under its control shall participate in the State of Mississippi Employee Health and Life Program.

Miss. Code Ann., §25-15-3, et seq., as amended.
(BT Minutes, 9/90; 1/98; 7/2006)

711.05 TORT CLAIMS FUND; LIABILITY INSURANCE

In accordance with the Mississippi Tort Claims Act, the Board maintains for the benefit of the universities and their employees self-insured tort claims programs. All universities shall participate in the Board's tort claims programs.

Section 11-46-11, Mississippi Code of 1972 states, "After all procedures within a governmental entity have been exhausted, any person having a claim for injury arising under the provisions of this chapter against a governmental entity or its employee shall proceed as he might in any action at law or in equity; provided however, that ninety (90) days prior to maintaining an action thereon, such person shall file a notice of claim with the chief executive officer of the governmental entity,..." The notice of claim requirement, when applied to IHL, deems the Presidents and Chancellor of the Universities as the chief executive officers of their respective institutions, the UMMC Vice Chancellor as the chief executive officer of UMMC, and the Commissioner of Higher Learning as the chief executive officer of State Institutions of Higher Learning.

The President, Chancellor, or Commissioner in receipt of a notice of claim shall notify the Board of Trustees of State Institutions of Higher Learning within five (5) days of receipt by forwarding the original notice of claim and all accompanying correspondence to the Board's Office of Insurance and Risk Management. The UMMC Vice Chancellor in receipt of this notice of claim shall notify the Board of Trustees of State Institutions of Higher Learning within five

(5) days of receipt by forwarding copies of the notice of claim and all accompanying correspondence to the Board's Office of Insurance and Risk Management.

Miss. Code Ann., §11-46-11 and §11-46-17, as amended.

All universities shall participate in the IHL Tort Claim Plan, except the University of Mississippi Medical Center (UMMC) which shall participate in the UMMC Tort Claims Plan.

(BT Minutes, 1/98; 4/98; 7/2006)

711.06 TORT CLAIMS FUND; AUTOMOBILE LIABILITY

In order to promote the safe operation of motor vehicles in the system, the Commissioner shall develop a motor vehicle procedures manual after consultation with the Institutional Executive Officers. The manual shall be distributed to the universities and other units under the jurisdiction of the Board.

(BT Minutes, 6/2000; 7/2006)

711.07 DISASTER RECOVERY PLAN

The Board shall establish a Disaster Recovery Plan to provide a coordinated relief and recovery effort for all universities. All universities shall participate in the plan to assist affected universities in the aftermath of a disaster to reduce the further risk to life and safety and loss to campus facilities and operations.

(BT Minutes, 4/2006; 7/2006)

711.08 INCIDENT PREPAREDNESS PLAN

Each institution shall prepare an Incident Preparedness Plan which will be updated annually, reviewed by the Board staff and on file at the Board Office. Said plan should be designed to manage all emergency incidents in accordance with the Incident Command System (ICS) as defined in the National Incident Management System (NIMS).

(BT Minutes, 12/2005; 11/2006)

712 INTERNAL AUDIT POLICY

A. The Board shall appoint its own system internal audit director with the appropriate support staff. The Budget, Finance and Audit Committee may designate one or more members of the committee to serve as a channel of communication with the internal auditors and to have other duties as designated. The Board's system internal audit director shall report to the Budget, Finance and Budget, Finance and Audit Committee and ultimately to the Board, but will report administratively to the Commissioner and be independent of any other IHL division, section, branch or officer. The Board's system internal audit director and his/her staff shall perform duties as directed by the Board's Budget, Finance and Audit Committee and as set out in the Board's System Internal Audit Charter. The Board approved System Internal Audit Charter shall be in supplementation to this Internal Audit Policy and shall apply to all Board and university internal auditors, whether located at the Board's executive office or on one of the university campuses. The Commissioner may at any time direct the Board's system internal audit director to perform an audit or inquiry of any special program, activity, function or organizational unit of the system.

B. The Board directs each Institutional Executive Officer (IEO) to appoint a university internal audit director. Employment of each university internal audit director shall be contingent upon the approval of both the IEO and the Board's system internal audit director. In addition, each IEO shall employ a sufficient number of professional and support staff to assist the university internal audit director in implementing an effective program of internal auditing. The university internal audit staff shall have organizational status outside of the university's staff, management, functions or units subject to audit, and shall be free of operational and management responsibilities that would impair the ability to make independent audits of any aspects of the university's operations. The university audit directors shall be functionally responsible to the Budget, Finance and Audit Committee and ultimately the Board of Trustees through the Board's system internal audit director, but will administratively report to the IEO. University internal audit employees may only be terminated following university compliance with any applicable state laws, and following notification of the Budget, Finance and Audit Committee upon recommendation of the IEO and the Board's system internal audit director. If there is disagreement between the IEO and the Board's system internal audit director regarding a recommendation of termination of a university internal audit employee, the dispute shall be brought to the Board, which shall make the decision regarding termination.

C. The Board's System and University internal audit directors shall have the following duties:

1. To conduct financial, compliance, electronic data processing and operational and efficiency audits of system and university programs, activities and functions and prepare audit reports of findings;
2. To review and evaluate internal controls over system and university programs, accounting systems, administrative systems, electronic data processing systems and all other major systems necessary to ensure accountability of the system and universities;
3. To develop annual and three-year strategic audit plans to be based on the findings of periodic documented risk assessments. The plan shall show the individual audits to be conducted during each year and the related resources to be devoted to each of the respective audits. The audit plan shall ensure that internal controls are reviewed on a periodic basis. The plan shall address concerns of the Board of Trustees, Commissioner and IEOs. The Board 's system internal audit director shall submit the plan to the Budget, Finance and Audit Committee for approval after consultation with the Commissioner and IEOs; and,
4. To determine the scope and assignment of the audits. However, the IEO may at any time direct the university internal audit director to perform an audit or inquiry of any special program, activity, function or organizational unit of their institution.

D. Audits shall be conducted in accordance with the Standards for the Professional Practice of Internal Auditors, Inc. and, when required by law, regulation, agreement, contract or policy, in accordance with Government Auditing Standards issued by the Comptroller General of the United States. All audit reports issued by internal audit staff shall include a statement that the audit was conducted pursuant to the appropriate standards.

University audit reports shall be confidential but shall be provided to the Board upon completion. The Board hereby delegates to the Board's system internal audit director the responsibility of collecting and reviewing the confidential university audit reports on behalf of the Board. The Board's system internal audit director shall then brief the Budget, Finance and Audit Committee regarding the confidential university audit reports. The Budget, Finance and Audit Committee will forward such reports to the full Board with appropriate recommendations for action when warranted.

E. The IEO and the Board's system internal audit director shall review and approve the annual university internal audit plan and budget, internal and

external audit reports, and follow-up reports and quality assurance reviews. The IEO shall periodically meet with the Board's system and university's internal audit directors to discuss pertinent matters, including whether there are any restrictions on the scope of audits. Any perceived limitation must be reported to the Budget, Finance and Audit Committee through the Board's system internal audit director.

F. The Commissioner and IEOs shall require that the Board's system internal audit staff and the university's internal audit staff liaise with all auditors from the State Auditor's Office, with all auditors from the Legislative PEER Committee, with all externally funded contracts and grants auditors, and with all external investigators/auditors regarding audits, investigations or inquiries in order to:
   - Coordinate all review, evaluation and/or investigation activities;
   - Ensure that the audit programs are complementary;
   - Foster a cooperative working relationship;
   - Reduce the incidence of duplication of efforts; and
   - Promote appropriate sharing of information.

   The Commissioner, IEOs and university internal audit directors shall make known to the Board's system internal audit director any determined fraud, waste or abuse or reasonably substantiated fraud, waste or abuse as a result of audits, inquiries, investigations or complaints, so such cases can be communicated to the Commissioner and the Budget, Finance and Audit Committee and in order that efforts can be made to ensure internal controls are sufficient to deter such actions in the future.

G. The Board, the Budget, Finance and Audit Committee and/or the Commissioner, may direct the Board's or university's internal audit staff to investigate any system issues, allegations, or audit matters, in order to carry out the fiduciary duties of the Board. The IEOs and all system employees must cooperate fully with the Board's system and/or the university's internal audit staff on any system issues, allegations, or audit matters directed to be performed on behalf of the Board, the Budget, Finance and Audit Committee and/or the Commissioner.

(BT Minutes, 6/2010)

713 INSTITUTIONAL FINANCIAL SUSTAINABILITY

713.01 STATEMENT OF PURPOSE FOR INSTITUTIONAL FINANCIAL SUSTAINABILITY

The mission of the Board of Trustees includes the fiscal management of the institutions of higher learning in Mississippi in order to see that the mission of the IHL System is accomplished. The Board of Trustees finds that this includes providing financial guidance and oversight so that the core functions of instruction, public service, and research can be accomplished in a financially sustainable manner for the long-term benefit of Mississippi. Furthermore, while the Board has authority to manage institutional resources across institutions, the Board finds that it is in the best interest for each institution to operate within the resources available at the institution per Board Policy 301.0801(B). While many new opportunities to serve students, citizens, and patients arise from time to time, the Board wishes to ensure that each institution engages these opportunities from positions of financial sustainability. Therefore, the Board outlines in this section general guidelines for financial policy to be carried out by the Commissioner in coordination with Institutional Executive Officers to ensure that sustainable institutions continue to serve the state of Mississippi.

(BT Minutes, 4/2017)

713.02 ANNUAL BUDGET PLANNING

The Board of Trustees approves the Annual Operating Budget for each institution annually along with related escalations. Prior to the Board approving the Annual Operating Budget, the Institutional Executive Officer shall review the financial condition of the institution based on the most recent version of the Institutions of Higher Learning Financial Ratios. Upon review of an institution's financial condition, the Commissioner of Higher Education shall arrange a meeting with Institutional Executive Officers to obtain a basis to recommend approval of an institution's budget to the Board of Trustees in accordance with financially sustainable objectives. The Commissioner of Higher Education may recommend financial targets that take into account the size, mission, and current financial condition of the institution. These recommendations should be appropriate to the current financial capacity of the institution. Management of the institution for financial sustainability, including possible recommendations by the Commissioner of Higher Education, shall be a component of the Institutional Executive Officer's evaluation by the Commissioner and Board of Trustees as set out in Board Policy 301.0802.

(BT Minutes, 4/2017)

713.03 MINIMUM CRITERIA FOR INSTITUTIONAL FINANCIAL SUSTAINABILITY

The minimum criteria for institutional financial sustainability shall cover the following areas: adequate financial reserves, adequate liquidity, and adequate coverage of annual debt payments. These ratios shall be prepared using annually audited accounting statements prepared under Governmental Accounting Standards Board guidelines and calculated in the manner prescribed in the most recent version of the Institutions of Higher Learning Financial Ratios. During Annual Budget Planning, the Commissioner of Higher Education may recommend target ratios to Institutional Executive Officers that address the current financial condition of institutions.

(BT Minutes, 4/2017)

713.04 MAJOR PROJECTS AND ENCUMBRANCES AND INSTITUTIONAL FINANCIAL SUSTAINABILITY

Because the Board of Trustees must maintain financially sustainable institutions, the Board may elect to postpone consideration of projects or activities that involve major commitments of expenditures or debt burden when an institution fails to meet the minimum criteria for institutional sustainability.

(BT Minutes, 4/2017)

714 ORIGINATION, EXPANSION, OR ACQUISITION OF BUSINESS OR HEALTHCARE ENTERPRISE

Prior to Board consideration of an institution's request to acquire or engage in new or substantially expanded operations of a business or a healthcare facility, the institution shall promptly notify the Commissioner of such intent with sufficient time for the Commissioner to engage a Subject Matter Expert in the field of the project. Such operations may include, but are not limited to, any creation, expansion, or acquisition of a business or healthcare enterprise, business-type functions of institutional auxiliaries or proprietary operations, significant strategic financial initiatives of an institution, or material financial initiatives entered into by an institution. The institution will provide the Commissioner with sufficient information to allow a determination by the Commissioner as to the projected scope of the project and its projected impact on the revenues, expenses, and indebtedness of the institution. The Commissioner shall make a determination, upon consultation with the Board, whether the potential financial characteristics of the proposed project and the financial condition of the institution requires the appointment of a Subject Matter Expert to assist the Board. If the Commissioner

determines that it is appropriate to retain a Subject Matter Expert, the Expert shall be engaged by the Board through the Commissioner and shall represent solely the interests of the Board in its capacity as the fiduciary of the state university system. The Subject Matter Expert shall meet such qualifications and perform other such services as may be prescribed by the Board or the Commissioner. The requesting institution shall reimburse the Board office for all expenses incurred related to the selection and engagement of the Subject Matter Expert. Payment of the Subject Matter Expert shall not be contingent on any outcome other than contractual performance as an impartial advisor. The Subject Matter Expert shall review the underlying business and market assumptions of the proposed project, evaluate historical financial information, consider current and future market conditions in the field of the project, evaluate pro forma financial information used in the decision-making process, and prepare a written analysis of these and other matters relevant for the Board's consideration. The written analysis shall provide advice to the Board – which is independent of any advice provided by or to the institution -- as to the anticipated effect(s) of the proposed transaction and operations on the institution and the entire IHL system. The Subject Matter Expert shall make a determination, based on the analysis contained in the report, as to whether the proposed project justifies approval by the Board and explain the likely impacts and prudency of the proposed transaction.

(BT Minutes, 3/2018)

715 HEALTHCARE COLLABORATIONS

Pursuant to Miss. Code Ann. § 37-115-50.1, the University of Mississippi Medical Center is authorized to directly or indirectly enter into various business transactions, subject to Board of Trustees approval. The Board adopts this policy to outline how it will satisfy its statutory authority and obligation.

As provided in Miss. Const. Art. 8, Section 213-A and Section 31-101-1 of the Miss. Code Ann. of 1972, as amended the Board has governing authority over UMMC. It is the duty of the Board to assure that assets intended to benefit UMMC are appropriately and effectively managed and utilized. Additionally, the Board has responsibility for ensuring that the public interest is served by any organization that is established to support UMMC. Any and all such organizations and their subsidiary entities created to engage in business transactions authorized under Miss. Code. Ann. § 37-115-50.1 are hereinafter referred to as "Collaborations".

The Board recognizes that Collaborations are not state agencies and will have their own governing authorities. The Board recognizes that it does not have the power

to exercise governing control over Collaborations. Further, the Board acknowledges that the independent nature of the Collaborations provides flexibility in fiscal management and responsiveness.

It is the policy of the Board that its oversight of UMMC with respect to Collaborations and their activities shall be accomplished in a manner that will effectively and appropriately preserve and protect the corporate integrity of each Collaboration to the fullest extent possible, consistent with the duty of the Board to assure that assets intended to benefit UMMC are appropriately and effectively managed and utilized.

In order to ensure that the Board meets its legal obligations, the Board requires the following:

1. Prior to UMMC or any Collaboration entering into a business transaction under the authority of Miss. Code Ann. § 37-115-50.1, UMMC must promptly notify the Health Affairs Committee of such intent with sufficient time for the Board to undertake a review of said transaction.
2. UMMC must receive Board approval prior to the formation of any new Collaboration. Such request for approval shall be accompanied by the following:
    a. Proposed organizational documents of the new Collaboration
    b. A memorandum to include the following:
        i. Description of the nature of the Collaboration and its intended transactions;
        ii. A list of other participants in the Collaboration's intended transactions as well as their participation and ownership interests;
        iii. A list of all restrictive and business opportunity covenants being contemplated;
        iv. A description of any put or call rights;
        v. For transactions in which the Collaboration, directly or indirectly, will be a minority owner, a description of governance protection rights afforded to the Collaboration;
        vi. A description of any known material risk or opportunities in the Collaboration.
        vii. Any projections, pro formas, valuations, strategic analysis or similar assessments of the Collaboration's intended transactions;
        viii. A statement as to whether or not the Collaboration financial statements will be consolidated with the UMMC financial statements;
        ix. A statement as to whether or not the Collaboration will be subject to public bidding, open meetings, open records, and Public Employees' Retirement System of Mississippi (PERS) rules and

regulations, as well as a statement as to whether the Collaboration intends to seek Mississippi Tort Claims Act (MTCA) protection; and

x. Such other materials requested by the Board.

3. All Collaborations must operate consistent with the mission and priorities of UMMC. UMMC shall provide an annual report to the Board detailing how the Collaboration furthers the mission and priorities of UMMC.
4. UMMC must seek Board approval prior to making a financial contribution to any Collaboration.
5. UMMC shall provide reports to the Board outlining the financial and operational performance of all Collaboration(s) on a monthly basis, or more or less frequently as requested by the Board.

(BT Minutes, 3/2019)

SECTION 800 - PERSONNEL POLICIES

801 EMPLOYMENT

801.01 EQUAL EMPLOYMENT OPPORTUNITY COMMISSION AND AFFIRMATIVE ACTION STATEMENT

The Board shall administer its policies and programs without regard for race, age, sex, religion, national origin, handicapped, or veteran status. The Board has been and remains committed to the maintenance of equal opportunity for all people. Affirmative Action shall be taken to ensure that the Board does not discriminate in any aspect of employment including advertisement, recruitment, selection, promotion, demotion, transfer, compensation, and selection for training.

Students are also assured that access to educational opportunities, financial assistance, and social and recreational programs will be free from discrimination.

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

801.02 NONDISCRIMINATION OF DISABLED INDIVIDUALS

No otherwise qualified individual with a disability as defined in [29 USCS Section 706(8)], shall, solely by reason of his\her disability, be excluded from the participation in, be denied the benefits of, or be subjected to discrimination under any program or activity receiving Federal financial assistance. Institutions governed by the Board of Trustees of Institutions of Higher Learning shall promulgate such directives and regulations as may be necessary to carry out this policy.

(BT Minutes, 6/91; 1/98)

801.03 EMPLOYMENT OF RELATIVES

A. No individual shall be employed in a department or unit under the supervision of a relative who has or may have a direct effect on the individual's progress, performance or welfare.

B. For the purpose of this policy, relatives are defined as husbands, wives, parents and children, brothers, sisters, and any in-laws of any of the foregoing within the third degree.

C. This section does not apply to any employee who shall have been in said department or institution prior to the time his or her kinsman, within the third degree, became the head of said department or institution or member of the board of trustees.

Miss. Code Ann., §25-1-53, as amended.

D. An employee who falls within (C) shall have all matters dealing with the individual's progress, performance, welfare, assignment, salary, tenure or promotion decided by the next highest administrative officer upon approval of the Board.

(BT Minutes, 10/90; 1/98)

801.04 EMPLOYMENT CONTRACTS

Acting under appropriate statutory authority and Board policy, the Board of Trustees hereby empowers the Institutional Executive Officers of the several institutions the authority to approve and execute contracts only with deans, professors, other members of the teaching staff and such categories of administrative employees as designated by the Commissioner in accordance with state law and Board Policy. Board approval for appointments and promotions is still required as provided within Board policy 401.0102 Delegation of Authority. Unless otherwise approved by the Board, no one employed at the institutions may be granted an employment contract of more than one year, other than partial years as part of a transition. Approval of multi-year contracts by the Board is not required for athletics employees, non-tenure tack faculty, and University of Mississippi Medical Center basic scientists and healthcare providers. (See IHL Policy 404.01 regarding non-tenure track faculty contracts.) Any multi-year employment contracts, whether or not approved by the Board, may not exceed four years in length.

Employee contracts are to be maintained on campus in an office designated by the Institutional Executive Officer. The contracts for Institutional Executive Officers and selected athletic personnel are also to be maintained at the Office of the Commissioner.

(BT Minutes, 9/90; 3/98; 11/2005; 3/2008; 6/2015)

801.05 FAIR LABOR STANDARDS ACT

The policy of the Board requires that the institutions under its direction abide by the provisions of the Fair Labor Standards Act which address the definition of exempt and non-exempt personnel and the handling of overtime hours worked by non-exempt personnel. Provisions of the Fair Labor Standards Act shall be on file within each institution's personnel department.

(BT Minutes, 9/90; 1/98; 11/2005)

801.06 HIRING PROCEDURES

The Board requires that each institution develop, maintain, and follow written employment and/or hiring procedures for both faculty and staff. Such procedures shall conform to all applicable state and federal laws and shall be on file within each institution's human resources department.

(BT Minutes, 9/90; 1/98; 11/2005; 3/2008)

801.07 TEMPORARY POSITIONS

From time to time, the Board authorizes new positions which are to be funded from federal or private sources. In approving these new positions, the Board does not obligate itself or the institution to continue these positions when federal or private funding is exhausted.

The intent of the Board is that these positions are temporary and that tenured positions are not to be established in connection with federal or private resources.

(BT Minutes, 9/90; 1/98; 11/2005)

801.08 OUTSIDE EMPLOYMENT

Members of the faculty and staff are permitted to engage in outside employment, provided permission is first obtained from the executive officer of the institution concerned and, provided further, that the executive officer of the institution concerned shall grant permission to engage in outside employment only after having first determined that the said outside employment will interfere in no way with institutional duties of the individual requesting such permission.

In addition, such individuals will not engage in a business or profession that would in any manner compete with a similar business or profession over which he or she would have direct supervision, inspection, or purchasing authority within the university or agency, such being a conflict of interest.

(BT Minutes, 9/90; 1/98; 11/2005)

801.09 RESIGNATIONS

The Institutional Executive Officer of each institution of higher learning is authorized to accept resignations of employees and to determine the effective date of termination of employment. All resignations are to be reported in the monthly personnel reports to the Board, and each report shall give reason for resignation and shall list the institution to which the employee is transferring if such institution is within the state.

(BT Minutes, 9/90; 1/98; 11/2005)

801.10 TERMINAL PAY

Upon termination of employment, each employee shall be paid for unused personal leave as provided for in Miss. Code Ann., §25-3-93, as amended.

If an employee dies after accumulating personal leave credit, the wages or salary for the total unused personal leave time shall be paid to the person designated by the employee for this purpose or, in the absence of such designation, to the beneficiary of such employee as recorded with the Public Employees Retirement System.

No payment will be made for accrued major medical leave unless the employee presents medical evidence that his or her physical condition is such that he or she can no longer work in a capacity with the institution. In such case, the employee may be paid for not more than 120 days of earned major medical leave.

(See Section 802.03; also, Section 803.02)
(BT Minutes, 9/90; 1/98; 11/2005)

801.11 POLITICAL ACTIVITIES

Participation by employees of the several institutions of higher learning in various community and public affairs is expected; however, it is expected that

time given such activities will not interfere with the regular duties of an employee. Political activities by an employee will not be prohibited at such times as the employee would not be ordinarily required to render services to the institution or if the employee elects to take and the institution grants a leave of absence without pay.

(BT Minutes, 9/90; 1/98; 11/2005)

801.12 OPTIONAL RETIREMENT PLAN

The Public Employees' Retirement System established an Optional Retirement Plan for the employees of the State Institutions of Higher Learning included in Section 37-101-1, who are appointed or employed after July 1, 1990. This program will be administered in accordance with all applicable statutes, regulation, and procedures.

Miss. Code Ann., §25-11-401, as amended.
(BT Minutes, 9/90; 1/98; 11/2005)

801.13 WITHHOLDING OF PAY

No deductions shall be made from the paychecks of employees unless they are required by law, relate directly to institution sponsored insurance or benefits plans or programs, are to satisfy any financial obligation to the institution of employment or are for recognized charities for which the institution has previously granted approval and which directly or indirectly benefit the institution of employment (such as the United Way, American Heart Association and the like).

No deductions are allowed for professional association dues, commercial products or ventures or insurance or benefit plans not specifically approved in advance as an authorized benefit provider sponsored by the institution.

These limitations are necessary in order to limit the work load and costs incurred by the payroll-computer services facilities of the institution.

(BT Minutes, 10/90; 1/98; 11/2005; 9/2016)

801.14 POLICY AGAINST SEXUAL HARASSMENT

IHL seeks to foster an atmosphere of respect and dignity for all members of the IHL community. To this end, IHL is committed to maintaining a work and

learning environment free of sexual harassment. It shall be the policy of this Board to prevent sexual harassment and that allegations of sexual harassment at its Board offices and the governed institutions are promptly and appropriately addressed. Accordingly, the IHL Board offices and each of the governed institutions shall maintain and disseminate or otherwise publicize, a sexual harassment policy and procedure.

(BT Minutes, 11/2001; 11/2005)

801.15 STAFF AND DEPENDENT TUITION WAIVERS

A. **Staff Tuition Waivers** - Full-time faculty and staff of the State Institutions of Higher Learning may, with the approval of the appropriate Institutional Executive Officer, register without tuition for up to six (6) undergraduate or graduate credit hours per term at the institution where they are employed.

Full-time employees in the Executive Office of the Board may, with the approval of the Commissioner, register without tuition for up to six (6) undergraduate or graduate credit hours per term at any institution of higher learning under the governance of the Board. Staff tuition waivers shall be accounted for and reported at the face value of the tuition being waived in the appropriate functional category.

B. **Dependent Tuition Waivers** - The Dependent Tuition Waiver employee benefit for the state institutions applies to all dependent children (as defined in Internal Revenue Code §152(c)(3)) of full-time faculty and staff of the universities and full-time employees of the Executive Office. In order to receive an undergraduate tuition waiver for 50 percent (50%) of the total tuition, the dependent must gain admission to the university where the parent or legal guardian is employed, or in the case of dependent children of the IHL Executive Office, at any of the eight state universities, and make a formal written request to the Office of Financial Aid of the respective institution. In cases wherein both parents or legal guardians are eligible employees, a tuition waiver of one hundred percent (100%) shall be provided to the dependent children. Dependent children of continuing employees hired prior to July 1, 1977, are eligible for full waiver of undergraduate tuition at the appropriate institutions because of the grandfather clause included in the April 28, 1977, minutes of the Board.

1. **Continued Eligibility** - A single, dependent child may receive an undergraduate tuition benefit (consistent with the continued employment of the parent or guardian) which may be continued until the

degree requirements for one baccalaureate degree are met or until age 25, whichever comes first.

2. Dependent tuition shall be accounted for and reported at the face value of the tuition being waived in the appropriate functional category.

(BT Minutes, 8/2005; 11/2005; 3/2008)

801.16 FOUNDATION SUPPLEMENTATION OF INSTITUTIONAL EXECUTIVE OFFICERS' COMPENSATION

The total amount of any and all salary supplements paid to an institutional executive officer by any foundation shall be less than the state salary paid by the Board of Trustees to such institutional executive officer. This requirement shall not apply to any existing salary supplements paid to institutional executive officers as of October 20, 2005. Additionally, this requirement shall not cause the total annual amount of any future salary supplements paid to the current institutional executive officers to be less than the total annual amount paid as of October 20, 2005. This provision became effective upon passage.

Furthermore, no form of additional compensation to an Institutional Executive Officer may be paid, provided or increased without the prior approval of the Board of Trustees of State Institutions of Higher Learning. The request for approval shall come through the Commissioner to the IHL Board.

(BT Minutes, 10/2005; 11/2005; 8/2006)

802 PERSONAL LEAVE

802.01 GENERAL POLICY

The department or office head will maintain and certify personal leave records and administer the leave in accordance with state statute. Personal leave may be used for vacation and personal business and shall be used for the first day of an employee's illness.

Miss. Code Ann., §25-3-95, as amended.
(BT Minutes, 9/90; 1/98)

802.02 APPLICATION OF RULES

Faculty members employed by the eight (8) public universities on a nine-month contract shall not be eligible for personal leave.

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

802.03 TERMINATION

Upon termination of employment, each employee shall be paid for unused personal leave not to exceed 30 days. Unused personal leave in excess of 30 days shall be counted as creditable service for purposes of the retirement system. If an employee dies with an accumulated personal leave credit, the wages or salary for the total unused personal leave time shall be paid to the person designated by the employee for this purpose or, in the absence of such designation, to the beneficiary of such employee as recorded with the Public Employees Retirement System.

(See Section 801.09 and, also, Section 803.02)
(BT Minutes, 9/90; 1/98)

803 MAJOR MEDICAL LEAVE

803.01 GENERAL POLICY

The department or office head will maintain and certify major medical leave records and administer the leave in accordance with state statute.

Miss. Code Ann., §25-3-95, as amended.
(BT Minutes, 9/90; 1/98)

803.02 PAYMENT APPLICATION

No payment will be made for accrued major medical leave unless the employee presents medical evidence that his or her physical condition is such that he or she can no longer work in a capacity with the institution. In such case, the employee may be paid for not more than 120 days of earned major medical leave.

Miss. Code Ann., §25-3-95, as amended.
(See Section 801.09 and, also, Section 802.03)
(BT Minutes, 9/90; 1/98)

804 DISABILITY LEAVE

804.01 GENERAL POLICY

It is recognized that employees suffer temporary sickness or disability from time to time and are therefore unable to perform assigned duties. This policy describes employee entitlement, including leave with or without pay, for such temporary sickness or disabilities.

It is the intention of this policy and its entitlement to provide leave for any temporary disability occurrence that normally has a reasonably predictable time frame, encompassing an onset and an end of the condition. Leave necessary for the purpose of childbearing is included in this policy. This policy does not guarantee an entitlement for any employee who is absent from work on a frequent and/or regular basis and whose attendance habits are such that the employee fails to accomplish assigned job responsibilities.

The respective universities and agencies reserve the right to require medical statements in support of uses of benefits under this policy as well as to support the need of universities and agencies to determine that employees be permitted to work. Failure to provide requested necessary documentation may result in a "non-pay" status for the period of time in question, and/or in dismissal (although accrued personal leave and major medical leave exist).

Miss. Code Ann., §25-3-97, as amended.
(BT Minutes, 9/90; 1/98)

804.02 ENTITLEMENT

Any regular full-time employee who has successfully completed the respective institution's or agency's probation period and who suffers temporary sickness or disability, thus making him or her unable to perform assigned duties, may be granted a leave of absence without pay for a reasonable time, but not to extend normally beyond a twelve-month period, to accompany the combined accrued personal and major medical leave.

The beginning date of disability will be determined by the employee's physician and, at the discretion of the institution, may have to be approved by the institution's health service.

The ending date of disability shall be determined by the employee's physician and, at the discretion of the institution, may have to be approved by the

institution's health service. When the employee returns to his or her duties, the employee shall present a statement from his or her physician stating the ability to resume work.

Upon returning to employment, the employee will be returned to his or her former position or to an equivalent position.

Any employee not returning to work at the expiration of the leave under this section is eligible for terminal personal leave pay, provided the days have not been taken.

Miss. Code Ann., §25-3-93, as amended.
(BT Minutes, 9/90; 1/98)

804.03 NINE-MONTH FACULTY MEMBER

If any nine-month faculty member becomes temporarily disabled between the end of one academic year and the beginning of another (during the interim the employee is not teaching), he or she is not eligible for paid leave status.

If any nine-month faculty member becomes temporarily disabled prior to the end of a contract period but has accrued personal and major medical leave, he or she is not eligible to be continued on a paid leave status after the end of the contract period if the contract ends prior to using all earned leave days.

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

804.04 EFFECTS OF TEMPORARY DISABILITY LEAVE ON BENEFITS

Any regular full-time employee on a paid leave status will be credited with major medical leave and personal leave entitlement earned during such paid leave upon his or her return to active employment.

No refund of retirement contributions will be made during a temporary disability leave since the return of the employee is anticipated.

An employee's group insurance plan will be kept in force as long as major medical leave or personal leave entitlements are paid. It may be kept in force thereafter through direct contribution by the employee not receiving pay under major medical or personal leave. Arrangements for this service must be made by

the employee with the appropriate designated institutional department prior to the date that such contributions should be made.

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

805 MISCELLANEOUS LEAVE

805.01 JURY DUTY

The head of an institution or division may grant administrative leave with pay to an employee serving as a witness or juror or party litigant, as verified by the Clerk of the Court.

Miss. Code Ann., §25-3-92, as amended.
(BT Minutes, 9/90, 1/98)

805.02 EXTREME WEATHER CONDITIONS

The head of an institution or division may grant administrative leave with pay in the event of extreme weather conditions or in the event of a man-made, technological or natural disaster or emergency.

Miss. Code Ann., §25-3-92, as amended.
(BT Minutes, 9/90; 1/98)

805.03 ADMINISTRATIVE LEAVE

Administrative leave is not counted against the earned leave credit of employees.

Miss. Code Ann., §25-3-92, as amended.
(BT Minutes, 9/90; 1/98)

805.04 DEATH IN THE FAMILY

An employee may use up to three days of earned major medical leave per calendar year for absences due to a death in the immediate family (spouse, parent, step-parent, sibling, child, stepchild, grandchild, grandparent, son- or daughter-in-law, mother- or father-in-law, or brother- or sister-in-law). Personal leave must be used for absences due to other deaths in the immediate family or

for additional days needed after three days of major medical leave have been used during a calendar year.

Miss. Code Ann., §25-3-95, as amended.
(BT Minutes, 9/90; 1/98)

805.05 MILITARY LEAVE

Employees who are on permanent status with the institution and who are called to active military duty on short notice as the result of national emergencies may be granted a military leave of absence (without pay) beginning on the date of the call to military service. A leave of absence with pay may be granted for no more than 15 work days per calendar year to a regular employee who, as a member of the National Guard or official militia of Mississippi or a member of any of the reserve components of the armed forces, is ordered to active duty.

Miss. Code Ann., §33-1-21, as amended.
(BT Minutes, 9/90; 1/98)

805.06 LEAVE WITHOUT PAY

Leave without pay for attending to personal business may be arranged with the department head, subject to approval by the Institutional Executive Officer.

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

805.07 TRANSFER OF ACCRUED LEAVE

All accrued leave, both personal and major medical, shall be transferable between state institutions and agencies. Each institution or agency shall be furnished a statement of accrued leave at the time of an employee's transfer.

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

805.08 OFFICIAL HOLIDAYS

Unless otherwise approved by the Board, all offices are closed on the Fourth of July, Labor Day, Thanksgiving Day, Christmas Day, New Year's Day, and Martin Luther King, Jr. Day. Other days may be designated as holidays by the Institutional Executive Officer, not to exceed a total of 15 days a year.

(BT Minutes, 5/91; 1/98)

806 DRUG-FREE WORKPLACE POLICIES

806.01 GENERAL POLICY

This policy statement is intended to express the commitment of the Board to maintaining a drug-free workplace in conformity with state and federal laws as set forth in the Uniform Controlled Substances Law of the State of Mississippi and the Drug-Free Workplace Act of 1988 and Drug-Free Schools and Communities Act Amendments of 1989.

(United States Code Annotated, Title 41, Sections 701-707)
(BT Minutes, 9/90; 1/98)

807 INTELLECTUAL PROPERTY POLICY

807.01 STATEMENT OF PRINCIPLES

The Board, while supporting the unique missions of the IHL institutions, considers all the institutions to be dedicated to teaching, research, and the extension of knowledge to the public. The personnel at its institutions recognize as two of their major objectives, the production of new knowledge and the dissemination of both old and new knowledge. Inherent in these objectives is the need to encourage the development of new and useful device and processes and the publication of scholarly works. Such activities (1) contribute to the professional development of the individual members involved, (2) enhance the educational opportunities afforded students, and (3) promote the general welfare of the public at large.

While the primary focus of such efforts is the advancement of the central purpose of the institution, the products of scholarship often have implications for wider and differing applications. These products -intellectual properties- thus may be of benefit to the individuals involved and to the institution.

Intellectual properties often come about because of activities of faculty and other employees who have been aided wholly or in part through the use of institutional resources. It becomes significant, therefore, to ensure the utilization of such resources to expedite their development and marketing. The rights and privileges of the inventor or authors must be preserved so their abilities and those of other employees across the system may be further encouraged and stimulated.

This policy is intended to support the institutions in their development of institution-level policies that will serve to identify, protect, and administer intellectual property matters.

The foregoing considered, the Board hereby authorizes the institutions to develop intellectual properties and to participate in the income derived therefrom.

(BT Minutes, 2/98)

807.02 DEFINITIONS

Intellectual Property means any patentable materials, copyrighted materials, trademarks, software, and trade secrets, whether or not formal protection is sought.

(BT Minutes, 2/98)

Patentable Materials means items other than software which reasonably appear to qualify for protection under Title 35, Section 101, U.S.C. of the United States or other protective statutes, including Novel Plant Varieties and Patentable Plants, whether or not patentable thereunder.

(BT Minutes, 2/98)

Copyrighted Materials means the following:

1) Books, journal articles, texts, glossaries, bibliographies, study guides, laboratory manuals, syllabi, tests and proposals;
2) Lectures, musical or dramatic compositions, unpublished scripts;
3) Films, filmstrips, charts, transparencies, and other visual aids;
4) Video and audio tapes or cassettes;
5) Live video and audio broadcasts;
6) Programmed instructional materials;
7) Mask works; and
8) Other materials or works, other than software which qualify for protection under the copyright laws of the United States (U.S.C. §102 et seq.), whether or not registration with the U.S. Copyright Office has been applied for.

(BT Minutes, 2/98)

Trademarks means all trademarks, service marks, trade names, seals, symbols, designs, slogans, or logotypes associated with intellectual property developed by or associated with the institution.

(BT Minutes, 2/98)

Software means one or more computer programs existing in any form, along with any associated operational procedures, manual, or other documentation, whether or not protectable or protected by patent or copyright. The term "computer program" shall mean a set of instructions and statements of related data that, in actual or modified form, is capable of causing a computer or computer system to perform specified functions.

(BT Minutes, 2/98)

Trade Secrets means information including, but not limited to, technical or nontechnical data, a formula, a pattern, a compilation, a program, a device, a method, a technique, a drawing, a process, financial data, financial plans, product plans, or a list of actual or potential customers or suppliers which: (i) derives economic value, actual or potential, from not being generally known to, and not being readily ascertainable by proper and legal means by, other persons, who can obtain economic value from its disclosure or use; and (ii) is the subject of efforts that are reasonable under the circumstances to maintain its secrecy.

(BT Minutes, 2/98)

Additional definitions for other classifications of intellectual property may be developed by each institution to support its unique mission and areas of concentration.

(BT Minutes, 2/98)

807.03 INSTITUTIONAL PROCEDURES

Each institution is hereby directed to develop policy(s), consistent with this policy, for the management of its unique intellectual properties in each institution's unique environment. Such policy(s) shall be submitted to the Office of the Commissioner for his/her review and subsequent approval by the Board.

Each institution-level intellectual property policy shall address, as a minimum, the following areas:

Disclosure requirements;
Ownership of intellectual property;
Distribution of income derived from intellectual property;
Policy applicability;
Institutional review procedures; and
Licensing of intellectual property

All such intellectual property policies developed by the institutions shall be on file at the Office of the Commissioner.

(BT Minutes, 2/98)

808 RETIREMENT INCENTIVE PROGRAM

808.01 GENERAL POLICY

The Legislature has found and declared that a compelling state interest exists in providing a Retirement Incentive Program or encouraging the retirement of those employees of Institutions of Higher Learning who are current and active contributing members of the Public Employees' Retirement System.

The goal of adopting a Retirement Incentive Program is to realize a substantial savings in personnel cost by offering a retirement incentive to employees who have accumulated many years of service credit. It is intended that implementation of the Retirement Incentive Program will provide a budgeting tool to aid in controlling payroll costs.

It is the policy of the Board to provide the option of a Retirement Incentive Program for facilitating the voluntary retirement of those eligible institution and Board employees who are current, active contributing members of the Mississippi Public Employees' Retirement System. The Board shall select the fiscal year in which the program is offered and shall also designate the enrollment period during the fiscal year selected. Subject to Board approval, an institution may elect to offer the program to faculty and staff.

Rules and regulations of the Retirement Incentive Program will be on file with the Commissioner in the Board office.

Miss. Code Ann., §37-101-30, as amended.
(BT Minutes, 5/2002)

SECTION 900 - REAL ESTATE AND FACILITIES

901 BOARD CHARGE

The Mississippi Board of Trustees of State Institutions of Higher Learning is charged with the responsibility of buildings, facilities, land and real property of each institution.

(BT Minutes, 2/2007)

902 INITIATION OF CONSTRUCTION PROJECTS

The initiation of a project for the construction of new facilities, repairs and renovations to existing facilities and requests for a capital outlay ("Construction Projects") requires the approval of the Board, the Office of Real Estate and Facilities, or the Institutional Executive Officer.

For Mississippi State University, the University of Mississippi, and the University of Mississippi Medical Center, the Board must approve the initiation of all Construction Projects with a total project budget exceeding $5,000,000. Initiation of all Construction Projects with a total project budget exceeding $3,000,000 but equal to or less than $5,000,000 must be approved by the appropriate staff in the Office of Real Estate and Facilities and reported to the Board as an Information item at the next regularly scheduled Board meeting. Initiation of all Construction Projects with a total project budget of $3,000,000 or less must be approved by the Institutional Executive Officer or the Chief Financial Officer as the designee of the Institutional Executive Officer. However, the Office of Real Estate and Facilities must be notified before the initiation of all Construction Projects utilizing any state appropriated, state bond or federal funds with a total project budget equal to or less than $3,000,000. This notification should be on forms established by the Office of Real Estate and Facilities. After notification, only changes in the project budget need to be reported to the Office of Real Estate and Facilities.

For Jackson State University and the University of Southern Mississippi (including Gulf Coast campuses), the Board must approve the initiation of all Construction Projects with a total project budget exceeding $3,000,000. Initiation of all Construction Projects with a total project budget exceeding $1,000,000 but equal to or less than $3,000,000 must be approved by the appropriate staff in the Office of Real Estate and Facilities and reported to the Board as an Information item at the next regularly scheduled Board meeting. Initiation of all Construction Projects with a total project budget of $1,000,000 or less must be

approved by the Institutional Executive Officer or the Chief Financial Officer as the designee of the Institutional Executive Officer. However, the Office of Real Estate and Facilities must be notified before the initiation of all Construction Projects utilizing any state appropriated, state bond or federal funds with a total project budget equal to or less than $1,000,000. This notification should be on forms established by the Office of Real Estate and Facilities. After notification, only changes in the project budget need to be reported to the Office of Real Estate and Facilities.

For Alcorn State University, Delta State University, Mississippi University for Women, Mississippi Valley State University, and the Education and Research Center, the Board must approve the initiation of all Construction Projects with a total project budget exceeding $1,000,000. Except for the Education and Research Center, initiation of all Construction Projects with a total project budget of $1,000,000 or less must be approved by the Institutional Executive Officer or the Chief Financial Officer as the designee of the Institutional Executive Officer. For the Education and Research Center, initiation of all Construction Projects with a total project budget of $1,000,000 or less must be approved by the Commissioner or the designee of the Commissioner. However, the Office of Real Estate and Facilities must be notified before the initiation of all Construction Projects utilizing any state appropriated, state bond or federal funds with a total project budget equal to or less than $1,000,000. This notification should be on forms established by the Office of Real Estate and Facilities. After notification, only changes in the project budget need to be reported to the Office of Real Estate and Facilities.

(BT Minutes, 9/90; 3/98; 8/2003; 2/2007; 4/2010; 11/2024)

903 PLANNING AND FUNDING REQUESTS

A. Master Plan
   A master facilities plan must be developed for each campus and shall be submitted to the Board for approval when completed. In order to allow for adequate review time for the Board members, copies of the completed Master Plan shall be submitted to the Office of Real Estate & Facilities at least four (4) weeks in advance of the Board Meeting at which the request is proposed to be considered for approval. Once completed and approved by the Board, the master facilities plan must be updated every ten (10) years and submitted to the Real Estate & Facilities staff for review and approval.

The master plan shall include the proposed location of new buildings or facilities to be added to the campus and any plans for major renovations. At the time of the request for Board approval of the initiation of any project for the construction of a new building or facility, the institution shall recommend for Board approval, the location for the proposed building or facility in keeping with the Board approved master plan. Any proposed change to the master plan location for a new building or facility must be specifically requested of the Board at the time of the project initiation and accompanied by a written justification for the change.

(BT Minutes, 9/90; 1/98; 11/2003; 2/2007; 4/2015)

B. Legislative Funding Requests

It is the policy of the Board of Trustees to offer a unified funding request to the Legislature that represents the funding needs of all institutions in a fair and transparent manner. Therefore, the Board has determined the following parameters by which institutions may make funding requests of the Legislature. The Commissioner, after consultation with the Institutional Executive Officers, shall prepare and submit an annual request for capital improvements and repair and renovation for approval by the Board prior to its submission to the Legislature. The annual request shall be submitted as a multi-year capital facilities funding plan for Board approval each year prior to the Legislative Session. In developing the annual capital facilities funding plan, the Commissioner shall consider institutional priorities, missions, enrollment, campus square footage, building conditions, comparative funding and other appropriate criteria. The Board shall then approve and furnish to the Legislature each year a funding plan for the capital improvements and repair and renovation projects for all institutions under its control. Projects, priorities and requests which are not approved by the Board as part of the capital facilities funding plan shall not be submitted to the Legislature by any institution unless otherwise approved by the Commissioner on behalf of the Board. Any subsequent approval authorized by the Commissioner on behalf of the Board shall be provided by the Institutional Executive Officer as an information item at the next regularly scheduled meeting of the Board of Trustees.

The Board approved capital facilities funding plan for capital improvement and repair and renovation projects will be submitted to the Governor's Office of General Services and the Bureau of Building, Grounds and Real Property Management through the Board's Real Estate and Facilities Office.

(BT Minutes, 9/90; 3/98; 8/2003; 2/2007;11/2024)

904 BOARD APPROVAL

A. For projects requiring approval by the Board or the Office of Real Estate and Facilities under Board Policy §902, Initiation of Construction Projects, the institution's request shall include a detailed description of the work to be accomplished, the total budget, and the proposed funding source(s). The institution's request must also seek approval for the appointment of the design professional and any construction manager or similar service contract, excluding Commissioning Agent services, in which advisory services are being provided to the institution in connection with the project. All contracts for Commissioning Agent services on construction projects approved by the Board shall be approved by the appropriate staff within the Office of Real Estate and Facilities and reported to the Board as an information item at the next regularly scheduled meeting.

It is the intent of the Board that its appropriate Office of Real Estate and Facilities staff under the direction of the Commissioner shall be involved in all phases of building projects requiring approval by the Board or the Office of Real Estate and Facilities. For projects requiring approval by the Board under Board Policy §902, no further Board action is required after approval of the specified professionals if the following conditions are met:

1. The detailed description of the work to be accomplished (building program), as specifically approved by the Board within the project initiation, has not changed;
2. The total 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 Office of 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 schematic design documents, design development documents, construction documents, the advertisement and receipt of bids, the approval of a bid, the award of a contract and any change orders. For projects requiring approval by the Office of Real Estate and Facilities under Board Policy §902, that office shall have the authority to approve any and all necessary documents for the completion of the subject construction project.

Prior to entering the construction document stage of a construction project, the institution must receive Board approval for the exterior design of any 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 other entity.

(BT Minutes, 2/2007; 11/2024)

B. The Board member acting as Chair of the Real Estate and Facilities Committee or, if the Chair is not available, the President of the Board has the authority to act for the Board between meetings on items pertaining to the building programs needing immediate attention prior to the next Board meeting. Any such action approved by the Chair of the Real Estate and Facilities Committee or the President of the Board shall be reported to the Board at the following Board meeting.

(BT Minutes, 9/90; 1/98; 7/2001; 2/2007)

905 REAL ESTATE MANAGEMENT

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

- Board approval prior to the execution of a contract for the sale of real property is required for all land sales, regardless of the sale price.
- Board approval prior to execution of the purchase contract is required for all real property purchases that exceed $100,000.
- Prior Board approval is required for the execution of all oil, gas, and mineral leases.
- Prior Board approval is required for the execution of all easements or non-oil, non-gas and non-mineral leases in an amount greater than

100,000. The Commissioner is authorized to approve leases (other than oil, gas and mineral leases) or easements in amounts equal to or less than $100,000. The Commissioner may further delegate the Commissioner's approval authority regarding easements and leases to the applicable IEO or his/her designee(s) provided that the requirements of Policy 707.01 D. are met.

- Board approval is required for timber sales in an amount greater than $500,000. For timber sales of an amount $500,000 or less, the Chair of the Real Estate Committee is authorized to approve sales on behalf of the Board upon satisfactory legal review and recommendation from the Commissioner.
- Board approval prior to the execution of the contract is required for all other land contracts requiring an aggregate total expenditure of more than $250,000.

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

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

(BT Minutes, 2/2007; 9/2020)

B. Prior to Board consideration of the purchase or acceptance of real estate from any source, a Phase I or more detailed Environmental Report shall be completed by qualified personnel and submitted to the Board's Real Estate and Facilities Office. In the event hazardous substances are confirmed as having existed in the past or as presently existing, the Board reserves the right to cancel the transaction without liability, or to permit the other party or parties to remove the hazardous substances at its or their expense in a manner sufficient to receive a "no further action" letter from the State's Department of Environmental Quality. Wetlands or other environmental restrictions on the property are to be identified.

(BT Minutes, 6/2000; 2/2007)

906 EDUCATIONAL BUILDING CORPORATIONS

Authority, Miss. Code Ann., Sections 37-101-61 and 37-101-63 (1972), as amended, grants the state institutions of higher learning the authority to form nonprofit corporations for the purpose of acquiring, or maintaining, equipping, improving or constructing facilities for use by the institution. These educational building corporations are granted the authority to issue bonds or other forms of debt obligations (if required for the type of debt to be issued) for the construction and renovation of facilities.

Financial Advisor. Prior to Board consideration of an institution's request to issue debt of the educational building corporation for the construction, maintenance, equipping, acquisition, and renovation of facilities or to refinance outstanding debt, Board staff, in conjunction with institutional staff, must select a financial advisor (the "Financial Advisor") to represent the interests of the Board, the educational building corporation and the institution in connection with the financial terms of the debt, advice as to bond market conditions, assistance with the rating of the debt by rating agencies and similar services normally provided by a financial advisor in connection with the sale and issuance of debt by governmental entities. The Financial Advisor shall meet such qualifications and perform such services as may be prescribed by the institution, the Board or its staff. Payment to the Financial Advisor shall be made by the institution, or the institution's educational building corporation.

Financing Projects. Prior to Board consideration of an institution's request to issue debt of the educational building corporation for the construction, maintenance, equipping, acquisition or renovation of facilities, the Commissioner may designate an appropriate outside consultant for the type of project involved (the "Consultant") to advise the Board with respect to the likely impacts and the prudency of the proposed transaction. The Consultant will provide advice to the Board -- which is independent of the advice, if any, provided by the Financial Advisor - as to the anticipated effect of the proposed transaction on the institution and the entire IHL system. The Commissioner will not approve use of a Consultant with respect to a transaction if the proposed Consultant has or has had substantial other relationships with the institution to the extent that would cause its judgment or independence to be questioned by a disinterested observer. The Consultant shall meet such qualifications and perform such services as may be prescribed by the Board, and the Board will periodically approve a list of possible firms to provide those services from which the Commissioner may select when the necessity arises. The Consultant must provide the Board with an independent analysis of the institution's financial

condition, to verify that proposed revenue stream(s) are sufficient to repay the debt service and to recommend the project's viability. Payment to the Consultant shall be made by the institution, or the institution's educational building corporation, without regard for whether the Board approves the construction or renovation or whether the institution or educational building corporation constructs the project.

If the educational building corporation will issue commercial paper, the Financial Advisor shall also calculate an opinion of the breakeven interest rate to long term bonds to justify the use of commercial paper. The institution shall submit the report of the Financial Advisor and the request for a project initiation to the Board for approval. The request must state the institution's intent, justify the need for the project and give an estimate of the total construction budget. The request must also include naming the design professionals, bond counsel and senior underwriter(s) selected by the board of the educational building corporation.

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. In no case shall the educational building corporation issue bonds or other forms of debt obligations without specific approval of the debt obligations from the Board for specific projects.

Refinancing or Defeasing of Outstanding Debt. Outstanding debt of the educational building corporation may be refinanced in accordance with the provisions of this policy. Prior to Board consideration of an institution's request to issue debt of the educational building corporation to refinance outstanding debt of the institution or the educational building corporation, the financial advisor must provide the Board with an independent analysis showing potential net present value (NPV) savings based on current market conditions. The institution's request must include naming the bond counsel and senior underwriter(s) selected by the board of the educational building corporation. After consideration of the financial advisor's analysis and other factors that the Board deems material, the Board may approve the issuance of debt by the educational building corporation, in the discretion of the authorized representatives of the educational building corporation to refinance outstanding debt of the institution or the educational building corporation, which authorization may be conditioned on the specific level of NPV savings being achieved. Refinancing or defeasing of debt does not require a subsequent meeting of the Board of Trustees provided the financial advisor has provided a report demonstrating adequate net present value savings and the bond

resolution and form of bond documents have been presented to and approved by the Board.

Review and Approval of Documents. In connection with the issuance of debt for any purpose, the institution shall present a resolution for Board approval granting permission for issuing bonds or other forms of debt obligations and for approval of the following documents to which the Board will be a party: the lease, the ground lease, the preliminary official statement (if required for the type of debt to be issued), and the continuing disclosure agreement (if required for the type of debt to be issued). The resolution shall also authorize representatives of the Board to execute such documents. Prior to the approval of the resolution by the Board, the educational building corporation shall submit to the Board staff, for informational purposes only, the form of any documents that are to be entered into by the educational building corporation in connection with the issuance of bonds or other debt, but to which the Board is not a party.

Method of Sale. Unless the Board approves otherwise, obligations shall be offered and sold through a competitive sale process or, alternatively, on a negotiated basis to an underwriter, in the case of bonds, or a dealer, in the case of commercial paper.

Selection of Financial Institution Participants. Any selection of a financial institution to serve as trustee under a trust indenture, as escrow agent under an escrow agreement, or as a lender to an educational building corporation, either directly or through the purchase of obligations of the educational building corporation, shall be made by the educational building corporation in its sole discretion and shall not be subject to approval by the Board.

Continuing Disclosure Obligations. Securities and Exchange Commission Rule 15c2-12 generally provides that an underwriter cannot sell governmental bonds unless an "obligated person" with respect to the bonds enters into a "Continuing Disclosure Agreement" (CDA) agrees to submit annually audited financial statements of the obligated person and other information as set forth in the CDA and notices of specified material events. With respect to the issuance of bonds by educational building corporations, the Board is an "obligated person" and the CDA will typically require audited financial statements and operating data for the entire IHL system to be submitted annually, rather than information on individual institutions. The material events specified in the CDA also typically relate to the entire IHL system.

To facilitate uniformity, efficiency and timeliness in complying with the requirements of Rule 15c2-12 relating to bonds issued by an educational building

corporation, the Board, rather than the educational building corporation, will enter into the CDA and undertake to provide the annual disclosures and material event notices. The Board will hire an independent agent to assist with compliance with its obligations under CDA(s), as well as, compliance by educational building corporations under CDA(s) entered into by educational building corporations prior to the adoption of this policy upon approval by the Board. The Board, and/or its dissemination agent, will also sign up for the EMMA tickler system reminders.

(BT Minutes, 11/2000; 9/2005; 2/2007; 1/2012; 1/2014; 3/2016; 3/2018)

907 PRIVATE FINANCING OF AUXILIARY FACILITIES

Miss. Code Ann., Section 37-101-41, (1972), as amended, authorizes the Board to permit the leasing of institution land to private individuals or corporations for the purpose of constructing auxiliary facilities thereon. The auxiliary facility shall be constructed by private financing and shall be leased back to the Board for use by the institution. The lease shall contain a provision permitting the Board to purchase the building located thereon for the sum of $1 after payment by the Board of all sums of money due under the lease. The institution desiring to use this method of project delivery shall request permission from the Board to issue a request for proposal (RFP) for such services. The RFP shall include a project description, procedures to be followed in evaluating the proposals and a time line for evaluation by the institution. It is the intent of the Board that its legal, financial and facilities staff shall be involved in preparing the RFP and in the evaluation process. Once the evaluation process is completed a recommendation will be brought to the Board for its consideration. Specific procedures for the construction of auxiliary facilities using private financing can be found in the Institutions of Higher Learning's *Construction Procedures Manual*.

(BT Minutes, 2/2007)

908 MAINTENANCE PLANS

A. Each institution shall prepare a facilities maintenance plan to be submitted with the annual budget request. Plans may be modified during the year with prior approval from the Board. Plans must describe how ongoing maintenance needs will be addressed in the budget year and will include, but not necessarily be limited to, schedules for general maintenance, painting, grounds maintenance and schedules for service contracts for the inspection

of mechanical systems. An emergency fund should be included in each physical plant budget to be used for unexpected occurrences.

B. Expenditures for facilities maintenance will be included in required periodic uniform institutional financial reports submitted to the Board. Funds earmarked for facilities maintenance shall not be transferred to any other function without prior approval of the Board. Any unexpected facilities maintenance funds, including unexpended emergency maintenance funds at year end, shall be transferred to the institutional plant fund to be used for repair and maintenance of institutional facilities in succeeding fiscal years.

C. Auxiliary enterprises shall be charged for facilities maintenance services provided by the institution. Student and faculty housing, food services, bookstores, student unions, intercollegiate athletics and student health centers shall be charged for facilities maintenance services by the institution whether formally organized as an auxiliary enterprise or not. Each institution shall establish a rate (s) to charge for facilities maintenance services provided to auxiliary enterprises adequate to reimburse the institution for such services. A schedule of such rates shall be submitted annually with the facilities maintenance plan.

D. The Board's Real Estate and Facilities staff will periodically evaluate each institution's progress toward meeting the goals established in its annual facilities maintenance plan. The staff will also periodically audit expenditures of operations and maintenance funds to insure consistency with Board policy and to ensure that such funds are being expended properly.

E. Each institution will retain a qualified person to fill the position of physical plant director. The Board's Real Estate and Facilities staff will assist the institution in obtaining technical expertise which may not be available on campus and make suggestions in scheduling preventive maintenance.

F. Institutional responsibility for the successful implementation of this policy shall rest with the Institutional Executive Officer. The Institutional Executive Officers are responsible for insuring that institutional facilities are properly maintained. The Board will evaluate requests for new facilities renovation in light of the operations and maintenance policies.

G. The Commissioner shall prepare an annual report to the Board on the facilities maintenance plan at each institution with recommendations for modification of the program as appropriate. If an institution substantially fails to comply with its maintenance plan for two consecutive years, or if it is

determined that facilities maintenance funds have been expended for other functions without the approval of the Board, the institution's maintenance funds will be placed in a temporary maintenance receivership under the control and supervision of the Board until the deficiencies have been corrected.

(BT Minutes, 8/2001; 2/2007)

909 "RESERVED"

910 DEBARMENT

A design professional, consultant, contractor, or related entity including its successors in interest may be debarred from performing any work, in any capacity, for the Board for a period of time up to five (5) years from the date of determination. A sanction may be imposed by the Board after consideration of a recommendation by the Commissioner following a recommendation by a hearing panel comprised of the Assistant Commissioner for Real Estate and Facilities or his/her designee and two other members appointed by him/her. Cause for debarment will include commission of a criminal act in obtaining or attempting to obtain a contract or in the performance of a contract, any act indicating a lack of business integrity or business honesty, violation of state or Federal antitrust statutes, deliberate failure without good cause to perform under the terms of a contract with the Board, unsatisfactory performance under the terms of a contract with the Board, any violation of the conflict of interest statutes of the State of Mississippi or any other cause so serious and compelling as to affect the responsibility of the design professional, consultant, contractor, or related entity including its successors in interest as determined by the Board in its sole discretion. This policy must be included in all bid specifications.

(BT Minutes, 2/2007)

911 CONSTRUCTION PROCEDURES MANUAL

The Board staff shall develop a construction procedures manual of specific procedures for dealing with building programs. This manual shall be approved by the Commissioner and distributed to the institutions for their use. The Institutions of Higher Learning's *Construction Procedures Manual* is on file at the

Board's Real Estate and Facilities Office and shall be distributed to the institutions.

(BT Minutes, 9/90; 1/98; 7/2001; 2/2007)

912 USE OF REAL PROPERTY AND FACILITIES

In general, it shall be the policy of the institutions not to make available the real property, buildings and other facilities of the institutions to outside organizations. Exceptions to this policy may be approved by the Institutional Executive Officer.

(BT Minutes, 9/90; 1/98; 2/2007; 6/2007; 11/2007)

913 HEALTH CARE

For the main campuses of the eight institutions, the Board reaffirms that the Institutional Executive Officer of each of these campuses has been and will continue to be responsible for the administration of the health care facilities. However, full-time health care professionals may have a limited private practice for non-student health care with the provision that these professionals will reimburse the institution for the full cost of the use of the institution's physical facilities, personnel and supplies.

(BT Minutes, 9/90; 1/98; 2/2007)

914 HOMES OF THE INSTITUTIONAL EXECUTIVE OFFICERS

The Board considers the official residences of the Institutional Executive Officers of the several institutions of higher learning to be integral facilities of the institutions, having an educational and administrative function. The Board, therefore, requires the Institutional Executive Officers to occupy these facilities as a part of their official duties. The expenses for operating these facilities are included in the general plant expense of the institution and are not to be considered as compensation or inducement for employment of the Institutional Executive Officers of the institutions.

(BT Minutes, 9/90; 1/98; 2/2007)

915 ENERGY PERFORMANCE CONTRACTS

Board approval is required prior to commencing audits to be used for performance contracting. The Commissioner shall develop procedures governing the process to insure a formal request for proposal (RFP) procedure is used; verification of savings by a third party and involvement of the Board Office staff in all aspects of the project.

(BT Minutes, 2/2002; 2/2007)

916 CO-ED DORMITORIES

The Board declares itself in opposition to co-educational dormitories at the various institutions and hereby directs the Institutional Executive Officers not to approve joint housing facilities on campus for undergraduate single students of opposite sexes. Any exceptions shall be approved by the Board.

(BT Minutes, 10/90; 1/98; 2/2007)

917 NAMING BUILDINGS AND FACILITIES

Board approval must be obtained prior to naming or re-naming any institutional building or facility. However, assigning generic names which are descriptive of the functions served by a building – such as "University Athletic Training Facility" or "Chemistry Building"— does not require Board approval, unless the building has an existing non-generic name which is to be changed or modified. Board approval must also be obtained prior to naming or re-naming any building or facility built on university property leased to a university affiliated entity, a private developer or any other individual or entity.

(BT Minutes, 2/2007; 4/2015)

918 BUILDING PLAQUE

A plaque containing the names of the Board members, the Commissioner, and the Institutional Executive Officers shall be installed on all new facilities at the time of project completion. The format for the plaque is shown in the Institutions of Higher Learning's *Construction Procedures Manual*.

(BT Minutes, 2/2007)

919 PREREQUISITES FOR BUILDING MODIFICATION OR DEMOLITION

Prior to commencement of construction of a building on an institution's property for modification, restoration, improvement, repair, renovation, rehabilitation, demolition or similar work, the institution shall secure any required inspections and/or approvals from the Mississippi Department of Environmental Quality and any required permits or approvals from the Mississippi Department of Archives and History authorizing the requested building action. While general requirements for obtaining Board approval related to construction projects are set out in Board Policies 902 and/or 904, all projects involving the demolition of a university facility shall require prior Board approval, regardless of projected cost. Any Board approval of a modification or demolition project is subject to any required approvals of the Mississippi Department of Environmental Quality and the Mississippi Department of Archives and History.

(BT Minutes, 2/2007; 1/2013)

920 SUSTAINABILITY POLICY

Mississippi Institutions of Higher Learning (IHL) understand the impact of our collective landholdings and campus activities to the natural environment, thus we seek to develop a sustainability foundation that sets the framework for our Institutions of Higher Learning to utilize in the development of their individual policies.

Each institution shall develop a campus sustainability policy and implementation procedures. The sustainability policy and procedures should address and encourage sustainability in operations, grounds, materials, and transportation.

A. The System Energy Management Council is created and shall include representatives from each institution and be representative of students, faculty, staff, administration, and energy management professional and technical staff. The purpose of the council shall be to guide the implementation of energy management and conservation efforts for the IHL System.

B. Each institution shall create an Energy Management Committee to guide the implementation of energy management and conservation efforts for the institution.

C. A procurement program that considers the effect of the product on the environment must be developed. Sustainable purchases must consider *Energy Star* ® appliances, green seal chemicals, and other environmentally-sound items found on state contract, as well as other sources. Contracts for new construction and/or major repair and renovations must include a

sustainable purchase requirement for those items included in the contract for purchase and installation.

D. All new construction and/or major repair and renovation of existing facilities must be designed to meet energy-efficient goals which exceed ASHRAE 90.1 by 30%, when determined cost effective.

E. All new construction and/or major repair and renovations of existing facilities must include the requirement for the development and approval of an energy model during the early design stages. The design professional must certify that the model meets the Institutions of Higher Learning's energy program and at the conclusion of the construction and/or renovation (prior to final acceptance) the design professional must certify that the facility has been constructed as designed and modeled.

F. Renovation of historically significant buildings should meet or exceed ASHRAE 90.1 standards where appropriate for the scope of work and determined cost effective.

G. No less than 25% of the expected annual recurring savings from completed energy efficiency projects shall be set aside each year in the appropriate fund and used to finance future energy efficiency projects. If the annual recurring savings are dedicated to the repayment of debt, then these funds shall be set aside in the first year after such debt is retired.

H. Water efficiency measures, with the goal of reduction of water use on campus and within all facilities, must be a prime goal.

I. All new construction and/or major repair and renovations of existing facilities must address and consider sound design techniques that maximize wind, solar, aspect, shading and other design expressions embracing our climatic realities. The design criteria must encourage overhangs, natural day lighting, and other passive design techniques and should not be confused with renewable energy.

J. All new landscape construction, major repair and renovations of landscapes, and any site work in general must consider and encourage the use of resource-efficient plants including native plant palettes, decreasing the use of herbicides and pesticides when possible, while increasing tree canopy through reforestation and by potable water irrigation reductions.

K. All new landscape construction, major repair and renovations of landscapes, and any site work in general must include the requirement that protects and

enhances water quality through innovative storm water best management practices.

L. A comprehensive waste-minimization program must be developed. The program should address a comprehensive campus wide recycling program that considers such things as the recycling construction spoils/wastes from demolition and construction projects, garbage collection and disposal contracts, disposals of used equipment, furniture disposal, chemical waste, electronic waste, composting, trash, etc.

M. Where feasible a campus public transit program serving faculty, staff and students should be developed. The program should consider and encourage transit options into off-campus areas where required.

N. All new streets or campus street renovations should be developed to encourage walking, bikes, and other non-carbon producing emission transportation options.

O. A car share program should be developed where feasible to encourage car-pooling activities. This program should be developed in partnership with adjacent municipalities, community colleges, and high schools, etc., where appropriate and feasible.

(BT Minutes, 1/2011)

SECTION 1000- INFORMATION AND PUBLICATIONS

1001 ADVERTISING

Paid advertising designed to promote an institution, separately budgeted unit, or a specific academic, research or public service purpose shall be funded by self-generated revenue. Announcements of program offerings, schedules and routine advertisements required by law may be funded in whole or part by appropriated funds.

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

1002 STATE OFFICIALS/LEGISLATURE

1002.01 APPEARANCES IN LEGISLATURE

The Commissioner, and/or his designee, shall coordinate official Board-related contact with state officials and members of the Legislature. No subordinate official representing any of the several institutions shall appear before the legislature or any committee, except upon authority of the Institutional Executive Officer.

(See Section 201.0606)
(BT Minutes, 9/90; 1/94; 1/98)

1002.02 OFFICIAL REQUESTS FROM STATE OFFICIALS AND LEGISLATORS

All responses by Institutional Executive Officers to official requests from individual legislators, legislative committees, state commissions, or elected state officials shall be channeled through the Commissioner. Official communications should originate over the signature of the President of the Board, Institutional Executive Officer or the Commissioner.

(BT Minutes, 9/90; 1/92; 1/98)

1003 UNIVERSITY PRESS

The University Press of Mississippi is a corporation, not for profit, made up of membership of the eight public institutions under the Board. The University Press Board shall adopt by-laws for the operation of the Press, and the Board shall have final approval of these, with the Press answering administratively to the Commissioner with the Institutional Executive Officers serving as the advisory body.

University Press of Mississippi is the scholarly and academic book publisher of the eight state universities. The University Press by-laws articulate its mission:

- To encourage research and writing
- To publish books and other works of genuine worth
- To distribute its publications as widely as possible (UPM By-Laws)

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

SECTION 1100 - LEGAL MATTERS

1101 LAWSUITS

1101.01 GENERAL

All communications between the Justice Department or other federal officials or any attorney or attorneys representing actual or potential litigants against the Board shall be conducted only by a designated attorney for the Board and the aforesaid officials or attorneys. Any attempt by such persons to communicate with the officials of the Board should be referred to the Commissioner. All employees of the several institutions are expected to comply with this order.

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

1101.02 SERVICE OF PROCESS

A. State Court Actions
The Mississippi Rules of Civil Procedure provide that service of process on the State, its officers or institutions is made by delivering a Summons and Complaint to the Attorney General of the State of Mississippi by the sheriff or a process server. Delivery by mail is not authorized and delivery to any individual other than the Attorney General (or a duly authorized Deputy Attorney General) will not suffice. Therefore, anyone attempting to deliver a Summons and Complaint in a state court action involving the Board of Trustees, an individual Trustee in his or her official capacity, the Commissioner in his official capacity, a university, or an IHL or university employee, in their official capacities, should be advised that service cannot be accepted by anyone other than the Attorney General (or a duly designated Deputy Attorney General) at the Office of the Attorney General.

B. Federal Court Actions
The Federal Rules of Civil Procedure provide that service upon a state or other governmental organization shall be effective by delivering a copy of the Summons and Complaint to the chief executive officer or by serving the Summons and Complaint in the manner prescribed by state law, i.e., delivery to the Attorney General (or a duly designated Deputy Attorney General).

C. Reporting
Any attempted or actual service of process on any IHL party should be immediately reported by telephone to the Universities Division of the Office of the Attorney General or the IHL Office of Risk Management and University Counsel. Original documents served on an IHL party should be date stamped

showing date of receipt and the name of the person receiving same. These documents should be immediately forwarded to the Universities Division of the Office of the Attorney General or to the IHL Office of Risk Management.

IHL personnel should consult with the Universities Division of the Office of the Attorney General or University Counsel with regard to civil actions that are not described herein or in instances in which service of process is attempted by mail.

(BT Minutes, 7/2003)

1102 RETENTION AND PAYMENT OF OUTSIDE COUNSEL[1]

1102.01 RETENTION OF OUTSIDE COUNSEL

A. **Request for Outside Counsel**. A request for outside counsel may be submitted by the University to the Attorney General through the Attorney General's Universities Division. The request should include (1) the name and address of the attorney requested, (2) a brief description of the services to be provided, (3) the maximum hourly rate to be paid, and (4) the maximum amount budgeted for payment by the University in the current and succeeding fiscal years.

B. **Approval by the Attorney General**. Upon receipt of the request, a determination will be made as to whether the matters at issue should be handled by the Attorney General's staff, University Counsel, or outside counsel. If it is determined that the matter should be handled by outside counsel, the Attorney General may approve the outside counsel requested or may approve other outside counsel.

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[1] Please note that these procedures do not apply to matters falling exclusively within the Mississippi Tort Claims Act. Assignments under the Mississippi Tort Claims Act are made by the IHL Risk Manager from the list of approved attorneys. Tort claims invoices are submitted directly to the third-party claims administrator and are paid in accordance with the IHL Tort Claims Plan.

Please note that these procedures do not apply to workers' compensation matters. Assignments for workers' compensation matters are made by the Attorney General by way of request from the IHL Risk Manager and the third-party claims administrator. Workers' Compensation invoices are submitted directly to the third-party claims administrator. The invoices are paid in accordance with the IHL Workers' Compensation Plan.

Please note that these procedures do not apply to *Ayers*-related legal fees. *Ayers*-related legal fees will continue to be submitted for Board approval following approval by the Attorney General.

C. **Approval by the Commissioner/IHL Board of Trustees**. Following approval by the Attorney General, the University should prepare and submit an agenda item to the IHL Board of Trustees through the Commissioner for approval. Board approval includes approval of hiring the outside counsel and approval of paying the outside counsel. The agenda item shall include the specific hourly rate to be paid to the attorney(s) for which approval is requested, as well as the maximum amount budgeted for payment to the attorney/firm in the current and succeeding fiscal years.

D. **Contract for Legal Services**. Following approval by the Attorney General and the IHL Board of Trustees, a contract for legal services will be forwarded by the Attorney General's Universities Division to the Institutional Executive Officer, outside counsel, and the Attorney General for execution. Following execution, fully executed originals will be returned to the Institutional Executive Officer, outside counsel, and the Attorney General. The agreement will be used to review and approve legal fees and expenses payable thereunder.

(BT Minutes, 9/2000; 9/2005)

1102.02 PAYMENT OF OUTSIDE COUNSEL

A. **Submission of Invoice**. Following receipt and approval of an invoice by the University, the invoice should be forwarded to the IHL Office of Legal Affairs and Risk Management with a cover letter reflecting that the invoice has been reviewed for accuracy, reasonableness, and compliance with the legal services agreement, and approved by the University. The Office of Legal Affairs and Risk Management will submit the invoice and cover letter to the Attorney General's Office for review and payment approval.

B. **Approval of Invoice**. Upon approval by the Attorney General General's Office, the Office of Legal Affairs and Risk Management will notify the University of approval to pay.

C. **Alternative Submission Methods.** The Commissioner may grant written permission for a University to use an alternative method for the submission of invoices to the Attorney General's Office which substantially complies with this policy.

D. **Report to the Board.** The Office of Legal Affairs and Risk Management will report the approved outside counsel fees and expenses to the IHL Board of Trustees at the next regularly scheduled meeting.

E. **Commissioner Approved Increase.** The Board hereby authorizes the Commissioner, on the Board's behalf, to approve an increase in the Board approved maximum amount budgeted for payment to outside counsel, by up to 25%, not to exceed a total contract amount of $250,000.00, and subject to approval by the Attorney General's Office, in the event the original Board approved maximum amount for payment is subsequently determined by the Commissioner to be insufficient to complete legal representation. Any increase in the maximum amount budgeted for payment which would exceed 25% of the amount already approved by the Board or cause the total contract amount to exceed $250,000.00 requires Board approval.

(BT Minutes, 9/2000; 9/2005; 9/2026)

1102.03 RETENTION AND PAYMENT OF OUTSIDE COUNSEL: EDUCATIONAL BUILDING CORPORATIONS

A. **Request for Outside Counsel - Educational Building Corporations.** A request for outside counsel to assist and advise educational building corporations should be submitted by a University in the same manner as provided in Section 1102.01. If outside counsel is intended to serve as bond counsel for the issuance of bonds, the proposed maximum fee payable to bond counsel must be disclosed at the time the request is made.

B. **Payment of Outside Counsel - Educational Building Corporations.** Payment of fees to outside counsel relating to bond issues must be specifically approved by the Attorney General and the IHL Board of Trustees prior to disbursement. Payment of other fees to outside counsel may be made in accordance with Section 1102.02.

(BT Minutes, 3/2001)

1102.04 EMERGENCY APPROVAL OF OUTSIDE COUNSEL IN BETWEEN BOARD MEETINGS

The Chair of the Board's Legal Committee is delegated the authority to act on behalf of the Board in between Board meetings as to the approval of requests to hire outside counsel when such requests require immediate attention prior to the next Board meeting. Any such institutional request for interim approval is to

be forwarded to the Commissioner's office with an explanation of the emergency nature of the request. The Commissioner and Board's staff shall then review same and make a recommendation to the Chair of the Legal Committee for his/her consideration. Any interim approvals of outside counsel approved by the Chair of the Legal Committee shall be reported to the Board as an information item at the following Board meeting.

(BT Minutes, 6/2013)

1103 REQUESTS FOR LEGAL OPINIONS FROM THE ATTORNEY GENERAL

All requests for official opinions from the Attorney General that originate with the Board or the institutions shall be transmitted through the Commissioner subsequent to approval by the Board's Legal Committee Chair. All such requests approved by the Legal Committee Chair shall be reported to the full Board as an information item at its next meeting.

(BT Minutes, 9/90; 1/98; 4/2012)

1104 REPORTING FELONIES

When university personnel have reasonable basis to believe an alleged crime has been committed on campus, the Institutional Executive Officer shall contact the Board of Trustees' staff and at the same time notify the local prosecuting authorities. The Board staff will then notify the Board and transmit the information to the Office of the Attorney General.

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

1105 CAMPUS RULES AND REGULATIONS

The Board shall have power and authority to prescribe rules and regulations for policing the campuses and all buildings of the respective institutions, to authorize the arrest of all persons violating on any campus any criminal law of the state, and to have such law violators turned over to the civil authorities.

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

1105.01 INSTITUTIONAL REAL PROPERTY

All real property on the campus of any institution of higher learning (which includes the Education and Research Center housing the Board's Executive Offices, Mississippi Public Broadcasting and the Universities Center, as well as our eight state universities), including without limitation all campus grounds, buildings, facilities, stadiums or other improvements, that is owned, leased, used, or otherwise controlled by an institution ("Institutional Property"), is dedicated for the specific purpose of furthering the educational, research, and/or service missions of the institution. Accordingly, access to Institutional

Property is limited to those persons with the specific and exclusive purpose of furthering the institutions' missions. Many areas of Institutional Property are not open for general public use. Institutional Property is routinely utilized for institutional activities and events which can present safety and security issues for the institution and the Board. Therefore, all persons on Institutional Property must abide by all applicable laws and regulations as well as policies of the institution and the Board in order to further the missions of the institution and for the protection of the students, employees and guests of the institution.

Thus, an institution may deny or condition entrance onto or into Institutional Property or remove from the same, any person whose presence interferes with or does not advance the institution's missions or any person who violates or refuses to comply with any Board or institutional policy or applicable law or regulation. Under no circumstances shall Institutional Property be utilized to carry out unlawful activity.

(BT Minutes, 11/2013; 2/2016)

1106 FIREARMS POLICY

The Board recognizes that the possession of pistols, firearms or other weapons on any of its institutional premises or at its institutions or student functions off-campus by persons other than duly authorized law enforcement officials, institutional security officials, other authorized persons and the institutional approved programs creates an unreasonable and unwarranted risk of injury or death to its institutions' employees, students, visitors and guests and further creates an unreasonable and unwarranted risk of damage to properties of the institutions, employees, students, visitors, guests and properties of others. Because of such dangers, the Board hereby prohibits the possession of pistols, firearms or other weapons in any form by any person other than duly authorized

law enforcement officials, institutional security officials and other authorized persons. "Authorized persons" includes those individuals authorized by applicable law and by the institutional executive officer or his/her designee. "Authorized persons" also includes those who have in their possession a valid, unexpired state firearms permit with the "Instructor Certified" (IC) sticker on the back, or the equivalent permit issued by a state with a reciprocity agreement with Mississippi. Even so, those possessing such permits are not permitted to possess firearms in any institutional facilities and/or areas that are deemed non-public. Students and employees are not authorized to possess firearms on

institutional property or at institutional off-campus events regardless of possession of firearms permits.

(BT Minutes, 9/90; 1/98; 2/2016)

1107 ENACTMENT OF TRAFFIC RULES AND REGULATIONS

The Board of Trustees of State Institutions of Higher Learning is hereby authorized and empowered to enact traffic rules and regulations for the control, direction, parking and general regulation of traffic and automobiles on the campus and streets of any state institution of higher learning under the supervision of such board.

Pursuant to Miss. Code Ann., § 37-101-7, as amended, the Board hereby delegates to the Commissioner of Higher Education the power to approve and authorize the enactment of such university traffic rules and regulations, which shall include university parking and traffic fines and fees, on behalf of the Board. Therefore, all university traffic rules and regulations which have not been approved by the Board must be submitted to the Commissioner for approval prior to enactment. All such rules and regulations shall be kept on file at the Board Office.

Miss. Code Ann., §37-105-1, as amended.
(BT Minutes, 9/90; 1/98; 9/2005)

1108 GOVERNING LAWS

Notwithstanding anything to the contrary herein, the final power and authority are vested in the Board pursuant to the Constitution and Laws of the State of Mississippi.

(BT Minutes, 3/91; 1/98)

1109 RULES FOR ORAL PROCEEDINGS

The Board hereby adopts the following Model Rule on Rulemaking Oral Proceedings which applies to all oral proceedings held before the Board for the purpose of providing the public with an opportunity to make oral presentations on proposed new policies and bylaws and any amendments to the Board's *Policies and Bylaws* pursuant to the Administrative Procedures Law.

1. Scope
   These rules apply to all oral proceedings held for the purpose of providing the public with an opportunity to make oral presentations on proposed new rules and amendments to rules before the Board pursuant to the Administrative Procedures Law.

2. When an Oral Proceeding will be Scheduled on a Proposed Rule
   Where an oral proceeding has not previously been held or scheduled, the Board will conduct an oral proceeding on a proposed rule or amendment if requested by a political subdivision, an agency or ten (10) persons in writing within twenty (20) days after the filing of the notice of the proposed rule.

3. Format of Request
   a. Each request must be printed or typewritten, or must be in legible handwriting. Each request must be submitted on standard business letter-size paper (8-1/2 inches by 11 inches).
   b. The request may be in the form of a letter addressed to the Board or as a pleading filed with a court.
   c. Each request must include the full name, telephone number, and mailing address of the requestor(s).
   d. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request.

4. Notification of Oral Proceeding
   The date, time and place of all oral proceedings shall be filed with the Secretary of State's office and mailed to each requestor. The oral proceedings will be scheduled no earlier than twenty (20) days from the filing of this information with the Secretary of State.

5. Presiding Officer

The Agency Head or designee, who is familiar with the substance of the proposed rule, shall preside at the oral proceeding on a proposed rule.

6. Public Presentations and Participation
   a. Public participation shall be permitted at oral proceedings in accordance with the following sections.
   b. At an oral proceeding on a proposed rule, persons may make oral statements and make documentary and physical submissions, which may include data, views, comments or arguments concerning the proposed rule.
   c. Persons wishing to make oral presentations at such a proceeding shall notify the Board at least three business days prior to the proceeding and indicate the general subject of their presentations. The presiding officer in his or her discretion may allow individuals to participate that have not previously contacted the Board.
   d. At the proceeding, those who participate shall indicate their names and addresses, identify any persons or organizations they may represent, and provide any other information relating to their participation deemed appropriate by the presiding officer.
   e. The presiding officer may place time limitations on individual oral presentations when necessary to assure the orderly and expeditious conduct of the oral proceeding. To encourage joint oral presentations and to avoid repetition, additional time may be provided for persons whose presentations represent the views of other individuals as well as their own views.
   f. Persons making oral presentations are encouraged to avoid restating matters that have already been submitted in writing. Written materials may, however, may be submitted at the oral proceeding.
   g. There shall be no interruption of a participant who has been given the floor by the presiding officer, except that the presiding officer may in his or her discretion interrupt or end the partisan's time where the orderly conduct of the proceeding so requires.

7. Conduct of Oral Proceeding
   a. Presiding Officer
      The presiding officer shall have authority to conduct the proceeding in his or her discretion for the orderly conduct of the proceeding. The presiding officer shall (i) call proceeding to order; (ii) give a brief synopsis of the proposed rule, a statement of the statutory authority for the proposed rule, and the reasons provided by the Board for the proposed rule; (ii) call on those individuals who have contacted the Board about speaking on or against the proposed rule; (iii) allow for rebuttal

statements following all participants' comments; (iv) adjourn the proceeding.

b. Questions
The presiding officer, where time permits and to facilitate the exchange of information, may open the floor to questions or general discussion. The presiding officer may question participants and permit the questioning of participants by other participants about any matter relating to that rule-making proceeding, including any prior written submissions made by those participants in that proceeding; but no participant shall be required to answer any question.

c. Physical and Documentary Submissions
Physical and Documentary Submissions. Submissions presented by participants in an oral proceeding shall be submitted to the presiding officer. Such submissions become the property of the Board, part of the rulemaking record, and are subject to the Board's public records request procedure.

d. Recording
The presiding officer may record oral proceedings by stenographic or electronic means.

(BT Minutes, 9/2006)

1110 Requests for Declaratory Opinions

1. Scope of Rules
These sections set forth the Board's rules governing the form and content of requests for declaratory opinions and the Board's procedures regarding the requests as required by Mississippi Code § 25-43-2.103.

2. Persons Who May Request Declaratory Opinions
   a. Any person with a substantial interest in the subject matter may make a request to the Board for a declaratory opinion by following the specified procedures.
   b. "Substantial interest in the subject matter" as used in this policy means: that a party is directly affected by the Board's administration of the laws within the Board's primary jurisdiction.
   c. "Primary jurisdiction of the Agency" as used in this policy means the Board has a constitutional or statutory grant of authority in the subject matter at issue.

3. Subjects Which May Be Addressed In Declaratory Opinions
   a. The Board will issue declaratory opinions regarding the applicability to specified facts of:
      1. a statute administered or enforceable by the Board,
      2. a rule promulgated by the Board, or
         an order issued by the Board.

4. Circumstances In which Declaratory Opinions Will Not Be Issued
   a. The Board may, for good cause, refuse to issue a declaratory opinion. Without limiting the generality of the foregoing, the circumstances in which declaratory opinions will not be issued include, but are not necessarily limited to:
      1. the matter is outside the primary jurisdiction of the Board;
      2. lack of clarity concerning the question presented;
      3. there is pending or anticipated litigation, administrative action, or other adjudication which may either answer the question presented by the request or otherwise make an answer unnecessary;
      4. the statute, rule, or order on which a declaratory opinion is sought is clear and not in need of interpretation to answer the question presented by the request;
      5. the facts presented in the request are not sufficient to answer the question presented;
      6. the request fails to contain information required by these rules or the requestor failed to follow the procedure set forth in these rules;
      7. the request seeks to resolve issues which have become moot, or are abstract or hypothetical such that the requestor is not substantially affected by the rule, statute or order on which a declaratory opinion is sought;
      8. no controversy exists concerning the issue as the requestor is not faced with existing facts or those certain to arise which raise a question concerning the application of the statute, rule, or order;
      9. the question presented by the request concerns the legal validity of a statute, rule or order;
      10. the request is not based upon facts calculated to aid in the planning of future conduct, but is, instead, based on past conduct in an effort to establish the effect of that conduct;
      11. no clear answer is determinable;
      12. the question presented by the request involves the application of a criminal statute or sets forth facts which may constitute a crime;
      13. the answer to the question presented would require the disclosure of information which is privileged or otherwise protected by law from disclosure;

14. the question is currently the subject of an Attorney General's opinion request; or
15. the question has been answered by an Attorney General's opinion.

b. A declaratory opinion will not be issued where a similar request is pending before this agency, or any other agency or a proceeding is pending on the same subject matter before any agency, administrative or judicial tribunal, or where such an opinion would constitute the unauthorized practice of law.
c. A declaratory opinion will not be issued if it may adversely affect the interests of the State, the Board, or any of their officers or employees in any litigation which is pending or may reasonably be expected to arise.
d. Where a request for a declaratory opinion involves a question of law, the Board may refer the matter to the State Attorney General.
e. A declaratory opinion will not be issued where the question involves eligibility for a license, permit, certificate or other approval by the Board or some other agency and there is a statutory or regulatory application process by which eligibility for said license, permit, or certificate or other approval may be determined.

5. Form of the Request for a Declaratory Opinion
   a. Written Requests Required. Each request must be printed, typewritten or in legible handwriting. Each request must be submitted on standard business letter-size paper (8 1/2" by 11"). Requests may be in the form of a letter addressed to the Board or in the form of a pleading as might be addressed to a court.
   b. Where to Send Requests. All requests must be mailed or delivered to the Board at 3825 Ridgewood Road, Jackson, Mississippi 39211. The request and its envelope shall clearly state that it is a request for a declaratory opinion. Oral and telephone requests are unacceptable.
   c. Name, Address and Signature of Requestor. Each request must include the full name, telephone number, and mailing address of the requestor. All requests shall be signed by the person filing the request, unless represented by an attorney, in which case the attorney may sign the request. The signing party shall attest that the request complies with the requirements set forth in these rules, including but not limited to a full, complete, and accurate statement of relevant facts and that there are no related proceedings pending before any agency, administrative or judicial tribunal.
   d. Single transaction. A request must be limited to a single transaction or occurrence.
   e. Question Presented. Each request must contain the following:
      1. a clear identification of the statute or rule at issue;

2. the question for the declaratory opinion;
3. a clear and concise statement of all facts relevant to the question presented;
4. the identify of all other known persons involved in or impacted by the factual situation causing the request including their relationship to the facts, name, mailing address and telephone number; and
5. a statement sufficient to show that the person seeking relief has a substantial interest in the subject matter.

f. The terms of the proposed opinion suggested by the requestor may be submitted with the request or may be requested by the agency;

g. Memorandum of Authorities. A request may contain an argument by the requestor in support of the terms of the proposed opinion suggested by the requestor. The argument may be submitted in the form of a memorandum of authorities, containing a full discussion of the reasons and any legal authorities, in support of such position of the requestor. The agency may request that the argument and memorandum of authorities be submitted by any interested party.

6. Time for Agency's Response
   a. Agency's Response. Within forty-five (45) days after the receipt of a request for a declaratory opinion which complies with the requirements of these rules, the Board shall, in writing:
      1. issue an opinion declaring the applicability of the specified statute, rule, or order to the specified circumstances;
      2. decline to issue a declaratory opinion, stating the reasons for its action; or
      3. agree to issue a declaratory opinion or a written statement declining to issue a declaratory opinion, by a specified time but no later than ninety (90) days after receipt of the written request.
   b. When Period Begins. The forty-five (45) day period shall begin on the first State of Mississippi business day that the request is received by the Board.
   c. Opinion Not Final for Sixty Days. A declaratory opinion shall not become final until the expiration of sixty (60) days after the issuance of the opinion. Prior to the expiration of sixty (60) days, the Board may, in its discretion, withdraw or amend the declaratory opinion for any reason which is not arbitrary or capricious. Reasons for withdrawing or amending an opinion include, but are not limited to, a determination that the request failed to meet the requirements of these rules or that the opinion issued contains a legal or factual error.

7. Procedure after Request for Declaratory Opinion Received

a. Notice by Agency. The Board may give notice to any person that a declaratory opinion has been requested and may receive and consider data, facts, arguments and opinions from persons other than the requestor.
b. Notice by Requestor. The requestor, or his attorney, shall append to the request for a declaratory opinion a listing of all persons, with addresses, known to the requestor who may have an interest in the declaratory opinion sought to be issued, and shall mail a copy of the request to all such persons. The requestor or his attorney shall certify that a copy of the request was mailed to all such persons together with this statement: "Should you wish to participate in the proceedings of this request, or receive notice of such proceedings or the declaratory opinion issued as a result of this request, you should contact the Board within twenty days of the date of this request."

8. Hearings at the Discretion of the Agency
   a. Provision for Hearing. If the Board in its sole discretion deems a hearing necessary or helpful in determining any issue concerning a request for a declaratory opinion, the Board may schedule such a hearing. Notice of the hearing shall be given to all interested parties unless waived. Notice mailed by first class mail 7 calendar days prior to the hearing shall be deemed appropriate.
   b. Proceedings at the Hearing. The procedure for conducting a hearing, including but not limited to the manner of presentation, the time for presentation, and whether and how evidence may be taken, shall be within the discretion of the Board.
   c. Persons Appearing at the Hearing. The Board shall allow the requestor to participate in any hearing. The Board may allow any other persons or entities to participate in the hearing.

9. Public Availability of Requests and Declaratory Opinions.
   Declaratory opinions and requests for declaratory opinions shall be available for public inspection and copying at the expense of the viewer during normal business hours. All declaratory opinions and requests shall be indexed by name and subject. Declaratory opinions and requests which contain information which is confidential or exempt from disclosure under the Mississippi Public Records Act or other laws shall be exempt from this requirement and shall remain confidential.

(BT Minutes, 9/2006)

1111 DIGITAL AND ELECTRONIC COPYRIGHT INFRINGEMENT

Each university shall develop and implement a policy on copyright infringement as related to digital or electronic infringement which specifically addresses illegal downloads and peer to peer file sharing. The university policy must disclose to students, employees and any other users or prospective users of the university's technology services/system the specific university policies related to digital and electronic copyright infringement by way of illegal downloads and/or peer to peer file sharing. The terms "illegal downloads" and "peer to peer file sharing" must be clearly defined within the university policy, and examples of both acceptable and unacceptable uses of the university's technology services must be provided. The university policy must provide a summary of the federal penalties for illegal downloads and peer to peer file sharing, as well as the specific university penalties for using university property for illegal downloads or peer to peer file sharing. In addition, the university policy must include an appeal process for appealing any penalties imposed by the university. The policy must also offer, to the extent practicable, legal alternatives to illegal downloading. The policy must also specifically make reference to the applicable federal regulations mandating this university policy on illegal downloads and peer to peer file sharing (34 C.F.R. Section 668).

Each university must require that all users of university technology electronically acknowledge that they are aware of and agree to follow the subject university policy.

In addition to the requirement to develop and implement the subject university policy, the universities must develop and implement a written plan to combat the unauthorized distribution of copyrighted material. This written plan must include one or more technology-based deterrents, mechanisms for informing users of the university's technology systems/services about the appropriate uses of copyrighted materials, procedures for addressing violations, and procedures for reviewing the effectiveness of the written plan.

The universities must submit drafts of the required university policy and plan to the Board's legal staff at the IHL Board Office for review and approval by May 31, 2010. After review and approval by the Board's legal staff, the approved policies and plans must then be implemented and in effect by July 1, 2010.

(BT Minutes, 4/2010)

1112 COMPLAINT AND INVESTIGATIVE PROCESS REGARDING H.B. 1193

1. Scope of Rules
   These rules govern the filing, investigation, and resolution of Formal Complaints made pursuant to House Bill 1193, Miss. Leg. 2025 (Reg. Session) (the "Act") against an institution governed by the IHL Board.

2. Who May File a Formal Complaint
   Only the following persons or entities may file a Formal Complaint under these rules:
   a. A student enrolled at an institution who has been harmed by the institution's alleged failure to comply with the Act. A parent, guardian, or next friend may file on behalf of a minor student enrolled at an institution who has been harmed by the institution's alleged failure to comply with the Act.
   b. An employee, faculty member, or staff member of an institution who has been harmed by the institution's alleged failure to comply with the Act.
   c. A contractor of an institution who has been harmed by the institution's alleged failure to comply with the Act.

3. Form of a Formal Complaint
   A Formal Complaint must be in writing, signed by the complainant, and contain all of the following information in order to be accepted as a Formal Complaint.
   a. The complainant's full name, address, and telephone. The complainant is responsible for informing the IHL Associate Commissioner for Legal Affairs of any changes to their contact information. If the Formal Complaint is filed by a student or on behalf of a minor student, the student's institution identification number must be included. If the Formal Complaint is filed by an employee, the employee's institution identification number must be included.
   b. The name of the institution against which the complaint is made.
   c. A short and plain statement demonstrating that the complainant is a:
      (1) a student enrolled at the institution against which the complaint is made;
      (2) a parent, guardian, or next friend of a minor student enrolled at the institution against which the complaint is made;
      (3) an employee, faculty member, or staff member of the institution against which the complaint is made; or
      (4) a contractor of the institution against which the complaint is made.
   d. The dates and times of the alleged violation.

e. A detailed description of the alleged violation, including the specific section of the Act alleged to have been.
f. A statement explaining how the complainant was harmed by the institution's alleged failure to comply with the Act.
g. A statement indicating whether any grievance, complaint, appeal, or civil action has been filed by the complainant with the institution or outside of the institution based upon the same allegation contained in the Formal Complaint, together with a statement indicating the status or disposition of such action.

4. Time to File a Formal Complaint
The Formal Complaint must be filed with the IHL Board within thirty (30) days of the institution's alleged violation of the Act.

5. How to File a Formal Complaint
A Formal Complaint must be filed by delivering a copy of the Formal Complaint to office of the IHL Associate Commissioner for Legal Affairs by hand delivery during normal business hours, by United States First Class mail, or by commercial courier to:

Mississippi Institutions of Higher Learning
Attn: Office of Associate Commissioner for Legal Affairs
3825 Ridgewood Road
Jackson, Mississippi 39211

A Formal Complaint is not considered to be filed until it is received by the office of the Associate Commissioner for Legal Affairs through one of the specified methods. The Formal Complaint will be "date stamped" by the office of the Associate Commissioner for Legal Affairs when received. The date recorded by the stamp shall be the official filing date of the Formal Complaint.

6. Investigation of a Formal Complaint
After receiving a complete, timely, and properly filed Formal Complaint submitted by a legally authorized complainant, IHL shall promptly conduct an investigation. IHL may request additional information from the complainant. The complainant shall promptly and fully comply with any such request. IHL may request information from the institution against which the complaint is filed. The institution shall promptly and fully comply with any such request. IHL may undertake other actions it deems reasonably necessary to complete the investigation.

7. Action on a Formal Complaint
a. The IHL Board should rule or take other action on a complete, timely, and properly filed Formal Complaint submitted by a legally authorized

complainant within thirty (30) days of the complaint's filing date. No person will appear before the Board in connection with a Formal Complaint unless invited in writing by IHL.

b. Through authority delegated by the rule, the Commissioner may rule or take other action on a Formal Complaint on behalf of the IHL Board. A ruling by the Commissioner shall be considered a final finding by the IHL Board for purposes of the Act. The Commissioner shall report all such rulings to the Board as an information item at the following IHL Board meeting.

c. Content of Rulings:

(1) If the Board or Commissioner finds that a violation of the Act has occurred as alleged in the Formal Complaint, a formal notice of violation shall be sent to the institution with a copy sent to the complainant. The institution shall have twenty-five (25) days from receipt of the formal notice of violation to cure the violation and to provide documentation of the curative actions to IHL. After expiration of the twenty-five-day period, the Board or the Commissioner will issue a final ruling to the institution and complainant setting forth the violation and the curative response.

(2) If the Board or Commissioner does not find that a violation of the Act has occurred as alleged in the Formal Complaint, a final ruling shall be sent to the complainant and institution reflecting that determination.

8. Other Remedies

If an institution is determined, through final adjudication of the administrative procedures process and exhaustion of all judicial appeals, to be in violation of any provision of the Act on two separate instances, and if the IHL Board determines that the second or subsequent violation remains uncured by the institution beyond thirty (30) days after the exhaustion of all judicial appeals, the IHL Board shall conduct a vote upon a resolution to withhold the disbursement of any and all funds appropriated by the Legislature for the use, benefit, support, and maintenance of that institution until the IHL Board certifies that the institution is in compliance with the Act and that certification is affirmed by the Mississippi Attorney General or a court of competent jurisdiction, at which time all withheld funds shall be disbursed to the institution.

(BT Minutes, 6/2025)

SECTION 1200 - ETHICS POLICY

1201 GENERAL POLICY

1201.01 THE LAW

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

(BT Minutes, 10/91; 1/98; 8/2010)

1201.02 BIDS FOR DEPOSITORY CONTRACTS

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

(BT Minutes, 10/91; 1/98; 8/2010)

1201.03 BOARD MEMBER RESPONSIBILITY GUIDELINES

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

A. Members of the IHL Board should make every effort to become well informed about the Mississippi university system and each of its institutions. This includes:
   1. understanding system, board, and institutional missions, policies, budgets, programs, support organizations, and activities;
   2. understanding academia and its similarities and differences when compared to business and other governmental entities;
   3. understanding state financing and decision-making regarding all of public education; and
   4. understanding regional and national issues and trends in higher education.

B. Members of the IHL Board should understand the limits of their authority as individual board members and the resultant necessity for the board to

function as a cohesive, effective team. In this regard, board members should:

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

C. Members of the IHL Board should serve as champions and advocates for both the citizens of Mississippi and the system of higher education. In this regard, board members should:
   1. Cultivate a commitment to the success of the entire system rather than to any single institution, group of institutions, or institutional constituency;
   2. Seek to act in the best interests all the Mississippi citizens and not cater to any particular area, community, or constituent interests;
   3. Seek to enhance the public image of the universities, the system, and the board;
   4. Show respect for all individuals and conduct business in a professional and ethical manner that fosters trust throughout the system, with public officials, and with the public at-large; and
   5. Promote initiatives to improve the performance of the system of higher education on behalf of Mississippi's citizens.

D. Members of the IHL Board are constitutionally challenged to serve with "the highest order of intelligence, character, learning, and fitness." In

this regard, each board member should abide by the following code of conduct:

1. In conducting business, board members should endeavor at all times:
    a. to place the interests of the state and the universities above their own – this accountability supersedes any conflicting loyalty such as that to other associations or interest groups and/or membership on other boards;
    b. to avoid both the actuality and appearance of self-interest or self-dealing;
    c. to avoid both the actuality and appearance of acting on behalf of others' private interests; and
    d. never to make any request or demand for action that violates system or university policies, rules, and regulations or state or federal law.
2. Board members will exercise professional judgment and respect confidentiality in personnel matters, legal matters, executive session matters, and other items of a clearly sensitive nature.
3. Board members, on a regular basis, will undertake activities to improve Board governance and to evaluate Board performance.

(BT Minutes, 2/2004; 8/2010)

APPENDIX A

MEMBERS OF THE BOARD BY NAME, THE GOVERNOR THAT APPOINTED EACH, TENURE TERMS, AND THE DISTRICT REPRESENTED:

NAME	APPOINTED BY	TENURE TERMS	DISTRICT REPRESENTED
Dr. Ormella Cummings	Gov. Reeves	2021-2030	Northern Supreme Court
Teresa Hubbard	Gov. Reeves	2021-2030	Northern Supreme Court
Hal Parker	Gov. Reeves	2021-2030	Central Supreme Court
Gregg Rader	Gov. Reeves	2021-2030	Northern Supreme Court
Dr. Steven Cunningham	Gov. Bryant	2018-2027	Southern Supreme Court
Amy Arrington	Gov. Bryant	2025-2027	Southern Supreme Court
Bruce Martin	Gov. Bryant	2018-2027	Central Supreme Court
Powell “Gee” Ogletree	Gov. Bryant	2018-2027	Central Supreme Court
Donald Clark, Jr.	Gov. Reeves	2024 - 2033	Central Supreme Court
Jerry Griffith	Gov. Reeves	2024 - 2033	Southern Supreme Court
James “Jimmy” Heidelberg	Gov. Reeves	2024 - 2033	Southern Supreme Court
Charles “Charlie” Stephenson	Gov. Reeves	2024 - 2033	Northern Supreme Court

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