

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



Final Board Book
May 21-22, 2008

AGENDA
BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING
EDUCATION AND RESEARCH CENTER
UNIVERSITIES CENTER
3825 RIDGEWOOD ROAD
JACKSON, MISSISSIPPI
May 21-22, 2008

Wednesday, May 21, 2008
COMMITTEE MEETING SCHEDULE

- A. Committee Meetings:**
- 1:00 p.m. – Real Estate and Facilities
 - 3:00 p.m. – Governance/Legal
 - 3:30 p.m. – Educational Policies and Programs

Times are approximate but will adjourn by 4:00 p.m. Committees will begin when the previous committee is finished.

Thursday, May 22, 2008
REGULAR BOARD MEETING

- A. 8:30 a.m. – Call to Order**
- B. Prayer – Mr. Scott Ross**
- C. Approval of Minutes**
 - ◆ April 16, 2008 Regular Board of Trustees Meeting
- D. Consent Agenda – Ms. Amy Whitten**
- E. Economic Development and Research Presentation by Dr. Cecil Burge,
Vice President for Research & Economic Development at the USM**
- F. Educational Policies & Programs – Dr. Bettye Henderson Neely**
- G. Budget, Finance & Audit – Mr. Aubrey Patterson**
- H. Real Estate & Facilities – Mr. Scott Ross**
- I. Governance/Legal – Mr. Bob Owens**
- J. Administration/Policy - Dr. Thomas C. Meredith**
- K. Commissioner’s Report - Dr. Thomas C. Meredith**
- L. Additional Agenda Items if Necessary**
- M. Reconsideration**
- N. Other Business/Announcements**
- O. Executive Session if Determined Necessary**
- P. Adjournment**

**BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING
MAY 22, 2008**

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

**April 16, 2008
Regular Board of Trustees Meeting**

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
April 16, 2008**

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BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on November 27, 2007, to each and every member of said Board, said date being at least five days prior to this April 16, 2008 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mr. Thomas W. Colbert, Dr. Stacy Davidson, Mr. Roy Estess, Dr. D. E. Magee, Jr., Dr. Bettye Henderson Neely, Ms. Virginia Shanteau Newton, Mr. Aubrey B. Patterson, Ms. Robin J. Robinson, Mr. Scott Ross and Ms. Amy Whitten. Mr. Bob Owens was absent. The meeting was called to order by Dr. Stacy Davidson, President, and opened with prayer by Ms. Virginia Shanteau Newton.

ANNOUNCEMENTS

- ▶ Dr. Davidson announced the new Board members: Christine Pickering, Dr. Douglas Rouse, Alan Perry and C.D. Smith. Mr. Perry was the only new member present.
- ▶ Dr. Davidson introduced Ms. Marie Antoon, the Executive Director of Mississippi Public Broadcasting, who was recently honored by the Mississippi Business Journal as one of the "50 Leading Business Women of Mississippi."
- ▶ Dr. Davidson introduced Graham Purcell, President of the Ole Miss Associated Student Body, Patrick Holmes, President of the MSU Student Association, and Kristen Barnes, President of the MUW Student Government Association.

APPROVAL OF THE MINUTES

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

RESOLVED, That the Minutes of the Board meeting held on March 20, 2008, stand approved as amended.

CONSENT AGENDA

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

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

EDUCATIONAL POLICIES AND PROGRAMS

1. **System Administration** - Approved the following degrees to be conferred in May 2008.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
April 16, 2008**

Institution	Degree to be Conferred	Number	Subtotal	Total
Alcorn State University				
	<i>Undergraduate</i>			
	Associate of Science in Nursing	61		
	Bachelor of Science	363		
	Bachelor of Science in Nursing	54		
	Bachelor of Music	13		
	Bachelor of Arts	57		
			548	
	<i>Graduate</i>			
	Master of Science in Agriculture	1		
	Master of Science in Biology	5		
	Master of Science in Education	58		
	Master of Science in Nursing	22		
	Master of Arts in Teaching	13		
	Master of Business Administration	11		
	Master of Science in Workforce Education Leadership	17		
	Specialist in Education	1		
			128	
				676
Delta State University				
	<i>College of Arts and Sciences</i>			
	Bachelor of Arts	27		
	Bachelor of Fine Arts	19		
	Bachelor of Music Education	4		
	Bachelor of Science	65		
	Bachelor of Science in Education	8		
	Bachelor of Science in Criminal Justice	14		
	Bachelor of Science in Interdisciplinary Studies	16		
	Bachelor of Social Work	26		
			179	
	<i>College of Business</i>			
	Bachelor of Business Administration	97		
	Bachelor of Commercial Aviation	9		
			106	
	<i>College of Education</i>			
	Bachelor of Arts	13		
	Bachelor of Science	44		
	Bachelor of Science in Education	37		
	Bachelor of Science in General Studies	4		
			98	

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
April 16, 2008**

Institution	Degree to be Conferred	Number	Subtotal	Total	
	<i>School of Nursing</i>				
	Bachelor of Science in Nursing	36			
			36		
	<i>School of Graduate Studies</i>				
	Master of Business Administration	14			
	Master of Commercial Aviation	2			
	Master of Education	39			
	Master of Professional Accountancy	1			
	Master of Science in Community Development	10			
	Master of Science in Criminal Justice	2			
	Master of Science in Nursing	30			
	Educational Specialist	10			
	Doctor of Education	10			
			118		
				537	
Jackson State University					
	<i>Undergraduate</i>				
	Bachelor of Arts	79			
	Bachelor of Business Administration	143			
	Bachelor of Music	2			
	Bachelor of Music Education	4			
	Bachelor of Science	395			
	Bachelor of Science Education	34			
	Bachelor of Social Work	48			
			705		
	<i>Graduate</i>				
	Doctor of Education	1			
	Doctor of Philosophy	14			
	Specialist in Education	4			
	Master of Arts	12			
	Master of Arts in Teaching	18			
	Master of Business Administration	5			
	Master of Professional Accountancy	7			
	Master of Public Health	25			
	Master of Public Policy and Administration	23			
	Master of Science	95			
	Master of Science in Education	48			
	Master of Science in Teaching	3			
	Master of Social Work	21			
			276		
				981	

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
April 16, 2008**

Institution	Degree to be Conferred	Number	Subtotal	Total
Mississippi State University				
<i>College of Agriculture and Life Sciences</i>				
	Bachelor of Landscape Architecture	19		
	Bachelor of Science	146		
	Master of Agribusiness Management	1		
	Master of Science	16		
	Doctor of Philosophy	5		
			187	
<i>College of Architecture, Art, and Design</i>				
	Bachelor of Architecture	26		
	Bachelor of Fine Arts	28		
	Bachelor of Science	20		
	Master of Science	3		
			77	
<i>College of Arts and Sciences</i>				
	Bachelor of Arts	190		
	Bachelor of Science	195		
	Bachelor of Social Work	30		
	Master of Arts	20		
	Master of Public Policy and Administration	13		
	Master of Science	36		
	Doctor of Philosophy	7		
			491	
<i>College of Business and Industry</i>				
	Bachelor of Business Administration	269		
	Master of Business Administration	44		
	Master of Science	1		
	Master of Science in Business Administration	1		
	Master of Science in Information Systems	4		
	Doctor of Philosophy	4		
			323	
<i>College of Education</i>				
	Bachelor of Science	353		
	Bachelor of Music Education	5		
	Master of Arts in Teaching	2		
	Master of Arts in Teaching Secondary	3		
	Master of Science	73		
	Master of Science Instructional Technology	10		
	Educational Specialist	16		
	Doctor of Education	3		
	Doctor of Philosophy	16		

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
April 16, 2008**

Institution	Degree to be Conferred	Number	Subtotal	Total
			481	
<i>College of Engineering</i>				
	Bachelor of Science in Engineering	177		
	Master of Science	26		
	Doctor of Philosophy	9		
			212	
<i>College of Forest Resources</i>				
	Bachelor of Science	33		
	Master of Science	8		
	Doctor of Philosophy	3		
			44	
<i>College of Veterinary Medicine</i>				
	Master of Science	6		
	Doctor of Philosophy	2		
	Doctor of Veterinary Medicine	65		
			73	
<i>School of Accountancy</i>				
	Bachelor of Accountancy	30		
	Master of Professional Accountancy	8		
	Master of Taxation	5		
			43	
				1931
Mississippi University for Women				
<i>Undergraduate</i>				
	Associate of Science in Nursing	41		
	Bachelor of Arts	37		
	Bachelor of Fine Arts	6		
	Bachelor of Music	3		
	Bachelor of Science	136		
	Bachelor of Science in Nursing	70		
			293	
<i>Graduate</i>				
	Master of Education	4		
	Master of Science	12		
			16	
				309
Mississippi Valley State University				
<i>College of Arts and Sciences</i>				
	Bachelor of Arts	15		
	Bachelor of Science	40		

**MINUTES OF THE BOARD OF TRUSTEES OF
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April 16, 2008**

Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Music	1			
	Bachelor of Secondary Education	4			
			60		
<i>College of Professional Studies</i>					
	Bachelor of Arts in Mass Communication	25			
	Bachelor of Science	107			
	Bachelor of Social Work	40			
			172		
<i>College of Education</i>					
	Bachelor of Science in Education	110			
			110		
<i>College of Graduate Studies</i>					
	Master of Science	67			
	Master of Arts in Teaching	22			
	Master of Social Work	19			
			108		
				450	
University of Mississippi					
<i>College of Liberal Arts</i>					
	Bachelor of Arts	417			
	Bachelor of Science	36			
	Bachelor of Fine Arts	23			
	Bachelor of Music	8			
			484		
<i>School of Engineering</i>					
	Bachelor of Science in Chemical Engineering	6			
	Bachelor of Science in Civil Engineering	13			
	Bachelor of Science in Computer Science	5			
	Bachelor of Science in Electrical Engineering	12			
	Bachelor of Science in Mechanical Engineering	11			
	Bachelor of Science in Geological Engineering	3			
	Bachelor of Engineering	1			
			51		
<i>School of Education</i>					
	Bachelor of Arts in Education	208			
			208		
<i>School of Pharmacy</i>					
	Bachelor of Science in Pharmaceutical Sciences	64			
	Doctor of Pharmaceutical Sciences	90			
			154		
<i>School of Business</i>					

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April 16, 2008**

Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Business Administration	384			
			384		
School of Accountancy					
	Bachelor of Accountancy	72			
			72		
School of Applied Sciences					
	Bachelor of Arts	43			
	Bachelor of Science in Criminal Justice	42			
	Bachelor of Science in Exercise Science	42			
	Bachelor of Social Work	15			
	Bachelor of Science in Dietetics and Nutrition	4			
	Bachelor of Court Reporting				
	Bachelor of Science in Family and Consumer Sciences	54			
	Bachelor of Arts in Parks and Recreation Management	12			
	Bachelor of Paralegal Studies	7			
			219		
Graduate School					
	Master of Arts	92			
	Master of Science	56			
	Master of Fine Arts	8			
	Master of Accountancy	29			
	Master of Business Administration	19			
	Master of Taxation	6			
	Master of Education	65			
	Master of Music	9			
	Specialist in Education	3			
	Doctor of Arts	3			
	Doctor of Education	2			
	Doctor of Philosophy	34			
			326		
Law School					
	Juris Doctor	148			
			148		
				2046	
University of Mississippi Medical Center					
Undergraduate					
	Bachelor of Science in Nursing	120			
	Bachelor of Science in Clinical Laboratory Sciences	10			
	Bachelor of Science in Cytotechnology	9			
	Bachelor of Science in Dental Hygiene	21			
	Bachelor of Science in Health Information Management	6			

**MINUTES OF THE BOARD OF TRUSTEES OF
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April 16, 2008**

Institution	Degree to be Conferred	Number	Subtotal	Total	
	Bachelor of Science in Health Sciences	22			
			188		
<i>Graduate/Professional</i>					
	Master of Occupational Therapy	27			
	Master of Science in Nursing	28			
	Master of Science	15			
	Doctor of Physical Therapy	39			
	Doctor of Medicine	91			
	Doctor of Dental Medicine	28			
	Doctor of Philosophy	18			
			246		
				434	
University of Southern Mississippi					
<i>College of Arts and Letters</i>					
	Bachelor of Arts	260			
	Bachelor of Fine Arts	28			
	Bachelor of Music	8			
	Bachelor of Music Education	7			
	Bachelor of Science	6			
	Master of Arts	35			
	Master of the Arts in the Teaching of Languages	8			
	Master of Fine Arts	7			
	Master of Music	12			
	Master of Music Education	4			
	Master of Science	11			
	Doctor of Musical Arts	6			
	Doctor of Philosophy	16			
			408		
<i>College of Business</i>					
	Bachelor of Arts	1			
	Bachelor of Science	23			
	Bachelor of Science in Business Administration	257			
	Master of Business Administration	25			
	Master of Professional Accountancy	7			
			313		
<i>College of Education and Psychology</i>					
	Bachelor of Arts	10			
	Bachelor of Science	192			
	Master of Arts	6			
	Master of Education	13			
	Master of Library and Information Science	25			

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Institution	Degree to be Conferred	Number	Subtotal	Total	
	Master of Science	9			
	Specialist in Education	20			
	Specialist in Library and Information Science	2			
	Doctor of Education	3			
	Doctor of Philosophy	22			
			302		
College of Health					
	Bachelor of Arts	45			
	Bachelor of Science	140			
	Bachelor of Social Work	20			
	Master of Arts	1			
	Master of Public Health	30			
	Master of Science	44			
	Master of Social Work	27			
	Doctor of Philosophy	2			
			309		
School of Nursing					
	Bachelor of Science in Nursing	76			
	Master of Science in Nursing	5			
			81		
College of Science and Technology					
	Bachelor of Arts	45			
	Bachelor of Science	196			
	Master of Arts	1			
	Master of Science	52			
	Doctor of Philosophy	14			
			308		
				1721	
System Total					9085

BUDGET, FINANCE AND AUDIT

- UMMC** - Approved the third amendment to a lease agreement with the Jackson Medical Mall Foundation. The original lease was issued in February, 1997. The first and second amendments were approved August 21, 2003 and September 15, 2005, respectively. The purpose of the third amendment is to pay for renovations to 2,650 square feet of UMMC's Cancer Institute Phase I, formerly known as the Primary Healthcare Clinic, to be used for clinical and office space for the ACT Center for Tobacco Treatment, Education and Research. The amendment period is May 1, 2008 through April 30, 2009. The current base rental cost will increase from \$10.00 per square foot to \$39.03 per square foot to pay for the renovations. The common area maintenance cost is \$3.30 per square foot. The total cost for the

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
April 16, 2008**

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amendment period is \$76,934.40. The rental cost will revert back to \$10.00 per square foot after completion of the amendment period. The amendment will be funded by a grant from the Mississippi State Department of Health. This agreement which has been reviewed and approved by the Attorney General's Office is included in the *April 16, 2008 Board Working File*.

3. **UMMC** - Approved the 35th amendment to a lease agreement with the Jackson Medical Mall Foundation. The original lease agreement began in September, 1995. The purpose of the current amendment is to renovate 4,000 square feet of currently leased space located on the second floor of the Jackson Medical Mall for the Home Training Dialysis Program. The amendment period is May 1, 2008 through April 30, 2011. The current base rental cost will increase from \$10.00 per square foot to \$43.18 to pay for the renovations. The annual cost is \$172,720 with a total of \$518,160 for the amendment period. The rental cost will revert back to \$10.00 per square foot after completion of the amendment period. The amendment will be funded by patient revenue. This agreement which has been reviewed and approved by the Attorney General's Office is included in the *April 16, 2008 Board Working File*.
4. **UMMC** - Approved the request to enter into a five-year contract with Elekta, Inc. UMMC will contract for hardware and software maintenance and support services beyond the twelve-month warranty period included in a purchase agreement. The purchase agreement includes buying an additional Elekta Synergy S linear accelerator and Leksell Gamma Knife PERFEXION, IMPAC Electronic Health Record (software), and upgrades to two existing linear accelerators totaling \$8,372,512.72. The new purchase and upgrades allows for the oncology department to continue to meet the teaching, research and service mission of the institution. After the expiration of the warranty period included in the initial purchase agreement, a five-year service period will begin on or about September 1, 2009 and continue through August 31, 2014. The annual hardware maintenance and support service fee is \$225,000 for a total of \$1,125,000 and the annual software maintenance and support service fee is \$152,625 for a total of \$763,125. The total maintenance and support service fees for the five-year contract period is \$1,888,125. The contract will be funded by patient revenue. This agreement which has been reviewed and approved by the Attorney General's Office is included in the *April 16, 2008 Board Working File*.

REAL ESTATE AND FACILITIES

5. **DSU** – Approved the initiation of **IHL 202-132, Young-Mauldin Cafeteria Renovations** for the renovation of two sets of restrooms to meet ADA standards and the renovation of the lobby area, existing dining space including painting, lighting, seating tables and kitchen improvements. The university also requests approval to appoint Mills & Mills Architects as the project professionals. The project budget is \$655,000. Funds are available from Aramark Capital Improvement Funds.
6. **UM** - Approved the initiation of **IHL 207-310, Stockard Hall Air Handling Unit-4 Replacement**, to replace the air handling unit to Stockard Hall and to appoint Corbett Legge & Associates of Tupelo, MS as the design professionals. The project budget is \$285,000. Funds are available from self-generated sources.

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7. **USM** – Approved the initiation of **IHL 208-285, Hub Renovation**, for use as administrative and activity areas for student organizations and to appoint Landry & Lewis Architects of Hattiesburg, MS as the project professionals. The project budget is \$850,000. Funds are available from self-generated sources.
8. **USM** – Approved the initiation of **IHL 210-239, Red Snapper Building – Cedar Point Campus, Gulf Coast**, for construction of a laboratory building for Red Snapper research at the Cedar Point campus of the Gulf Coast Research Laboratory in Ocean Springs, MS and to appoint Allred-McNabb Architects of Pascagoula, MS as project professionals. The building will be sited in accordance with the Cedar Point Master Plan approved at the March 2008 Board meeting. The cost of this project is estimated to be \$950,000. Funds are available from a NOAA Grant.
9. **MSU** – Approved the construction documents, authorized advertising for the receipt of bids and authorized an increase in the budget from \$389,000 to \$430,000 for an increase of \$41,000 for **GS 105-321, Lee Hall HVAC – Third Floor**. The project will replace an HVAC unit for Lee Hall 3rd floor. The new project budget is \$430,000. Funds are available from HB 1634, Laws of 2006.
10. **MSU** – Approval an increase in the budget from \$500,000 to \$800,000 for an increase of \$300,000 for **IHL 213-137, Horse Park Site Work**. This increase is needed to develop and execute a site grading plan for the removal of soil from the interior of the harness track and to construct additional recreational vehicle parking spots, a restroom and a bath house. The new project budget is \$800,000. Funds are available from Mississippi State University – Extension Service.

11. **PERSONNEL REPORT**

CHANGE OF STATUS

Alcorn State University - Athletics

Ernest T. Jones, Head Football Coach and Instructor, Department of Health, Physical Education and Recreation; total of \$140,000 per annum, pro rata; E&G Funds; *from* January 2, 2008 to December 31, 2010 contract *to* January 2, 2008 to December 31, 2011 contract.

Alcorn State University

Wood, Pamela

Mississippi State University

Myers, Gary L.

Watson, Vance

University of Mississippi - Athletics

Joseph M. Getzin, Head Volleyball Coach; *from* total \$73,000 per annum, pro rata; Auxiliary Funds;

January 1, 2007 to February 1, 2009; *to* total \$91,808 per annum, pro rata; Auxiliary Funds; January 1, 2008 to December 31, 2011.

EMERITA/EMERITUS STATUS

Delta State University

Hardy, Orice Darrington

Hobby, Julia M.

Jenkins, Elise D.

Lester, Jr., William C.

Tullos, Margaret H.

SABBATICAL LEAVE

Jackson State University

Yeboah, Alberta

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

1. Mr. Ed Blakeslee recognized Ms. Marie Antoon, Executive Director of Mississippi Public Broadcasting. Ms. Antoon gave a presentation on the Mississippi EdNet Institute. Ms. Whitten commended Ms. Antoon on her stellar work of revolutionizing public radio and television in Mississippi.
2. Dr. Jim Borsig, IHL Assistant Commissioner for Governmental Relations and Special Projects, gave a presentation summarizing the activities during the 2008 Legislative Session. He gave special thanks to all of the legislative liaisons from the universities and the IHL staff. Dr. Meredith thanked the Board members for their efforts and support during the session.
3. Dr. Kirk Schulz, Vice President of Research and Economic Development at Mississippi State University, gave a presentation on economic development in Mississippi.

EDUCATIONAL POLICIES & PROGRAMS AGENDA

Presented by Dr. Bettye Neely, Chair

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

RESOLVED, That the Board hereby approved agenda item #2 as submitted on the following Educational Policies & Programs Agenda.

1. **Other Business** - Ms. Martha Catlette, Director of Nursing Education, gave a presentation about the nursing programs in Mississippi. Dr. Neely and Dr. Lynn House, IHL Assistant Commissioner for Academic and Student Affairs, thanked Ms. Catlette for her work.
2. **System Administration** - Approved the continued accreditation for the Mississippi Nursing Degree Programs, 2007-2008, based on submission and evaluation of annual reports documenting compliance with state accreditation standards, Miss. Code Ann. § 37-129-1. A copy of the programs is included in the bound *April 18, 2007 Board Working File*.
3. **Other Business** - Dr. House introduced Dr. Al Rankins, the new IHL Director of Academic Affairs, beginning May 1st.

ANNOUNCEMENT

Dr. Davidson introduced Vincent Fabra, the outgoing Student Government Association (SGA) president at the University of Southern Mississippi, and Melissa Cirino, the incoming SGA president.

BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Aubrey Patterson, Chair

On motion by Mr. Patterson, seconded by Mr. Blakeslee, with Mr. Owens absent and not voting, it was

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RESOLVED, That the Board hereby approved agenda item #3 as submitted on the following Budget, Finance & Audit Agenda. Agenda item #4 was approved on a separate motion by Mr. Patterson, seconded by Mr. Estess, with Mr. Owens absent and not voting. **AGENDA ITEM #5 WAS APPROVED AS SHOWN BELOW.**

1. **System Administration** - A report was presented by Mr. Randy Eure from the CPA firm of Carr, Riggs and Ingram, LLC regarding the Fiscal Year Ending June 30, 2007 University System Audit report. A copy of the report is included in the *April 16, 2008 Board Working File*.
2. **Other Business** - Dr. Linda McFall, IHL Assistant Commissioner for Finance and Administration, introduced Mr. Mitchell Adcock, the new IHL Internal Auditor, who began on March 24th.
3. **MSU** - Approved the request to initiate a bond issuance process for the construction of a 350 bed, 122,000 square foot residence hall on the campus of the university. Revenue bonds estimated to be valued at \$29,960,000 will be issued by the Mississippi State University Educational Building Corporation. University staff selected First Southwest as its financial advisor. The financial advisor has concluded that the university has sufficient current revenue streams to repay the projected debt service. The university requests authorization to initiate the bond process to solicit the underwriter. The Board also approved the request to retain Butler Snow O'Mara Stevens & Cannada, PLLC as the bond counsel for the issue upon approval of the Attorney General's Office.
4. **USM** - Approved the escalation of the FY 2008 budget for auxiliary enterprise operations. The escalation is necessary primarily to cover increased personnel costs in the Intercollegiate Athletics program. In order to fulfill contractual obligations to the previous football program staff, the department will be paying some overlapping salaries during the transition to the new staff for an approximate three and one-half month period (through June 30, 2008). In addition, the department must bear moving expenses and office set-up costs for some members of the new staff. The additional funds will mainly be provided through private gift revenues and projected ticket sales growth for the spring football game.

Auxiliary Enterprises	Current Budget	Increase / (Decrease)	Revised Budget
Salaries, Wages and Fringe Benefits	\$ 6,544,514	\$ 986,089	\$ 7,530,603
Travel and Subsistence	2,230,050		2,230,050
Contractual Services	6,818,205	64,846	6,883,051
Commodities	1,353,490	42,065	1,395,555
Capital Outlay:			
Non Equipment			
Equipment	150,108		150,108
Transfers:			
Mandatory (P&I)	269,800		269,800
Other			
Total	\$ 17,366,167	\$ 1,093,000	\$ 18,459,167

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5. **System Administration - Re-Balancing State Appropriations**

On motion by Mr. Patterson, seconded by Mr. Blakeslee, with Mr. Owens absent and not voting, the Board approved the recommendation to re-balance the state appropriations over the next six years using the Sum of the Years in Reverse methodology with a ½ year rolling calculation. **(See Exhibit 1.)**

REAL ESTATE & FACILITIES AGENDA

Presented by Mr. Scott Ross, Chair

On motion by Mr. Ross, seconded by Mr. Colbert, with Dr. Neely, Ms. Newton and Mr. Owens absent and not voting, it was

RESOLVED, That the Board hereby approved agenda items #1 - #3 as submitted on the following Real Estate & Facilities Agenda. Agenda item #4 was approved on a separate motion by Mr. Ross, seconded by Dr. Magee, with Dr. Neely, Ms. Newton and Mr. Owens absent and not voting. Agenda items #6 - #8 were approved on a separate motion by Mr. Ross, seconded by Mr. Blakeslee, with Dr. Neely, Ms. Newton and Mr. Owens absent and not voting.

1. **MSU** – Approved the initiation of **IHL 205-235, New Residence Hall**, for the design and construction of a new residence hall which will consist of approximately 122,000 square feet and house 350 beds and to appoint Luke Peterson & Kaye, P.A. as project professionals. Funding will be provided by Mississippi State University Educational Building Corporation Bonds in the amount of \$29,960,000.
2. **USM** – Approved the initiation of **IHL 208-286, Parking Structure, Hattiesburg Campus**, and the initiation of the professional selection process. The project budget is \$15,000,000. Funds are available from self-generated sources.
3. **USM** – Approved the appointment of Landry & Lewis Architects of Hattiesburg, MS, as the design professionals for **IHL 208-267, Dormitory Replacement, Hattiesburg Campus**. The project was approved for initiation at the March 2007 Board meeting. The project was publicly advertised for architectural services and six proposals were received, with all six firms being interviewed by an 11-person selection panel. Funds are anticipated in the amount of \$50,000,000 from EBC bonds.
4. **JSU** – Approved the request to add parcel 695-60-1 (1260 Raymond Road) to the set of parcels for Phase IV of the JSU Land Acquisition project. The Land Acquisition project was approved at the January 2008 Board meeting. The parcel of land lies next to the Mississippi e-Center complex and would be used to expand the operations of that project. This item has been reviewed and approved by the Attorney General's Office.
5. **Other Business** - Mr. Patterson asked about the current policy and position regarding the fire code for the fraternity and sorority houses. Mr. Harry Sims, IHL Assistant Commissioner for Real Estate and Facilities, gave a brief update. An initial report was created and is in the process of being updated. Most of the fraternities and sororities are working to bring their facilities up to code. The universities have also moved forward with installing sprinkler systems within the older residence halls. All of the new residence halls have sprinkler systems.

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6. **MSU** - Approved the exterior design for the addition to the Kappa Sigma Fraternity Building located on leased university property. Funds for the project will be provided by the Kappa Sigma Fraternity. A copy of the rendering is included in the *April 16, 2008 Board Working File*.

7. **MSU** – Approved the request to advertise for the receipt of bids for 585 acres of timber sales on the John W. Starr Memorial Forest. The legal descriptions and names are listed below:

Talking Warrior stand 1 – 50 Acres – Pine Regeneration Harvest

Legal Description: SE ¼ of the SE ¼ of Section 6, Township 17 North, Range 14 East, Oktibbeha County, Mississippi

Noxubee stand 9 – 50 Acres – Pine Regeneration Harvest

Legal Description: NW ¼ of the NW ¼ of Section 8, Township 16 North, Range 14 East, Winston County, Mississippi

Noxubee stand 12 – 160 Acres – Pine Regeneration Harvest

Legal Description: Lots 14, 15, 18, and 19 of Section 5, Township 16 North, Range 14 East, Winston County, Mississippi

Talking Warrior stands 42 and 92 – 28 Acres – Pine Second Thinning

Legal Description: E ½ of the SW ¼ of the NE ¼ of Section 5, Township 17 North, Range 14 East, Oktibbeha County, Mississippi

Talking Warrior stand 51 – 43 Acres – Pine First Thinning

Legal Description: NE ¼ of the SW ¼ of Section 18, Township 17 North, Range 14 East, Oktibbeha County, Mississippi

Talking Warrior stand 59 – 29 Acres – Pine First Thinning

Legal Description: SE ¼ of the NW ¼ of Section 17, Township 17 North, Range 14 East, Oktibbeha County, Mississippi

Talking Warrior stand 86 – 35 Acres – Pine First Thinning

Legal Description: SW ¼ of the NW ¼ of Section 8, Township 17 North, Range 14 East, Oktibbeha County, Mississippi

Noxubee stand 49 – 190 Acres – Pine First Thinning

Legal Description: Lots 19 and 22, and a portion of Lots 14, 20, and 21 of Section 4, and the NE ¼ of the NW ¼ of Section 9, all being in Township 16 North, Range 14 East, Winston County, Mississippi

8. **UM** – Approved the purchase of a thirty-five (35) acre parcel from the Anchorage Company, Inc. which is located adjacent to the University-Oxford Airport for a purchase price of \$140,000 per acre. Per Board Policy 905 (B) Real Estate management, a copy of the environmental report is on file with the Office of Real Estate and Facilities. A portion of the 35 acres will be identified and pledged for airport use to allow for the continued growth of the airport including future hangar sites, taxiways, and airport

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capital improvement projects. The purchase of this last undeveloped parcel of land bordering the airport will ensure not only future airport growth, but will also act as a buffer against encroaching development that could ultimately impede airport operations. The purchase will also allow for the continued growth and expansion of the university airport and to assist in the construction of a taxiway for the University-Oxford Airport. Per Board Policy 905 (A), a copy of the property description is on file with the Office of Real Estate and Facilities. Payment will be made from self-generated funds, with a significant portion of the purchase price reimbursed by the FAA as a part of the airport expansion project. The FAA has already approved funding for the taxiway construction project (approved by IHL). This item has been reviewed and approved by the Attorney General's Office.

9. **System Administration (Information item.)** - The Board received the Real Estate & Facilities items that were approved by the Board staff subsequent to the March 20, 2008 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 2.)**

GOVERNANCE AGENDA

Presented by Dr. D. E. Magee, Chair

AGENDA ITEM #1 WAS PULLED FROM THE AGENDA.

1. **System Administration** - Proposed amendments to Board Policy 301.0806 University Foundation/Affiliated Entity Activities and the Annual Institutional Executive Officer's Certification Statement. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**

Ms. Whitten reported that the Board has received several well thought out comments from outside entities. These comments will be taken into consideration and a revised document of proposed changes to Policy 301.0806 will be presented to the Board at a later date. Ms. Whitten thanked the foundations for their collaboration and comments regarding this policy.

LEGAL AGENDA

Presented by Ms. Amy Whitten, Chair

On motion by Ms. Whitten, seconded by Dr. Neely, with Ms. Newton and Mr. Owens absent and not voting, it was

RESOLVED, That the Board hereby approved agenda items #1 and #2 as submitted on the following Legal Agenda.

1. **USM** - Pending approval by the Attorney General's Office, the Board approved the request to enter into a contract with the firm of Walker & Ungo, located in Jackson, MS, to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: The employers are required to pay the cost of preparing, filing, and obtaining certification, and are prohibited from

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transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The rule does allow an alien to pay his or her own personal costs incurred in connection with a labor certification, including attorney fees for personal legal representation, but where the same attorney represents both, the alien and the employer, the costs must be borne by the employer. The terms of this contractual agreement will be for one (1) year, for a maximum amount payable of \$50,000 during the contract term.

2. **USM** - Pending approval by the Attorney General's Office, the Board approved the request to enter into a contract with the firm of David Ware & Associates, LLC, located in Jackson, MS, Metairie and Baton Rouge, LA, and Pensacola, FL, to provide services as needed in preparing labor certification applications on behalf of the university for its employees who seek permanent residence status. This contractual agreement is necessary due to amendments by the U.S. Department of Labor to the permanent labor certification regulations, specifically: The employers are required to pay the cost of preparing, filing, and obtaining certification, and are prohibited from transferring those costs to the beneficiary. This includes a prohibition on the alien paying the employer's attorney fees. The rule does allow an alien to pay his or her own personal costs incurred in connection with a labor certification, including attorney fees for personal legal representation, but where the same attorney represents both, the alien and the employer, the costs must be borne by the employer. The terms of this contractual agreement will be for one (1) year, for a maximum amount payable of \$50,000 during the contract term.
3. **System Administration (Information item.)** - The Board received a report of the payment of legal fees to outside counsel. (See Exhibit 3.)
4. **System Administration (Information item.)** - The Board received the Quarterly Expense Report relating to the IHL Tort Plan. A copy of the report is included in the bound *April 16, 2008 Board Working File*.
5. **System Administration (Information item.)** - The Board received the Quarterly Expense Report relating to the Workers' Compensation Plan. A copy of the report is included in the bound *April 16, 2008 Board Working File*.

GULF COAST COMMITTEE REPORT

Presented by Ms. Amy Whitten, Chair

Dr. Meredith noted that it has been difficult to find funding for the Cross Creek Campus planning process. He reported that the Mississippi Legislature was generous enough to give additional money to fund the full planning process.

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ADMINISTRATION/POLICY AGENDA

Presented by Dr. Thomas Meredith, Commissioner

On motion by Dr. Neely, seconded by Ms. Robinson, Ms. Newton and Mr. Owens absent and not voting, it was

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the following Administration/Policy Agenda. Agenda item #3 was approved on a separate motion by Mr. Ross, seconded by Ms. Robinson, with Ms. Newton and Mr. Owens absent and not voting.

1. **ASU** - Approved the request to bestow an honorary degree on one candidate at its May 2008 Spring Commencement.
2. **System Administration (Information item.)** - The 2008 Spring Commencement Schedules are as follows:

Alcorn State University

Time: 8:30 a.m., Saturday, May 10, 2008
Location: Jack Spinks Stadium/Dwight Fisher Field
Speaker: The Honorable John Lewis
U. S. Congressman

Delta State University

Time: 10:00 a.m., Saturday, May 10, 2008
Location: Walter Sillers Coliseum
Speaker: Mr. Tim Harvey, Executive Vice President of Global Distribution Services and Chief Information Officer for Hilton Hotels Corporation

Jackson State University

Time: 6:00 p.m., Friday, May 9, 2008
Location: Lee E. Williams Athletics and Assembly Center
Speaker: The Honorable Bennie G. Thompson
U. S. Congressman

Time: 9:00 a.m., Saturday, May 10, 2008
Location: Lee E. Williams Athletics and Assembly Center
Speaker: The Honorable Thad Cochran
U. S. Senator

Mississippi State University

College of Veterinary Medicine:

Time: 2:00 p.m., Wednesday, April 30, 2008
Location: Humphrey Coliseum, Starkville Campus
Speaker: Dr. Baxter Black, Veterinarian and Distinguished Cowboy Poet

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Meridian Campus:

Time: 11:00 a.m., Friday, May 2, 2008
Location: Riley Education and Performing Arts Center, Meridian, MS
Speaker: Ms. Amy Tuck, Special Assistant to the President at MSU

Main Campus:

Time: 7:00 p.m., Friday, May 2, 2008
Location: Humphrey Coliseum, Starkville Campus
Speaker: Dr. Katrina Poe, MSU graduate and a family physician from Kilmichael, MS

Time: 10:00 a.m., Saturday, May 3, 2008
Location: Humphrey Coliseum, Starkville Campus
Speaker: Mr. Richard Adkerson, MSU graduate and CEO of Freeport-McMoRan Cooper & Gold, Inc.

Mississippi University for Women

Time: 10:00 a.m., Saturday, May 10, 2008
Location: Rent Auditorium of Whitfield Hall
 ◇ College of Business
 ◇ College of Nursing and Speech Language Pathology
 ◇ Culinary Arts Institute
Speaker: Dr. Belle S. Wheelan, President of SACS

Time: 1:30 p.m., Saturday, May 10, 2008
Location: Rent Auditorium of Whitfield Hall
 ◇ College of Arts and Sciences
 ◇ College of Education and Human Sciences
Speaker: Dr. Belle S. Wheelan, President of SACS

Mississippi Valley State University

Time: 10:00 a.m., Saturday, May 10, 2008
Location: Robert W. Harrison HPER Complex
Speaker: The Honorable Bennie Thompson
 U. S. Congressman

The University of Mississippi

Time: 9:00 a.m., Saturday, May 10, 2008
Location: The Grove
Speaker: Mr. Shepard Smith
 Anchor, Fox News

The University of Mississippi Medical Center

Time: 10:00 a.m., Friday, May 23, 2008
Location: The Mississippi Coliseum
Speaker: None

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The University of Southern Mississippi

Time: 1:30 p.m., Friday, May 9, 2008
Location: Bernard Reed Green Coliseum, Hattiesburg, MS
 ◇ College of Business
 ◇ College of Education & Psychology
 ◇ College of Science & Technology
Speaker: Mr. George Schloegel, CEO of Hancock Bank

Time: 6:30 p.m., Friday, May 9, 2008
Location: Bernard Reed Green Coliseum, Hattiesburg, MS
 ◇ College of Arts & Letters
 ◇ College of Health
 ◇ University Libraries
Speaker: Mr. George Schloegel, CEO of Hancock Bank

Time: 10:00 a.m., Saturday, May 10, 2008
Location: Biloxi Coliseum, Biloxi, MS
Speaker: Mr. George Schloegel, CEO Hancock Bank

3. **System Administration** - Approved the following item that was considered subsequent to the March 20, 2008 Board meeting.
- a. **MSU** - Request for approval to hire Dr. Melissa Mixon, Interim Vice President, Agriculture, Forestry and Veterinary Medicine; This position also includes the responsibility of Dean, College of Agriculture and Life Sciences, and Director for MAFES and MSU-ES; \$255,000 per annum; full-time; effective April 1, 2008.

Dr. Vance Watson, Interim President of Mississippi State University, welcomed Dr. Melissa Mixon. He noted that Dr. Mixon is the second female Vice President of Agriculture, Forestry and Veterinary Medicine in the 130 year history of MSU.

COMMISSIONER'S REPORT

Presented by Dr. Thomas Meredith, Commissioner

The highlights from the Commissioner's Report were as follows:

- ▶ Thank you, Mr. President. It is a pleasure to present the April Commissioner's report.
- ▶ We are headed toward May graduation—a season of celebration! Today you approved over 9,000 degrees to be conferred at our institutions next month. That's over 9,000 graduates, earning more money, paying more taxes, and living healthier, more satisfied lives. Graduation is the culmination of the work of everyone sitting in this room. It reminds us why we are here—to make our state better through higher education.
- ▶ Today is the last Board meeting for four of our Trustees—Mr. Colbert, Mr. Estess, Dr. Magee, and Ms. Newton. I know that Dr. Davidson has some words to say following my report, but I did want to take this opportunity, on behalf of Mississippi's Public University System, to extend a thank you for your many years of service. The role and responsibility of a Trustee can not be understated. Apart from the

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vast amount of time and energy it takes to serve on the Board, the decisions the Board makes truly impact the health and welfare of our state, both today and tomorrow. As a new grandfather, I want to build a future for my new granddaughter that's better than my own. That's what we all want. The service of our Trustees helps make this possible. Thomas, Roy, D. E., and Virginia, I appreciate your service and your friendship.

- ▶ I'd like to echo Dr. House's welcome to a new member of the Executive Office team, Dr. Al Rankins. Welcome! Al is with us today. Dr. Rankins will serve as our Director of Academic Affairs and will officially begin May 1st, although he has been working with Dr. Dennis Watts and other staff in this transition. Dr. Rankins comes to us from MSU, where he serves as Associate Professor and Assistant Vice President Intern for Academic Affairs.
- ▶ Also joining the Executive Office staff in the Policy, Research, and Planning division is Chris Ammons. Chris replaces Christian Pruett as our new Senior Research and Statistical Analyst. Chris hails from Delta State, where he served as Coordinator of Institutional Research and Planning. Chris' second day on the job was "Campus Clean-Up Day," and he helped by lugging trash from each of the nine floors to the dumpster. Fortunately, he's still here, and was a great sport!
- ▶ Speaking of Campus Clean-Up Day, last Friday was our second one, and it was great. Spearheaded by committee under the direction of Dr. Glenda Lester in Phil Pepper's shop, IHL came together with Mississippi Public Broadcasting and others on-campus to "spruce up" our areas, recycle or archive old materials, and help beautify our campus. Lunch was provided by Atmos, and we enjoyed great entertainment by the JSU Sonic Boom.
- ▶ We've had a busy month since we last met. Dr. Jim Borsig has already given you a legislative update. Next month you will discuss how our appropriations will impact the already strained financial situations at our institutions. However, I do want to take an opportunity to thank Dr. Borsig as well as our institutional legislative liaisons for their good work this legislative session.
- ▶ I've asked Dr. Phil Pepper to give you a brief economic update. Dr. Pepper, will you please come to the podium.
- ▶ The CPA firm of Carr, Riggs and Ingram recently finished their audit services for the System's fiscal year end 2007 audit. Everyone involved from the IHL Executive Office down through each campus was extremely pleased with the relationship. Our contract with the CPA firm of Carr, Riggs, and Ingram was for one year only. However, the Office of the State Auditor has granted IHL two additional years to outsource these audit operations. I'm pleased to announce that IHL, the Office of the State Auditor and the CPA firm have worked out a 2-year audit contract that maintains all financial terms at current levels. The contract will cover fiscal years 2008 and 2009.
- ▶ You have two presidential searches underway; Mississippi State, chaired by Mr. Ross, includes Trustees Ed Blakeslee, C.D. Smith, Aubrey Patterson, and Robin Robinson on the Board Search Committee; Mississippi Valley State University, chaired by Dr. Bettye Neely, includes Trustees Stacy Davidson, Bob Owens, Alan Perry, and Amy Whitten.
- ▶ This month we bid farewell to a friend who has been with us since 1980—28 years. Seetha Srinivasan, our Director of the University Press of Mississippi, recently announced her retirement. Seetha has been with the press since 1980, serving as executive editor, assistant director, editor-in-chief, and director. Under her direction, the press has published quite an extensive collection of books that have brought Mississippi critical acclaim, including *Race, Reform, and Rebellion* by well-known scholar Manning Marable; *Conversations with Eudora Welty*; a *Folklife in the South* series; *Photographs* by Eudora Welty (which became a best-seller of the Washington Post Book World and enabled net sales for the press to exceed \$1 million for the first time); and Willie Morris' *My Mississippi*, among incalculable

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others. Seetha will retire June 30th of this year, leaving an indelible mark not only on the Press, but on our state as well. Seetha, we appreciate your service, and will miss you.

- ▶ Finally, in institutional good news:
 - ▶ Alcorn State won second place out of 64 institutions in the 19th annual Honda Campus All-Star Challenge National Tournament in March. The quiz-bowl competition is open to the nation's HBCU's. Alcorn will receive a \$25,000 grant for its second-place win. Congratulations!
 - ▶ Delta State University's Division of Management, Marketing, and Business Administration held its 2008 International Business Symposium in early April, sponsored by Sherry and David Abney. David Abney, the Chief Operating Officer of UPS, President of UPS Airlines, and a DSU alumnus, delivered the keynote address.
 - ▶ William E. McHenry, executive director of the Mississippi e-Center at Jackson State University and a former Board staff member, has been selected as a member of the Advisory Board for the Josiah Macy Jr. Foundation-funded Harvard Medical School Center for the Study of Diversity in Science. McHenry was among nine people from across the country selected to serve on the prestigious board, which will study issues and questions related to the recruitment, retention, and career advancement of under-represented minorities in the biomedical and behavioral sciences.
 - ▶ Today you approved Melissa J. Mixon as the interim vice president of Mississippi State's Division of Agriculture, Forestry, and Veterinary Medicine. Dr. Mixon has been associate vice president since 2004, and becomes only the second woman to hold a vice presidential position at Mississippi State. Vance, we look forward to Dr. Mixon's good work in her new role.
 - ▶ Yuji Inoue of Miyazaki, Japan, a senior accounting major at MUW, has been awarded an appointment as a graduate council fellow in the Graduate School at the University of Alabama for the 2008-2009 academic year. The graduate council fellow is the most competitive and highly regarded award offered by the university. Congratulations to this outstanding MUW student!
 - ▶ Mississippi Valley State University junior Joshua Brown of Belzoni has been accepted to the Field School in the Archaeological and Laboratory Investigations at New Philadelphia, Illinois. Brown, a history major in the MVSU Social Sciences department, was 1 of 9 undergraduates selected to participate in the 10-week onsite archaeological dig funded by the National Science Foundation's program of Research Experiences for Undergraduates. Congratulations!
 - ▶ Alecia Waite, a senior in the Sally McDonnell Barksdale Honors College at the University of Mississippi, has won a 2008 Morris K. Udall Scholarship. Waite, who is active in several environmental groups, is to receive up to \$5,000 for 1 year. She is among 80 scholars, chosen from more than 500 applicants nominated by 239 colleges and universities.
 - ▶ And finally, the University of Southern Mississippi's Goldwater Scholarship winner is Justin Poelma, a junior polymer science major from Ocean Springs. Justin is also a Presidential Scholar in the Honors College, and is the 17th Southern Miss student—and only student in Mississippi this year—to receive this national, prestigious scholarship for science and math.
- ▶ And that, Mr. President, brings me to the end of my report. I believe that at this time Dr. Davidson will come to the podium for some special recognitions.

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ANNOUNCEMENTS

1. Dr. Davidson thanked the four outgoing Board members, Mr. Thomas Colbert, Mr. Roy Estess, Dr. D. E. Magee, and Ms. Virginia Shanteau Newton, for their twelve years of outstanding service on the board. They will surely be missed. Each trustee briefly spoke about their years of service.
2. On behalf of the Board, Ms. Whitten thanked Dr. Davidson for his year of service as Board President. She noted that Dr. Davidson served with wisdom, gentleness and humility. Then, Ms. Whitten presented Dr. Davidson with a plaque in recognition of this service. Dr. Davidson thanked the Board, the IHL staff and the Institutional Executive Officers for their support during his tenure. Dr. Davidson then presented Ms. Whitten with a humongous gavel to assist her during her year as president.

EXECUTIVE SESSION

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

Discussion of a potential litigation matter at Jackson State University,
Discussion of an investigation by a public body at the University of Southern Mississippi,
Discussion of a personnel matter at the University of Southern Mississippi,
Discussion of a personnel matter at Mississippi Valley State University,
Discussion of a personnel matter at Mississippi State University, and
Discussion of a potential Board litigation matter.

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

On motion by Ms. Whitten, seconded by Ms. Robinson, with Mr. Colbert and Mr. Owens absent and not voting, the Board approved the termination of the employment contract of assistant football coach Jay Johnson.

The Board discussed a potential litigation matter at Jackson State University. **No action was taken.**

The Board discussed an investigation by a public body at the University of Southern Mississippi. **No action was taken.**

The Board discussed a personnel matter at Mississippi Valley State University. **No action was taken.**

The Board discussed a personnel matter at Mississippi State University. **No action was taken.**

The Board discussed a potential Board litigation matter. **No action was taken.**

On motion by Dr. Davidson, seconded by Ms. Robinson, with Mr. Colbert and Mr. Owens absent and not voting, the Board voted to return to Open Session.

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ADJOURNMENT

There being no further business to come before the Board, on motion by Mr. Patterson, seconded by Ms. Newton, with Mr. Colbert and Mr. Owens absent and not voting, the Board members voted to adjourn.

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

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EXHIBITS

- Exhibit 1 Re-balancing the state appropriations over the next six years using the Sum of the Years in Reverse methodology with a ½ year rolling calculation.
- Exhibit 2 Real Estate & Facilities items that were approved by the IHL Board staff subsequent to the March 20, 2008 Board meeting.
- Exhibit 3 Report of the payment of legal fees to outside counsel.



Sum of the Years' Digits in Reverse with ½ Year Rolling Calculation

Institutions	FY 2008 State Appropriation	FY 2009 Conference Report	Dollar Change	Percent of Formula	Percent Change from FY 2008
ASU	\$ 20,274,580	\$ 20,199,142	\$ (75,438)	88.3%	-0.4%
DSU	23,160,557	22,984,671	(175,886)	101.2%	-0.8%
JSU	40,580,608	40,580,608	-	76.4%	0.0%
MSU	99,031,766	99,031,766	-	75.3%	0.0%
MUW	15,760,396	15,624,113	(136,283)	105.4%	-0.9%
MVSU	15,780,434	15,770,305	(10,129)	80.2%	-0.1%
UM	80,047,736	81,928,876	1,881,140	70.8%	2.4%
USM	89,870,168	89,753,923	(116,245)	81.8%	-0.1%
System	\$ 384,506,245	\$ 385,873,404	\$ 1,367,159	78.7%	0.4%

Real Estate & Facilities items that were approved by the Board staff subsequent to the March 20, 2008 Board meeting in accordance with Board Policy 904 Board Approval.

Alcorn State University

The Board staff approved a Declaration of Emergency for Cleopatra Thompson Women's Tower for elevators which needed immediate repair due to the safety of the occupants of the residence hall. Approval was requested from the Bureau of Building, Grounds and Real Property Management.

Delta State University

The Board staff approved the Design Development Documents for GS 102-205, Science Labs Renovation/Phase I, and a funds transfer in the amount of \$264,876.86 from GS 102-218, HB 246, Laws of 2007. Approval was requested from the Bureau of Building, Ground and Real Property Management. Funds are available from SB 2010, Laws of 2004, and HB 246, Laws of 2007.

The Board staff approved Change Order #1 for GS 102-206, Ewing Hall HVAC, for a credit in the amount of \$1,877.16 with an increase of forty five (45) calendar days to the contract of Upchurch Plumbing. The change order is for engineering proposals accepted to work added to the contract. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$650,000. Funds are available from SB 2010, Laws of 2004, and HB 1634, Laws of 2006.

Mississippi State University

The Board staff approved the Contract Documents for IHL 213-136, Building 1533, R&R Stoneville, MS for exterior renovation. The project budget is \$990,000. Funds are available through MAFES self-generated sources.

The Board staff concurred with the university's request for approval of Alternate/Improved projects for PWs 8658, 8686, 8690, 8691, 8978, 8537, 5846, 5854, and 8977 as submitted to FEMA/MEMA. Each project is under \$250,000 and therefore will not require an IHL project number.

Mississippi Valley State University

The Board staff approved Change Order #1 for GS 106-199, 2006 Land Drain Infrastructure, in the amount of \$28,595.12 with an additional four (4) days to the contract of Utility Constructors, Inc. The change order is for various pipe connections and replacements. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$1,167,000. Funds are available from SB 3197, Laws of 2002.

The Board staff approved Change Order #3 for IHL 206-019, New Residence Halls, in the amount of \$14,976 with an additional ten (10) days to the contract of Carothers Construction. The change order is for the addition of various items as approved by Billes Architecture in association with Dale and Associates Architecture, project professionals. The total project budget is \$12,284,555.80. Funding is available from EBC Revenue Bonds Account Project Contingency.

University of Mississippi

The Board staff approved the Construction Documents and authorized the advertisement for the receipt of bids for IHL 207-258, New Law School. The project budget is \$50,000,000. Funding is available from HB 246, Laws of 2007 and self-generated sources.

The Board staff approved Change Order #1 for GS 107-278, Meek Hall ADA, in the amount of \$14,785. The change order is adding fencing and a covered walkway, changing the access control system to a manufacturer that will interface with the standard system, and adding square footage for Tectum roof deck. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$1,350,723. Funding is available from SB 2010, Laws of 2004.

The Board staff approved the Design Development for GS 107-291, Guyton Hall Annex, and requested approval from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$3,000,000. Funding is available from HB 246, Laws of 2007.

The Board staff approved Change Order #5 for GS 107-266, Farley Hall Renovations, in the amount of \$4,074 with an additional sixty (60) days to the contract of Panola Construction Co., Inc. The change order will add exterior handrails to the existing steps at the basement entry and to the new steps at the northeast entry. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$9,000,000. Funds are available from SB 3197, Laws of 2002, private donations and university sources.

The Board staff approved Change Order #2 for GS 107-277, Old Chemistry Renovations, in the amount of \$7,060 which will add cost to provide stainless steel anchors and epoxy puddy for securing 180 coping stones, deduct cost to omit toilet paper dispensers, paper towel and trash receptacles in three new toilets and deduct cost to reduce scope of work for asbestos abatement. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$4,000,000. Funds are available from SB 2010, Laws of 2004.

The Board staff approved Change Order #1 for GS 107-280, Campus Re-Roofing, in the amount of \$2,200 for asbestos abatement of cooling tower siding located on Anderson Hall, addition of allowable rain days, game days and additional days for drying out concrete deck at Shoemaker Hall and replacement of roof drains for new metal roof drains at Shoemaker Hall. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The total project budget is \$815,600. Funds are available from SB 2010, Laws of 2004 and Go Bonds.

University of Mississippi Medical Center

The Board staff approved the award of a contract for GS 109-193, Chiller #2 & Tower #2 Replacements, to Fountain Construction Company in the amount of \$2,012,000, the second low bidder (due to the rejection of Tri Star Mechanical's bid). Funds are available within previous approved budget by the IHL Board of award to the

second low bidder. The total project budget is \$2,580,000. Funds are available from SB 2110, Laws of 2004, in the amount of \$1,980,000 and from UMC self-generated funds in the amount of \$600,000.

The Board staff approved Change Order #1 for IHL 209-432, Perimeter Fencing 99-Contract II, in the amount of \$1,640 to replace a gate that is 3 feet wide at existing sidewalk. The total project budget is \$300,000. Funds are available from self-generated sources.

The Board staff approved the Design Development Documents for IHL 209-504, Cath Lab Renovations-Contract I, as prepared by Barlow Eddy Jenkins, design professionals. The project budget is \$1,067,239. Funds are available from self-generated sources.

The Board staff approved the Construction Documents and authorized the advertisement for the receipt of bids for IHL 209-504, Cath Lab Renovations-Contract I, to renovate existing SO27 Cath Lab for installation of a new cath machine. The project budget is \$1,067,239. Funds are available from self-generated sources.

The Board staff approved the Design Development documents for IHL 209-500, Health Related Professionals Drainage Revisions 2007, as prepared by Dale/Morris Architects, PLLC. The total project budget is \$570,000. Funds are available from self-generated sources.

The Board staff approved the Contract Documents and authorized the advertisement for the receipt of bids for IHL 209-501, School of Dentistry Renovations 2007. The total project budget is \$270,000. Funds are available from self-generated sources.

University of Southern Mississippi

The Board staff approved Change Order #3 for GS 108-229, Reed Green Facility Improvements, in the amount of \$65,497 with an increase of thirty-nine (39) calendar days to the contract of Finlo Construction. The change order is for additions that were originally left out of the contract document. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The project budget is \$9,198,513. Funds are available from Bond sale of 2006 and SB 2010, Laws of 2004.

The Board staff approved Change Order #3 for GS 108-230, Polymer Institute Product Processing Unit/Plant, in the amount of \$3,105,000 with an increase of thirty (30) days to the contract time of Mac's Construction. The change order is for additions of Alternates 2 and 3 which complete the finish-out of the incubator lab and administrative spaces. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The project budget is \$25,000,000. Funds are available from SB 2988, Laws of 2003, and a NIST Grant.

The Board staff approved Change Order #1 for GS 114-009, 2006 Campus Building Repairs-Katrina, in the amount of \$473,509 with an increase of 249 days to the contract time of Dan Henserling, Inc. The change order is for the replacement of a leaking water line in the existing chiller loop which was discovered during construction. Approval was requested from the Bureau of Building, Grounds and Real Property Management. The project budget is \$4,000,000. Funds are available from Bureau of Building, Grounds and Real Property Management project contingency funds.

The Board staff approved the university's request to advertise and receive bids for IHL 208-236, Tennis Court Relocation. The project budget is \$3,200,000. Funds are available from private donations and university sources.

EXHIBIT 3

April 16, 2008

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

Payment of legal fees for professional services rendered by Phelps Dunbar (Statement dated 2/26/08) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the case styled *Charlie F. Wade v. MS Cooperative Extension Service*.)

TOTAL DUE **\$50.73**

Payment of legal fees for professional services rendered by Lawrence Bernstein (Statement dated 3/4/08) from the funds of the Mississippi University for Women. (This statement represents services and expenses in connection with MUW Radio Station.)

TOTAL DUE **\$,062.50**

Payment of legal fees for professional services rendered by Ogletree, Deakins, Nash, Smoak & Stewart (Statements dated 2/11/08 and 3/13/08) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the *Sterling* case.)

TOTAL DUE **\$,218.83**

Payment of legal fees for professional services rendered by Phelps Dunbar (Statement dated 2/29/08) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with *DSH* Litigation.)

TOTAL DUE **\$303.70**

Payment of legal fees for professional services rendered by Forman Perry Watkins Krutz & Tardy (Statements dated 2/8/08, 2/8/08, 2/8/08, 2/8/08 and 3/4/08) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following cases: *Knight* - \$398.07; *McGarry* - \$1,128.56; *Flowers* - \$564.00; *Seid* - \$165.00; and *Porter* - \$736.44.)

TOTAL DUE **\$2,992.07**

Payment of legal fees for professional services rendered by Adams & Reese (Statement dated 2/11/08) from the funds of the University of Southern Mississippi. (This statement represents services and expenses in connection with a personnel issue.)

TOTAL DUE **\$4,099.85**

“Dihydroartemisinin and Dihydroartemisitene Dimers as Anti-Cancer and Anti-Infective Agents-MX” - \$1,533.50; “Method of Preparing Delta-9-Tetrahydrocannabinol Esters-NZ” - \$319.00; “Method and Compositions for Isolating Taxanes” - \$62.50; “8-Aminoquinolines-AU” - \$62.50; “8-Aminoquinolines-BE” - \$62.50; “8-Aminoquinolines-DK” - \$62.50; “8-Aminoquinolines-FI” - \$62.50; “8-Aminoquinolines-FR” - \$62.50; “8-Aminoquinolines-DE” - \$62.50; “8-Aminoquinolines-GB” - \$62.50; “8-Aminoquinolines-IE” - \$62.50; “8-Aminoquinolines-IT” - \$62.50; “8-Aminoquinolines-NL” - \$62.50; “8-Aminoquinolines-PT” - \$62.50; “8-Aminoquinolines-ES” - \$62.50; “8-Aminoquinolines-CH” - \$62.50; and “Prevention of Poison Ivy Dermatitis” - \$2,200.00.)

TOTAL DUE \$40,582.58

Payment of legal fees for professional services rendered by Stites & Harbison (Statement dated 2/29/08) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the following patent: “Saliva-Based Protein Profiling” – \$2,049.88.)

TOTAL DUE \$2,049.88

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A. BUDGET, FINANCE AND AUDIT

UMMC - APPROVAL OF CONTRACTS

1. Licensing and Support Services Agreement

The University of Mississippi Medical Center requests approval to enter into a five-year agreement with Eclipsys Corporation. The purpose of the agreement is to purchase licenses and support services associated with the implementation and maintenance of Sunrise Decision Support Software. The technology offered provides state of the art cost accounting and decision support capabilities via a database consisting of financial and clinical data; and provides access to the data through both dashboards and numerous reporting capabilities.

The agreement is for the period May 23, 2008 through May 22, 2013. Year 1 cost: \$305,305; Year 2 cost: 804,621; Year 3 cost: \$124,751; Year 4 cost: \$130,988; and Year 5 cost: \$137,537. The total cost for the implementation services, consultant travel, licensing fees, and support service for the agreement period is \$1,503,202. The agreement will be funded by patient revenue.

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

2. Medical Transcription Services Contract

The University of Mississippi Medical Center requests approval to enter into a five-year contract with MedQuist Transcriptions, LTD. The purpose of the contract is to provide full service medical transcription services for Health Information Services at UMMC. The initial agreement is for a three-year period and shall automatically renew for an additional two years. The contract period is July 1, 2008 to June 30, 2013. Pricing is based on a per character basis (172,851,972 estimated characters annually) with an approximate annual cost of \$840,000 for a total contract cost of \$4,200,000. The contract will be funded by patient revenue.

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

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3. **Allocate Additional Funding to Housekeeping and Environmental Services Contract**

The University of Mississippi Medical Center requests approval to allocate additional funds to its contract with Sodexo Operations, LLC for housekeeping and environmental services for Lexington Hospital and for the Durant Nursing Home. The original three-year contract for the period April 1, 2007 to March 31, 2010 was approved by the Board on March 14, 2007; however, the \$419,788.20 approved for funding was for the first year only. UMMC is requesting approval to allocate funding for the remaining two-years of the contract period: year 2: \$444,975.42 and year 3: \$471,674. This incorporates a 6% annual increase and Consumer Price Index increase for supplies as per the contract. The total cost for the three-year contract is \$1,336,437.62. The contract will be funded by patient revenue.

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

4. **System Administration – Guidelines for Administration of the Student Advisory Board Scholarship (SABS)**

The Mississippi Office of Student Financial Aid is requesting approval of the enclosed guidelines for the administration of the Student Advisory Board Scholarship (SABS).

The advisory board was created to provide the students a voice in the development of strategies to address the State's current education issues. Representation from different high schools, grade levels and school districts will serve in this advisory capacity to the State Superintendent of Education. The scholarship is awarded to those students who serve on the board in recognition of their service and will be funded via institutional funds.

STAFF RECOMMENDATION: These guidelines have been reviewed and approved by the Attorney General's Office. Board Staff recommends approval of this item.

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Student Advisory Board Scholarship (SABS)

Mississippi Office of Student Financial Aid (MOSFA) Board of Trustees of State Institutions of Higher Learning Guidelines for the Administration of the SABS

1. Awarding of Inaugural Senior Class of SABS Scholars

The initial Scholarships will be awarded to the seven graduating seniors of the 2008 Student Advisory Board and who will be entering their first year in a public four-year Mississippi university beginning fall 2008. The amount of the scholarship is equal to tuition (and required fees if applicable) at a Mississippi four-year public institution.

2. Initial Eligibility Requirements

The Mississippi Office of Student Financial Aid (MOSFA) shall certify the student has met the general requirements for initial eligibility. For each scholar who meets the requirements for initial eligibility under this section, the MOSFA shall notify the attending institution. All continued eligibility will be determined by the attending institution.

A student is eligible to be selected as a Scholar if he or she:

- a. Is a legal resident of the State of Mississippi;
- b. Graduates from a Mississippi high school;
- c. Serves on the State Superintendent's Student Advisory Board for no less than four (4) years (exclusive of students appointed to the 2008 Advisory Board and have 3 or less years to graduate);
- d. Meets all prerequisites for full admission into a Mississippi four-year public institution.

3. Number of Scholars and Award Amount

The maximum number of scholarships awarded each year (exclusive of the Inaugural SABS Scholars) is four. Each scholarship will be in an amount that pays full tuition (and required fees if applicable).

4. Disbursement of Scholarship Funds

All scholarship disbursements made on behalf of an *eligible* recipient by the institution shall occur after verification of full-time enrollment.

5. Scholarship Length

This scholarship will provide support for up to a maximum of 8 semesters of undergraduate work at a public four-year Mississippi institution or the normal time to complete the undergraduate degree, which ever comes first.

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6. Required Supporting Documents for Determining Initial Eligibility

Submission of the following will constitute a COMPLETE application:

- a. Submission of the on-line Application;
- b. Two documents verifying Mississippi residency;
- c. Verification of graduation from high school;
- d. Verification from the State Superintendent's Office of completion of Board Service requirement;
- e. Resume;
- f. A brief statement describing how serving on the Board has contributed to who you are today.

7. On-Line Application

Available at: www.mississippi.edu beginning January 1 of each academic year for initial eligibility

8. Application and Supporting Documents Deadline Date (Initial Eligibility)

The On-line Application for initial eligibility must be submitted electronically with all required supporting documents (see Section 6) due no later than September 15th each year.

9. Continuing/Renewal Eligibility Criteria

A scholar is eligible to continue on the scholarship if he or she:

- a. Completes the renewal application (if institution requires) by the deadline date as established by the attending institution;
- b. Maintains Mississippi residency;
- c. Maintains full-time continuous enrollment each semester;
- d. Demonstrates satisfactory academic progress toward the completion of their degree;
- e. Maintains good standing at the university;
- f. Meet the university's satisfactory academic progress for receiving financial aid.

10. Consequences of a Scholar's Failure to Meet the Continuing Eligibility Criteria

If a scholar fails to meet any one of the continuing eligibility criteria, the scholar may receive no subsequent awards.

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5. UM - Revision to Patent and Invention Policy

The University of Mississippi requests approval to revise its Patent and Invention Policy. Proposed revised version will supersede April 6, 2005 version.

STAFF RECOMMENDATION: This policy has been reviewed and approved by the Attorney General's Office. Board Staff recommends approval of this item.

6. UM – Advertisement to Purchase a New Video Scoreboard (Information Only)

The University of Mississippi wishes to inform the Board, it recently advertised for proposals for the purchase of a new, fully installed video scoreboard to replace the current video scoreboard that was installed at Vaught-Hemingway football stadium in 1997. The university wishes to inform the Board of this purchase because of the substantial cost; the university anticipates the installed price of the video equipment may be in excess of five million dollars. To finance the purchase, the university anticipates amending its current Sports Marketing, Promotions, and Multi-Media Rights Agreement with Telesouth Communications, Inc., assigning advertising rights for the new video board in exchange for a substantial increase in the annual rights fee paid to the university.

STAFF RECOMMENDATION: Board staff recommends approval of this item as an informational item.

B. REAL ESTATE AND FACILITIES

APPROVAL OF AWARD OF CONTRACT

1. UM - IHL 207-310, Stockard Hall AHU-4 Replacement

The University of Mississippi requests permission for the award of a contract to Conditioned Air, Inc. of Tupelo, MS, the lower of three (3) bidders in the amount of \$283,715. The university also requests an increase in budget from \$285,000 to \$330,000 for an increase in the amount of \$45,000 due to the bids received. Funds are available from self-generated sources.

STAFF RECOMMENDATION: Board staff recommends approval of Item 1.

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APPROVAL OF BUDGET INCREASES/CHANGE OF SCOPES

2. DSU – GS 102-195, Coahoma County Higher Education

Delta State University requests approval to increase the budget from \$5,000,000 to \$5,250,000 for an increase in the amount of \$250,000 and to transfer funds in the amount of \$250,000 from GS 102-199, Central Mechanical Plant to GS 102-195, Coahoma County Higher Education Center. This budget increase is necessary to cover Change Order #4 in the amount of \$225,509.

3. UM - IHL 207-280, Golf Course Clubhouse

The University of Mississippi requests approval to increase the budget from \$700,000 to \$900,000 for an increase of \$200,000. This increase is needed as per the updated estimate during the Schematic Design Phase issued by Shafer & Associates, design professionals of Starkville, MS. Funds are available from self-generated sources.

4. UM - IHL 207-293, Honors College Renovations

The University of Mississippi requests approval to increase the budget from \$300,000 to \$500,000 for an increase of \$200,000 as per the updated estimate during the Schematic Design Phase issued by McCarty Company, design professionals, of Tupelo, MS. Funds are available from self-generated sources.

STAFF RECOMMENDATION: Board staff recommends approval of Items 2-4.

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C. PERSONNEL

APPROVAL OF PERSONNEL ACTION REQUESTS

1. Change of Status

Jackson State University

Marcus A. Chanay, *from* Dean of Students; total annual salary of \$78,719 per annum; *to* Associate Vice President for Student Life; total salary of \$100,000 per annum; E&G Funds; effective July 1, 2008

Mississippi State University

Gary D. Butler, *from* Director of Technology Outreach, Office of the Vice President for Research; total annual salary of \$136,500; *to* Assistant Vice President for Research and Technology Development, Office of the Vice President for Research; total annual salary of \$136,500 per annum; E&G Funds; effective July 1, 2008

Sylvester Croom, Head Football Coach; *from* \$215,000 per annum, pro rata; Auxiliary Funds; December 1, 2005 to November 30, 2009 contract period: *to* \$250,000 per annum, pro rata; Auxiliary Funds; June 1, 2008 to May 31, 2012 contract period

Sarah A. Rajala, *from* Professor and Head (tenured), Electrical and Computer Engineering; total annual salary of \$183,750; *to* Dean, James Worth Bagley College of Engineering, Professor (tenured), Electrical and Computer Engineering, and Chair, Earnest W. & Mary Ann Davenport; total annual salary of \$220,000 per annum, pro rata; E&G Funds; effective June 1, 2008

University of Mississippi

James T. Boone, Director of Intercollegiate Athletics; \$321,000 per annum, pro rata; Auxiliary Funds; July 1, 2005 to June 30, 2009 contract period; *to* July 1, 2008 to June 30, 2012 contract period

Andrew J. Kennedy, Head Men's Basketball Coach; \$150,000 per annum, pro rata; Auxiliary Funds; *from* April 1, 2006 to March 31, 2010 contract period; *to* April 1, 2008 to March 31, 2012 contract period

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2. Sabbaticals

Jackson State University

Robert J. Blaine III, Associate Professor, Department of Music; *from* total nine-month Contract of \$52,311; *to* \$26,155.50 for sabbatical period August 2008 to May 2009; Fullbright Lecturing Award

3. Tenure

Alcorn State University

Cecile Bunch, Associate Professor of English and Foreign Languages, School of Arts and Sciences

Murray Shugars, Associate Professor of English and Foreign Languages, School of Arts and Sciences

Lola Smith, Professor of Nursing, School of Nursing

Delta State University

Vicki Bingham, Associate Professor of Nursing, School of Nursing

Mark Bonta, Associate Professor of Geography, Division of Social Sciences

Andrea Cheeseman, Associate Professor of Music, Department of Music

Chad Denson, Professor of Economics and Finance, Division of Management, Marketing, and Business Administration

Jeannie Falkner, Associate Professor of Sociology and Community Development, Division of Social Sciences

John Green, Associate Professor of Sociology and Community Development, Division of Social Sciences

Jackson State University

Patsy Daniels, Associate Professor, Department of English and Modern Foreign Languages, College of Liberal Arts

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Maury Granger, Associate Professor, Department of Economic, Finance and General Business, College of Business

Mark Henderson, Assistant Professor, Department of Speech Communications, College of Liberal Arts

Cecil Hill, Assistant Professor, Department of Accounting, College of Business

Yadong Li, Associate Professor, Department of Civil Engineering, College of Science, Engineering and Technology

Xuejun Liang, Assistant Professor, Department of Computer Science, College of Science, Engineering and Technology

Susan Maneck, Associate Professor, Department of History and Philosophy, College of Liberal Arts

Etta Faye Morgan, Assistant Professor, Department of Criminal Justice & Sociology, College of Liberal Arts

Jimmy Mumford, Assistant Professor, Department of Art, College of Liberal Arts

Samuel Perkins, Assistant Professor, Department of Management and Marketing, College of Business

Dion Porter, Assistant Professor, Department of School, Community & Rehabilitative Counseling, College of Education and Human Development

Tigran Shahbazyan, Professor, Department of Physics, Atmospheric Science and Geoscience, College of Science, Engineering and Technology

Palaniappan Thiagarajan, Associate Professor, Department of Management and Marketing, College of Business

Glenda Windfield, Assistant Professor, Department of Special Education, College of Education and Human Development

Mississippi State University

Donna K. Brocato, Assistant Professor, Department of Curriculum and Instruction

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Robert J. Buchanan, Professor, Department of Political Science and Public Administration

Randall C. Campbell, Assistant Professor, Department of Finance and Economics

Subhra Chakrabarty, Assistant Professor, Department of Marketing, Quantitative Analysis, and Business Law

R. Torsten Clay, Assistant Professor, Department of Physics and Astronomy

Jianxia Du, Assistant Professor, Department of Instructional Systems, Leadership and Workforce Development

Doug Goodman, Assistant Professor, Department of Political Science and Public Administration

Steven R. Gwaltney, Assistant Professor, Department of Chemistry

James W. Hardin, Assistant Professor, Department of Philosophy and Religion

Franz W. Kellermanns, Assistant Professor, Department of Management and Information Systems

Seong-Gon Kim, Assistant Professor, Department of Physics and Astronomy

Seongjai Kim, Associate Professor, Department of Mathematics and Statistics

Pedro J. Mago, Assistant Professor, Department of Mechanical Engineering

Jin Mingzhou, Assistant Professor, Department of Industrial and Systems Engineering

Molly C. Nicodemus, Assistant Professor, Department of Animal and Dairy Sciences

Zhaohua Peng, Assistant Professor, Department of Biochemistry and Molecular Biology

Daniel G. Peterson, Assistant Professor, Department of Plant and Soil Sciences

Jon P. Rezek, Assistant Professor, Department of Finance and Economics

Jamie Runnells, Assistant Professor, Department of Art

Wes Schilling, Assistant Professor, Department of Food Science, Nutrition and Health Promotion

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Marian L. Swindell, Assistant Professor, Department of Sociology, Anthropology and Social Work at Mississippi State University – Meridian Branch

Gary Templeton, Assistant Professor, Department of Management and Information Systems

Melanie Thomas, Assistant Professor, MSU Libraries

Erdem Topsakal, Assistant Professor, Department of Electrical and Computer Engineering

Robert West, Assistant Professor, Department of English

John E. Wyatt, Assistant Professor, Department of Instructional Systems, Leadership and Workforce Development

Mississippi University for Women

Sue Jolly, College of Education and Human Sciences

James Ward, College of Arts and Sciences

Patricia Dennis, College of Arts and Sciences

Shawn Dickey, College of Arts and Sciences

Mississippi Valley State University

Vickie E. Curry, Assistant Professor of Education

Gordon Daniels, Assistant Professor of History

Bertha Ealey, Assistant Professor of Education

Florian Misoc, Assistant Professor of Applied Technology

Mamie Osborne, Assistant Professor of English

Barbara Newsome, Assistant Professor of Social Work

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Naraseeyappa Rajanikanth, Assistant Professor of Business.

Jeanette Roberts, Assistant Professor of Business

University of Mississippi

Kim Griffin Adcock, Assistant Professor, Department of Pharmacy Practice

Ahmed Al-Ostaz, Assistant Professor, Department of Civil Engineering

Anthony Paul Ammeter, Assistant Professor of MIS/POM, Department of Management Information Systems

Nancy Maria Balach, Assistant Professor, Department of Music

Angela Till Barlow, Associate Professor, Department of Curriculum and Instruction

Mercer E. Bullard, Assistant Professor, School of Law

Lei Cao, Assistant Professor, Department of Electrical Engineering
Virginia Rougon Chavis, Assistant Professor, Department of Art

Nancy McKenzie Dupont, Assistant Professor, Department of Journalism

Deborah M. Emanuel, Catalog Librarian and Assistant Professor of Library Science,
General Library

Mary Allison Ford-Wade, Assistant Professor, Department of Health, Exercise Science
and Recreation Management

Tamar Goulet, Assistant Professor, Department of Biology

Gang Guo, Assistant Professor, Department of Political Science

Kim Jeane Hartman, Associate Professor, Department of Curriculum and Instruction

David K. Herrera, Head of Library Information Technology and Assistant Professor of
Library Science

Gregory G. Heyworth, Assistant Professor, Department of English

Gregory A. Johnson, Blues Curator and Assistant Professor, General Library

**BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
CONSENT AGENDA
May 22, 2008
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Bradley W. Jones, Assistant Professor, Department of Biology

Jason E. Klodt, Assistant Professor, Department of Modern Languages

Laurel Greenway Lambert, Assistant Professor, Department of Family and Consumer Sciences

Stephen Lee Mallory, Associate Professor, Department of Legal Studies

Mustafa Muhammad Matalgah, Associate Professor, Department of Electrical Engineering

Sunil Kumar Mathur, Assistant Professor, Department of Mathematics

Daniel Edmund O'Sullivan III, Assistant Professor, Department of Modern Languages

David Howard Reed, Assistant Professor, Department of Biology

Bradley E. Schultz, Assistant Professor, Department of Journalism

Paul M. Secunda, Assistant Professor, School of Law

J. Riley Shaw, Assistant Professor, School of Accountancy

David A. Spruill, Associate Professor, Department of Leadership and Counselor Education

University of Mississippi Medical Center

School of Medicine

Doug Campbell, Professor, Medicine

Ike Eriator, Associate Professor, Anesthesiology

Michael Hebert, Associate Professor, Biochemistry

Aimin Liu, Assistant Professor, Biochemistry

Grayson S. Norquist, Professor, Psychiatry

Thomas John Payne, Professor, Otolaryngology

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William Phillips, Assistant Professor, Emergency Medicine

Karen Tracy Pitman, Professor, Otolaryngology

Robert E. Schmieg, Assistant Professor, Surgery

John Mark Schweinfurth, Professor, Otolaryngology

Jimmy L. Stewart, Associate Professor, Medicine

Hong Zhu, Assistant Professor, Otolaryngology

School of Dentistry

Cheryl Serio, Associate Professor

William Buchanan, Professor

School of Health Related Professions

Jessica Bailey, Associate Professor

Elgenaid Hamadain, Associate Professor

Sandra Horne, Assistant Professor

School of Nursing

Annette Wysocki, Professor

Lisa Haynie, Assistant Professor

University of Southern Mississippi

Heather Annulis, Assistant Professor, Department of Economic and Workforce Development, College of Science and Technology

Randolph Arnau, Assistant Professor, Department of Psychology, College of Education and Psychology

Philip Carlan, Assistant Professor, Department of Administration of Justice, College of Science and Technology

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Robin Carr, Assistant Professor, Department of Theatre and Dance, College of Arts and Letters

Kuo Lane Chen, Assistant Professor, School of Accountancy and Information Systems, College of Business

Dan Drane, Assistant Professor, School of Human Performance and Recreation, College of Health

Mohamed Elasri, Associate Professor, Department of Biological Sciences, College of Science and Technology

Jerry Griffith, Assistant Professor, Department of Geography and Geology, College of Science and Technology

Maryann Kyle, Assistant Professor, School of Music, College of Arts and Letters

Andrew Lowe, Associate Professor, School of Polymers and High Performance Materials, College of Science and Technology

Elizabeth Moak, Assistant Professor, School of Music, College of Arts and Letters

Sarah Morgan, Assistant Professor, School of Polymers and High Performance Materials, College of Science and Technology

Beddhu Murali, Assistant Professor, School of Computing, College of Science and Technology

Carl Qualls, Assistant Professor, Department of Biological Sciences, College of Science and Technology

Louis Rackoff, Associate Professor, Department of Theatre and Dance, College of Arts and Letters

Kyna Shelley, Associate Professor, Department of Educational Leadership and Research, College of Education and Psychology

Tulio Sulbaran, Associate Professor, School of Construction, College of Science and Technology

Christopher Winstead, Associate Professor, Department of Physics and Astronomy, College of Science and Technology

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
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May 22, 2008
Page 16 of 16

Chaoyang Zhang, Assistant Professor, School of Computing, College of Science and Technology

4. Terminations

Mississippi Valley State University

James Green, Head Men's Basketball Coach, effective April 28, 2008, resignation prior to contract end date of June 30, 2008

George Ivory, Assistant Men's Basketball Coach, effective March 31, 2008, resignation prior to contract end date of June 30, 2008

Tonjanita Johnson, Executive Assistant to the President/Chief-of-Staff/Associate Vice President for University Relations, effective May 30, 2008, resignation prior to contract end date of June 30, 2008

5. Emeritus Status

System Administration

Seetha Srinivasan, Director of the University Press of Mississippi, upon retirement June 30, 2008

AGENDA
EDUCATIONAL POLICIES & PROGRAMS

May 22, 2008

Page 1 of 1

**1. SYSTEM ADMINISTRATION – ONLINE DEGREE PROGRAMS
(INFORMATION ONLY)**

- a. *Mississippi State University* plans to offer the *Master of Science in Computer Engineering* (CIP 14.0901) in an online format. Previously, in addition to the on-campus program, this program has been offered by video to meet the needs of working professionals. The change in format from video to online should increase student access and efficiency. No other institution has a graduate degree in computer engineering.
- b. *Mississippi State University* plans to offer the *Master of Science in Electrical Engineering* (CIP 14.1001) in an online format. Previously, in addition to the on-campus program, this program has been offered by video to meet the needs of working professionals. The change in format from video to online should increase student access and efficiency. No other institution has a graduate degree in electrical engineering.
- c. *Mississippi State University* is offering the *Doctor of Philosophy in Computer Engineering* (CIP 14.0901) in an online format. Previously, in addition to the on-campus program, this program has been offered by video to meet the needs of working professionals. The change in format from video to online should increase student access and efficiency. No other institution has a graduate degree in computer engineering.
- d. *Mississippi State University* is offering the *Doctor of Philosophy in Electrical Engineering* (CIP 14.1001) in an online format. Previously, in addition to the on-campus program, this program has been offered by video to meet the needs of working professionals. The change in format from video to online should increase student access and efficiency. No other institution has a graduate degree in electrical engineering.

STAFF RECOMMENDATION: Board staff recommends this item be received as information.

AGENDA
BUDGET, FINANCE & AUDIT
May 21-22, 2008
Page 1 of 4

1. ASU - APPROVAL OF FOOD SERVICE OPERATIONS CONTRACT

Alcorn State University requests approval to enter into a 10 year contract with Sodexo Operations, LLC. The purpose of the contract is to manage and operate food services for ASU. Food service includes the resident dining program, retail sales, and catering. ASU's current food service operation is managed by Thompson Food Ventures, LLC (Campus Chefs) and consequently, the food service workers are not employees of ASU. The current workers will be provided the opportunity to become employees of Sodexo via a minimum six month probationary period.

Four different meal plans will be offered. ASU guarantees 1,250 resident meal plans each full semester. Basic meal plan cost is \$7.70 for a minimum of 226 days annually. The annual minimum contract cost (1,250 resident students X 226 days @ \$7.70) will be \$2,175,250. The contract includes allowance for an annual minimum adjustment as per the Consumer Price Index with an estimated increase between 3% and 6%.

ASU will provide \$200,000 in working capital annually along with providing the premises, maintenance, and small wares. Sodexo's investment for the 10 year contract period will approximate \$2.8 million. Sodexo will pay ASU 10% of net sales on non-resident type sales. The contract will begin on or about May 26, 2008 through May 25, 2018.

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

2. UM - APPROVAL TO ENGAGE BOND COUNSEL AND UNDERWRITERS

The University of Mississippi requests authorization for the University of Mississippi Educational Building Corporation (UMEBC) to engage bond counsel and underwriters for the upcoming separate bond issues for the Residential College and Law School construction projects. The Board authorized initiation of the bond process for these projects at the March 20, 2008 meeting.

UMEBC, with UM's concurrence, requests approval to retain Butler, Snow, O'Mara, Stevens, and Cannada, PLLC to service as bond counsel and to engage an underwriting syndicate methodology for the bond issues, with Morgan Keegan serving as the syndicate's senior manager.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

AGENDA
BUDGET, FINANCE & AUDIT
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Page 2 of 4

3. **UMMC - APPROVAL OF CONTRACT FOR MANAGEMENT SERVICES**

The University of Mississippi Medical Center requests approval to enter into a service agreement with NearTerm Corporation. The purpose of the agreement is to provide interim management services to assist in fast tracking UMMC's revenue cycle operations, developing a financial counseling system, streamlining the medical records department, and improving efficiencies within the coding department. These interim positions will supplement the contract with Computer Science Corporation (CSC) and will not impact the margin improvement plan or the estimated cost for the CSC contract.

The contract period is May 24, 2008 through May 23, 2009 and the total cost is \$1,131,000, inclusive of all fees and expenses.

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

4. **USM - APPROVAL TO ISSUE REVENUE BONDS**

The University of Southern Mississippi requests approval to issue revenue bonds not to exceed \$50 million to finance the construction of a 900-bed housing project on the Hattiesburg campus. USM expects the building will be operational by FY 2010. This request is part of the Phase 1 Dormitory Replacement Project in USM's master plan. USM selected Carl Nicholson and Company as its financial advisor. Additionally, Harris, Jernigan and Geno, PLLC was selected as Bond Counsel by USM through a competitive bid process.

The university anticipates structuring debt repayment based on available revenues generated from the project. The result is payment of little or no principal in early years and large principal payments due in the last 15 years of the project. According to pro-forma debt coverage ratios provided by the university and Nicholson and Company, the university expects a university-wide debt coverage ratio of 2.06 in FY 2009, decreasing to 1.71 in FY 2010, and 1.69 in FY 2013.

STAFF RECOMMENDATION: Board staff recommendation is pending further analysis.

5. **SYSTEM ADMINISTRATION-APPROVAL OF FUNDING ALLOCATION FOR FY 2009**

Approval is requested to allocate FY 2009 state appropriations for Education and General funding to the institutions. Details will be provided under separate cover.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
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6. SYSTEM ADMINISTRATION - APPROVAL OF TUITION INCREASES FOR FY 2009 (FOR FIRST READING)

Approval is requested to increase the annual tuition rates effective with the fall 2008 academic term.

STAFF RECOMMENDATION: Based on Board Policy 702.04C – Consideration of Requests, requests for tuition rate changes shall not be considered until at least thirty days after they have been submitted to provide an opportunity for review by the Board of Trustees and the Commissioner. The staff recommends the thirty day review and provides the necessary data along with this agenda item for review.

7. SYSTEM ADMINISTRATION - APPROVAL OF ROOM AND BOARD INCREASES FOR FY 2009 (FOR FIRST READING)

Approval is requested to increase the annual room and board rates effective with the fall 2008 academic term. Details will be provided under separate cover.

STAFF RECOMMENDATION: Based on Board policy 702.04C – Consideration of Requests, requests for room and board rate changes shall not be considered until at least thirty days after they have been submitted to provide an opportunity for review by the Board of Trustees and the Commissioner. The Board staff recommends the thirty day review and provides the necessary data along with this agenda item for review.

8. SYSTEM ADMINISTRATION - SALARY GUIDELINES FOR FISCAL YEAR 2009

It is recommended to the Board that any state funds used for FY 2009 salary increases be awarded based on one or more of the following: meritorious performance, market or equity adjustments, or for those employees paid \$25,000 or less, a cost of living increase. If the financial condition of the institution or agency permits, it is recommended to allow the agency or institutions to use other funds that may be available to award salary increases for one or more of the following: meritorious performance, market or equity adjustments, or cost of living increases for employees paid \$25,000 or less, at the discretion of the Commissioner (for the Executive Office) or the Institutional Executive Officer (for the campuses).

For any and all salary increases below three percent (3%) and above (7%), a written justification must be on file in the Board Office in a format and due date prescribed by the Commissioner. These salary increase guidelines will apply to all university employees regardless of funding source or types of increases awarded.

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
AGENDA
BUDGET, FINANCE & AUDIT
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STAFF RECOMMENDATION: Board staff recommends approval of this item.

9. SYSTEM ADMINISTRATION-ALLOCATION FOR ATHLETICS

In accordance to Board Policy 704.01 – Athletic Revenue and Expenditures, each institution is authorized to expend a maximum amount of \$175 per student FTE from unrestricted Education and General funds on a per semester basis. The allocation is to be reviewed and automatically indexed to the Consumer Price Index (CPI) every three years beginning after FY 2005.

Approval is requested to index the maximum amount per student FTE per semester for each institution to \$192 as per the CPI beginning summer semester 2008.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

AGENDA
REAL ESTATE AND FACILITIES

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS**1. JSU – IHL 203-146, Bioengineering Training/Research Complex**

Jackson State University requests permission to initiate a project to renovate/construct a Bioengineering Training/Research complex in the basement of Just Science Hall. The basement area consists of 18,700 square feet and will provide dedicated research and training computer lab space, faculty, student, post-doctoral office space, HVAC systems, furniture and research training equipment. The total project budget is \$1,913,000. Funds are available from a U.S. Department of Energy grant.

2. MSU – IHL 205-236, YMCA Building Renovation

Mississippi State University requests permission to initiate a preplanning project through schematic design for the renovation of the YMCA Building and requests approval of Belinda Stewart as project professional for the preplanning. Interviews were held on campus, and four firms were interviewed. The project will become a Bureau of Building project once preplanning and funding is obtained through the State. The total project budget is \$9,399,197. Funds for the preplanning are available in the amount of \$75,000 from self-generated university sources.

3. MSU – IHL 205-238, Civil and Environmental Engineering Complex

Mississippi State University requests permission to initiate a preplanning project through design development for the new Civil and Environmental Engineering Complex and requests approval of Dale and Associates as the project professionals for the preplanning project. Interviews were held on campus, and five firms were interviewed. The total project budget is \$27,617,469. Funds are available from private sources through the university in the amount of \$13,617,469. Additional funding in the amount of \$14,000,000 will be requested from state funding.

4. UM - IHL 207-303, Research Park – Infrastructure and Initial Building Design

The University of Mississippi requests permission to appoint Cooke Douglas Farr Lemons, LTD of Jackson, MS and Howorth and Associates of Oxford, MS for a joint venture as the design professionals for the Research Park to be located on the north side of Highway 6. The total project budget is \$9,600,000. Funds are available from a Department of Commerce grant, a HUD Grant through the City of Oxford, and a Small Business Association grant.

**AGENDA
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5. UM - IHL 207-311, New Building for School of Pharmacy

The University of Mississippi requests permission to initiate a project for a new building for the University of Mississippi School of Pharmacy to be located at the campus of University of Mississippi Medical Center. Permission is also requested to proceed with the interview process for the selection of the design professional. The total project budget is \$6,000,000. Funds are available from self-generated sources.

6. UMMC – IHL 209-509, O.R. Endovascular Suite Renovations

The University of Mississippi Medical Center requests permission to initiate a project and appoint Simmons Associates Architects as project professionals to renovate an existing operating room area. The total project budget is \$641,000. Funds are available from self-generated sources.

7. USM – GS 108-252, Fraternity House Sprinkler System

The University of Southern Mississippi requests permission to initiate a project for installation of sprinkler systems in eleven (11) fraternity houses on the Hattiesburg campus with an estimated project budget of \$900,000. Permission is also requested to appoint Eldridge & Associates of Clinton, MS as the design engineer. Funds are available from HB 1641, Laws of 2008 and R&R Funds.

STAFF RECOMMENDATION: Board staff recommends approval of Items 1-7.

APPROVAL OF AWARD OF CONTRACT

8. MSU – IHL 213-136, Building 1533 R&R, Stoneville, MS

Mississippi State University Division of Agriculture, Forestry, and Veterinary Medicine requests permission for the award of a contract to Jackson Construction, Inc. of Grenada, MS, the lower of seven (7) bidders, in the amount of \$1,264,179 for base bid and Alternate #1 and an increase in budget from \$990,000 to \$1,445,000 for an increase of \$455,000. This project is for waterproofing issues on the exterior of the building, major areas including windows, brick and roofing. The total project budget is \$1,445,000. Funds are available from university sources.

STAFF RECOMMENDATION: Board staff recommends approval of Item 8.

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APPROVAL OF BUDGET INCREASES/CHANGE OF SCOPES

9. ASU – GS 101-255, Fine Arts Renovation

Alcorn State University requests approval to increase the budget of the Fine Arts Renovation Project from \$6,850,000 to \$7,650,000 for an increase in the amount of \$800,000. This budget increase is necessary to cover demolition and reconstruction of the building's brick envelope. Funds are available from the university's *Ayers* Facility account.

10. UM - IHL 207-279, Interior of Old Chemistry

The University of Mississippi requests approval to increase the budget from \$3,400,000 to \$4,500,000 for an increase of \$1,100,000. This increase is needed as per the updated estimate during the Schematic Design Phase issued by McCarty Company, design professionals of Tupelo, MS. Funds are available from self-generated sources.

STAFF RECOMMENDATION: Board staff recommends approval of Items 9-10.

APPROVAL OF OTHER REAL ESTATE AND FACILITIES REQUESTS

11. ASU – Student Housing Proposal

Alcorn State University requests approval to advertise for Request for Proposals (RFP) under the alternate dual phase design-build process for constructing student housing on university property. The private development method will provide the university a savings in time and cost over the traditional design, bid, build process. This size and type of the project is suitable for design build. The university also seeks approval of Dale & Associates as the design professional to assist in developing the RFP. Advertising and planning expenses will be paid from university funds. The proposed student housing project will be funded by private financing.

12. MSU – Purchase of 0.672 Acres of Land – Rankin County, Mississippi

Mississippi State University Division of Agriculture, Forestry and Veterinary Medicine requests approval to purchase approximately 0.672 acres in Rankin County, Mississippi. The property is purchased as a site for a future veterinary referral speciality hospital for teaching clinical operations in the Jackson metropolitan area. Two property appraisals, the Environmental Report and the property description are on file with the Office of Real Estate and Facilities. Funds are available from the Mississippi State University College of Veterinary Medicine in the amount of \$252,500. This item has been reviewed and approved by the Attorney General's Office.

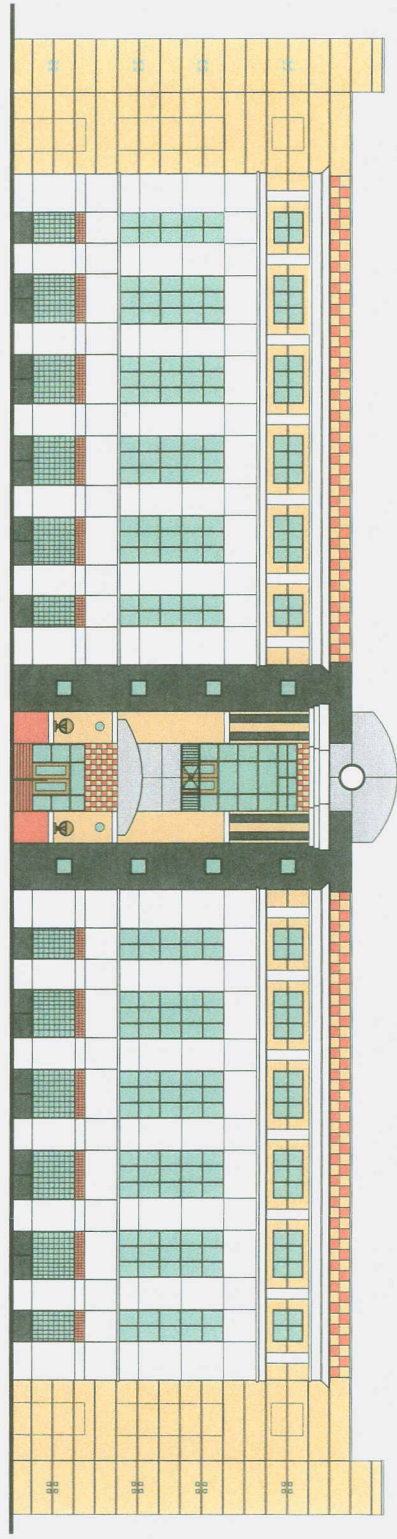
AGENDA
REAL ESTATE AND FACILITIES

May 21-22, 2008

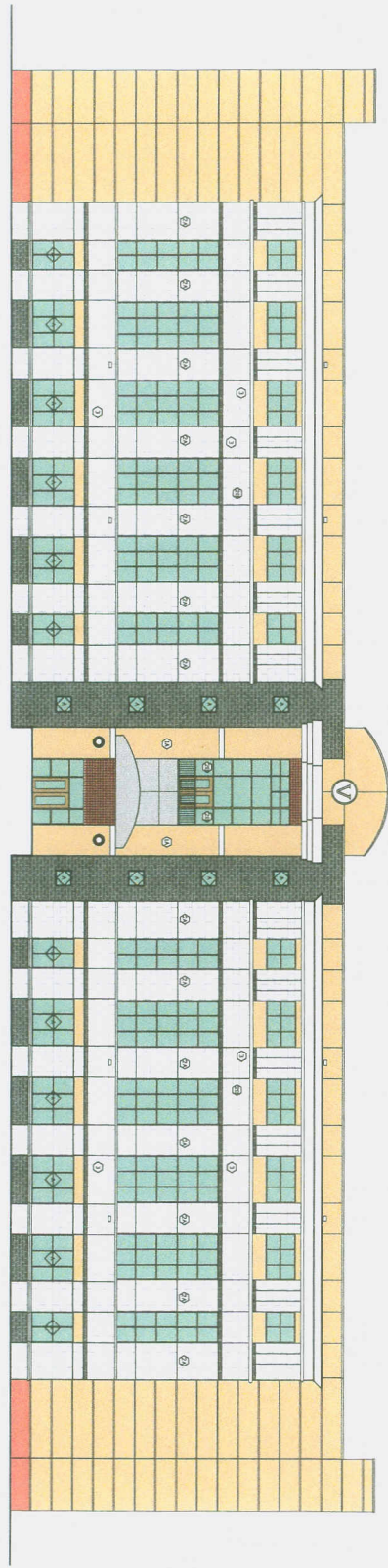
Page 4 of 18

13. **MVSU – GS 106-202, Administration Building Repair**

As per Board Policy §904 (A), Board Approval, Mississippi Valley State University requests approval of the exterior design for the repairs made to the Administration Building. Funds are available from HB 246, Laws of 2007. The rendering is included herein.



EXISTING NORTH ELEVATION



PROPOSED NORTH ELEVATION

GS# 106-202
ADMINISTRATION BUILDING REPAIR
 Mississippi Valley State University
 (Itta Bena, Mississippi)

05/21/2008
PM
 PRYOR & MORROW
 ARCHITECTS

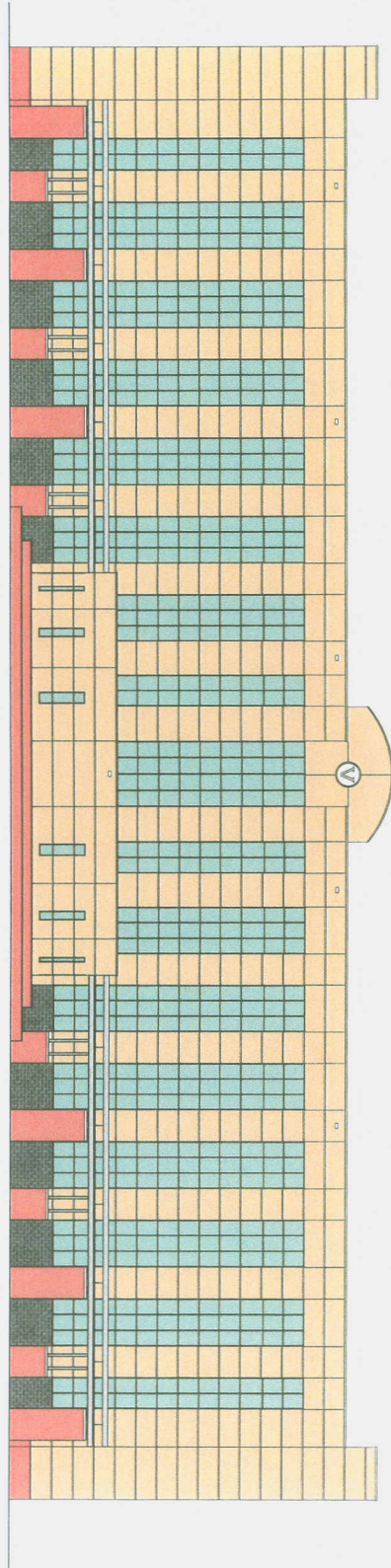
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02	MAY 6, 2008	DESIGN DEVELOPMENT
03	FEBRUARY 1, 2007	CONSTRUCTION DOCUMENTS



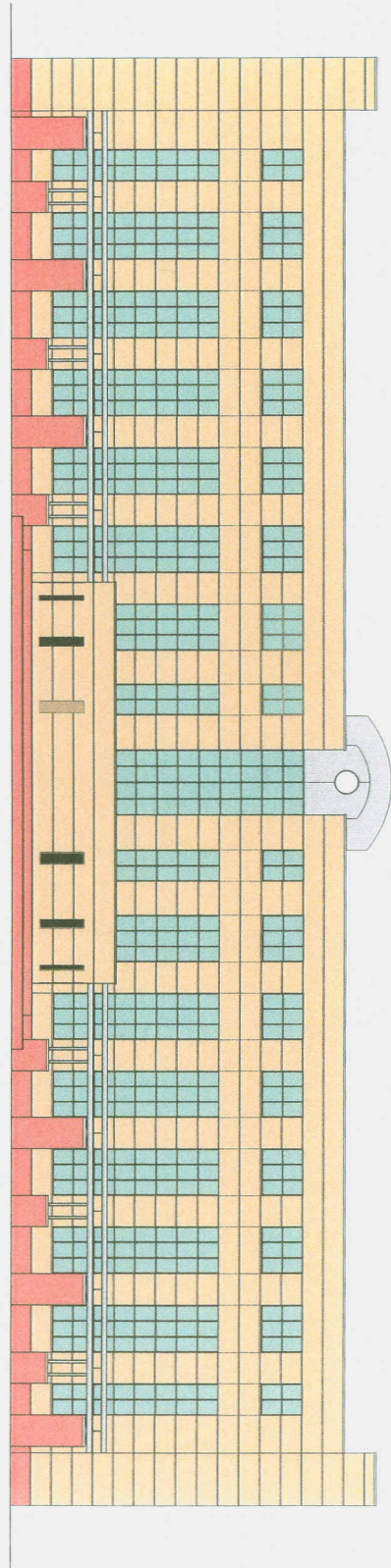
PROJECT NO. 2008001
 DRAWN BY: JPM
 CHECKED BY: JPM
 DATE: 05/21/08
 PROJECT: ADMINISTRATION BUILDING REPAIR
 ARCHITECT: PRYOR & MORROW ARCHITECTS
 96 KENNEDY DRIVE
 MEMPHIS, TN 38153

A2.1

PROPOSED NORTH ELEVATION



EXISTING NORTH ELEVATION



REVISION	DATE	DESCRIPTION
01	APRIL 24, 2002	SCHEMATIC DESIGN
02	MAY 6, 2002	DESIGN DEVELOPMENT
03	FEBRUARY 1, 2007	CONSTRUCTION DOCUMENTS

GS# 106-202
ADMINISTRATION BUILDING REPAIR
 Mississippi Valley State University
 (Ita Bena, Mississippi)

05/21/2008

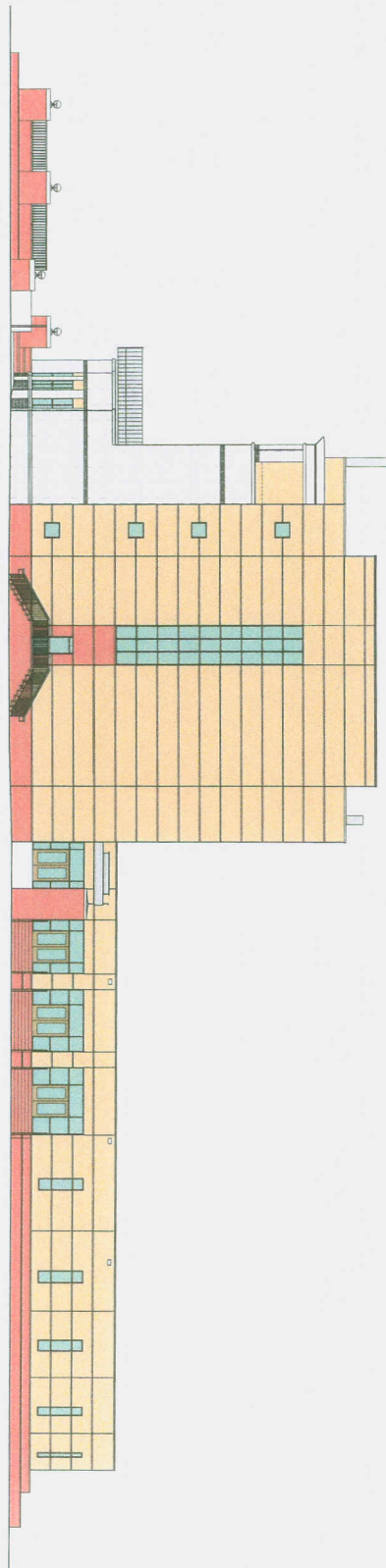


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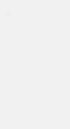
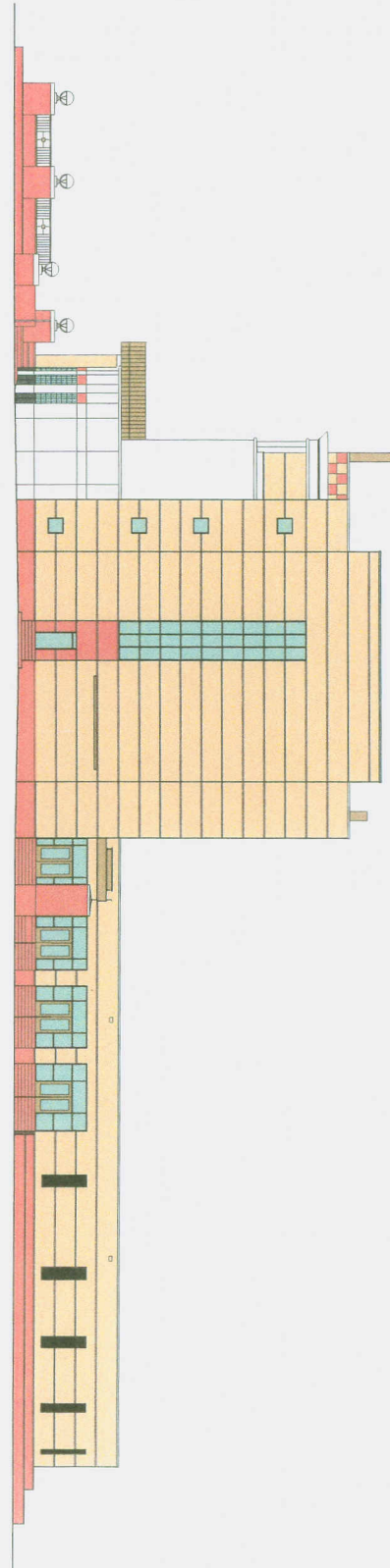


PROJECT NO. 2002017
 ARCHITECT
 FRYOR & MORROW
 ARCHITECTS
 1000 N. STATE ST.
 MEMPHIS, TN 38103
 (901) 527-1100
 www.fryorandmorrow.com

PROPOSED EAST ELEVATION



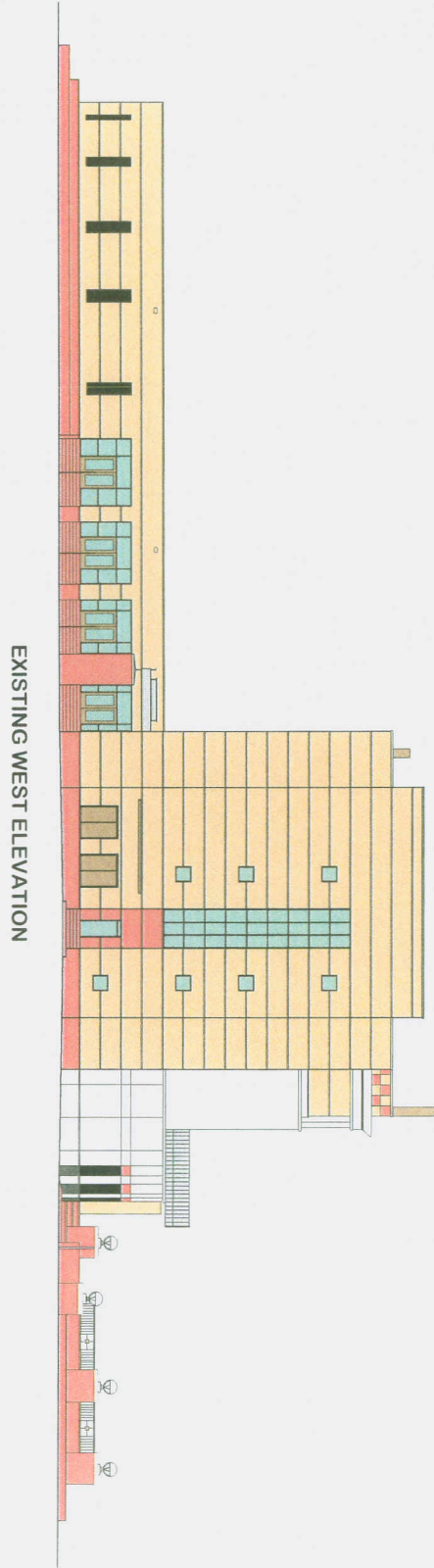
EXISTING EAST ELEVATION



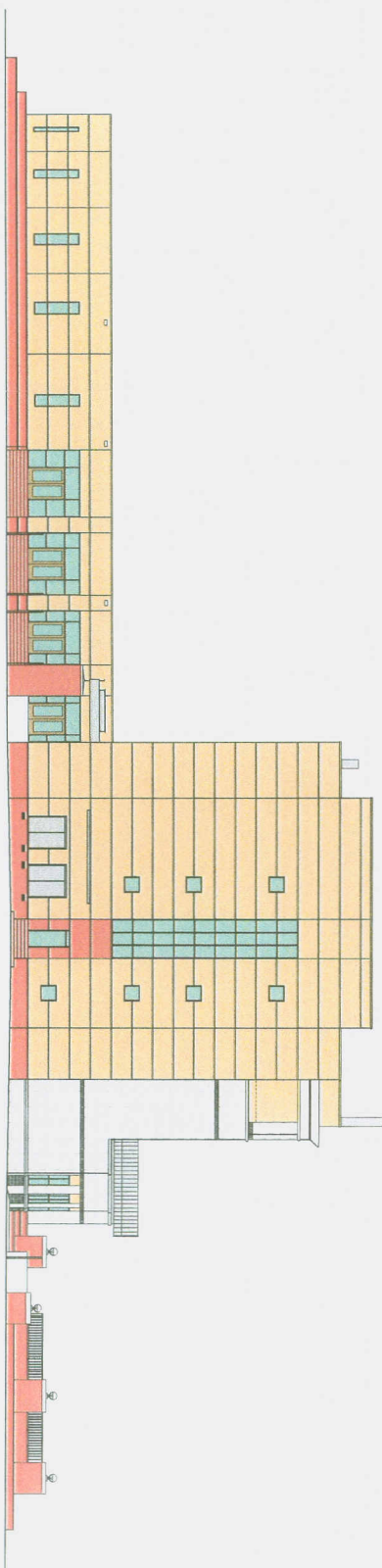
DATE	REVISION
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MAY 6, 2005	DESIGN DEVELOPMENT
FEBRUARY 11, 2007	CONSTRUCTION DOCUMENTS

GS# 106-202
 ADMINISTRATION BUILDING REPAIR
 Mississippi Valley State University
 (Itta Bena, Mississippi)





EXISTING WEST ELEVATION



PROPOSED WEST ELEVATION

NO.	DATE	DESCRIPTION
01	APRIL 29, 2005	SCHEMATIC DESIGN
02	MAY 6, 2005	DESIGN DEVELOPMENT
03	FEBRUARY 1, 2007	CONSTRUCTION DOCUMENTS

PROJECT NO. 2005017
 ARCHITECT: PRYOR & MORROW
 ENGINEER: PRYOR & MORROW
 SCALE: AS SHOWN
 DRAWING NO. A2.1

GS# 106-202
ADMINISTRATION BUILDING REPAIR
 Mississippi Valley State University
 (Itta Bena, Mississippi)



05/21/2008

AGENDA
REAL ESTATE AND FACILITIES

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14. UM – Authority to Sell Property in George County to Dennis Whittington

The University of Mississippi requests permission to quitclaim deed approximately ten (10) acres of real property in George County, Mississippi to Dennis Whittington. The agreed purchase price is \$33,725 which exceeds the average of two (2) appraisals (\$34,000 and \$32,500). This property has no other use or value to the university. This item has been reviewed and approved by the Attorney General's Office.

15. UM – GS 107-293, New Law School

As per Board Policy §904 (A), Board Approval, The University of Mississippi requests approval of the exterior design of the new School of Law. The rendering is included herein.



05/21/2008

University of Mississippi
School of Law

H. Powers

BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING
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REAL ESTATE AND FACILITIES
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16. UMMC – Property Purchase at 764 Lakeland Drive, Jackson, MS

The University of Mississippi Medical Center requests permission to purchase a building located at 764 Lakeland Drive, Jackson, Mississippi for a clinical/teaching facility. The property consists of 1.712 acres and a four-story office building completed in 1989 and designed for medical offices. The building has approximately 51,350 square feet with a net rentable area of 48,553 square feet. There is a two-story, approximately 85,000 square foot, parking garage and asphalt paved parking area with a total of 210 parking spaces. The property currently has 31,606 square feet rented or under lease at a range of \$17.51 - \$20.45 per square foot per year. The Medical Center requests permission to maintain leases with existing tenants. The planned use of the building is for a clinical/teaching facility. The two appraisals on this property were for \$3,500,000 and \$3,750,000. The proposed purchase price is \$3,600,000. The two property appraisals and the environmental report are on file in the Office of Real Estate and Facilities. Funds are available from SB 2010, Laws of 2004, in the amount of \$3,500,000 and from interest income in the amount of \$100,000. This item has been reviewed and approved by the Attorney General's Office.

STAFF RECOMMENDATION: Board staff recommends approval of Items 11-16.

17. SYSTEM ADMINISTRATION - IHL Discretionary Fund Dispersal for Emergency and Repair Items

During the 2007 Legislative Session, three million dollars was appropriated in HB 246 for use on the campuses for emergencies and repairs.

Approximately \$300,000 was approved by the Board of Trustees at the February, 2008 meeting for the repair of sewer lines at the Delta State University cafeteria.

Staff recommends that \$2,350,000 be allocated as shown below. This will leave \$350,000 for an unforeseen emergency. The needs on each campus are so large and immediate. The staff believes this money should be allocated as shown as quickly as possible. Each institution will be required to report exactly how the money was used.

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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 REAL ESTATE AND FACILITIES
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IHL DISCRETIONARY FUND DISPERSAL
 FOR EMERGENCY AND REPAIR ITEMS
 Recommendations/2008

University/Top Two Priorities	Amount Requested	Amount Recommended
ASU		
1. Emergency Notification system	\$350,000	\$250,000
2. Fire code Compliance Upgrade	(included above)	
3. Replacement of Campus Generators	(included above)	
4. Ambulance	(included above)	
DSU		
1. Repair of Elevated Water Tank	\$250,000	\$100,000*
JSU		
1. Emergency Notification System	\$65,000	\$300,000
2. Roof Replacement – Stewart & McAllister/Whiteside	\$235,000	
MSU		
1. Building Fire Alarm Systems	\$500,000	\$300,000
2. Emergency Parking Lot Phones	\$ 60,000	
3. Agriculture		\$150,000
MUW		
1. Painter Hall Mechanical Renovations	\$353,000	\$200,000
2. Kincannon Hall Mechanical Renovations	\$480,000	
MVSU		
1. Campus Security Phase III	\$300,000	\$200,000
2. Campus Security Lighting	\$300,000	
UM		
1. Dormitory Sprinklers	No Amount Designated	\$300,000
UMMC		\$200,000
USM		
1. Emergency Notification System	\$288,000	\$300,000
2. Emergency Lighting/Code Blue Upgrades	\$275,000	
3. Gulf Park		<u>\$ 50,000</u>
TOTAL	<u>\$3,456,000</u>	<u>\$2,350,000</u>

*300,000 given earlier for sewer line repairs at the DSU cafeteria.

AGENDA
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18. SYSTEM ADMINISTRATION – Approval of Facility Needs for the 2009 Legislative Session

Review and approve the proposed funding needs as presented by each institution.

19. SYSTEM ADMINISTRATION: Real Estate and Facilities Items Subsequent to the April 16, 2008 Board Meeting (Information Only)

In accordance with Board Policy §904(B), Board Approval, Mr. Scott Ross as chair of the Real Estate and Facilities Committee, approved the following items:

Mississippi State University – Alpha Gamma Delta Fraternity Lease

Mississippi State University requests approval of a lease between ALPHA GAMMA DELTA FRATERNITY, a non-profit organization (hereinafter referred to as Lessor) and MISSISSIPPI STATE UNIVERSITY (hereinafter referred to as Lessee). The land, structure and all of its improvements (the demised premises) located on Lot #10, Sorority Hill Subdivision, Mississippi State University, Oktibbeha County, MS, as shown on Plat filed 2/2/84, and recorded in Plat Book 4, Page 45 of the public land records of Oktibbeha County, MS. The primary term of this Lease shall be for twelve (12) months, commencing at 12:01 a.m. on May 1, 2008, and ending at 12:00 midnight on April 30, 2009. This lease may be executed beyond the stated expiration date of the original term on a month-to-month basis, but such an extension(s) may not exceed an additional thirty-six (36) months in duration. Lessee shall have, hold and use the demised property for the purposes of office and research use only.

University of Mississippi GS #107-286, Coulter Hall Renovations

The University of Mississippi requests approval for the award of a contract to Upchurch Plumbing, Inc. of Greenwood, MS, the lower of three (3) bidders in the amount of base bid \$4,650,000 plus Alternate #1 - \$145,000 and Alternate #2 - \$3,000, for a total contract amount of \$4,798,000. The university also requests permission to increase the budget from \$4,308,338 to \$5,600,000 for an increase of \$1,291,662. Funds are available from HB 1634, Laws of 2006 and self-generated university sources.

20. SYSTEM ADMINISTRATION: Real Estate and Facilities Items Subsequent to the April 16, 2008 Board Meeting (Information Only)**Alcorn State University**

GS 101-227, Dining Facility: The Board staff approved Change Order #1 in the amount of \$2,156.16 to install a new drywall closure beneath the first floor landing of stair 125,

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as requested by the owner due to sprinkler code changes affecting the area beneath the stair. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The project budget is \$14,640,597.24. Funds are available from HB 1634, Laws of 2006.

GS 101-254, Biotechnology Research Center: The Board staff approved Change Order #6 for a credit in the amount of \$20,781 to delete the IT allowance portion of the contract. Approval was requested by the Bureau of Building, Grounds and Real Property Management. Funds are available from the *Ayers* Settlement.

Delta State University

GS 102-196, Addition and Renovation to Athletic Facilities: The Board staff approved Change Order #1 which adds upper cabinets in the new Taping Room in the amount of \$1,400 and deletes cubbies in the Equipment Room for a credit of \$1,400. Therefore, no additional costs were involved with this transaction. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$555,565. Funds are available from SB 2010, Laws of 2004.

GS 102-213, Delta Music Institute: The Board staff approved Change Order #2 in the amount of \$9,106.80 with an additional thirty one (31) days to the contract of David Smith Construction for painting and various construction needs delayed due to weather problems. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$1,522,000. Funds are available from a DSU grant; SB 2010, Laws of 2004; HB 246, Laws of 2007 and HB 1634, Laws of 2006.

GS 102-213, Delta Music Institute: The Board staff approved Change Order #3 in the amount of \$4,200 with an additional seven (7) days to the contract of David Smith Construction to replace existing termite-damaged door frames and damaged trim. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$1,522,000. Funds are available from a DSU grant; SB 2010, Laws of 2004; HB 246, Laws of 2007 and HB 1634, Laws of 2006.

Jackson State University

GS 103-219, Johnson/Dansby Replacement: The Board staff approved the Contract Documents, authorized advertising for the receipt of bids, and requested approval by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$11,750,000. Funds are provided from SB 2010, Laws of 2004, and HB 246, Laws of 2007.

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GS 103-231, E-City Center Project: The Board staff approved the Construction Documents, authorized advertising for the receipt of bids, and requested approval by the Bureau of Building, Ground and Real Property Management. The total project budget is \$806,000. Funds are available from SB 2010, Laws of 2004.

Mississippi State University

Building 1620, Oil Storage Building, Verona, MS: The Board staff approved the university's request to remove Building 1620, Oil Storage Building, Verona, MS from the Mississippi Agricultural & Forestry Experiment Station (#422) inventory. The building is no longer needed and is beyond practical repair. Approval letters from MDAH and MDEQ are maintained in the Office of Real Estate and Facilities.

GS 105-323, Roof Replacements, Phase I: The Board staff approved the Construction Documents, authorized advertising for the receipt of bids, and requested approval by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$950,000. Funding is available from HB 1634, Laws of 2006.

GS 105-324, McComas Hall Lobby Finishes: The Board staff approved Change Order #1 in the amount of \$11,251.40 with an additional fifteen (15) days to the contract of Weathers Construction, Inc. to replace approximately 1900 square feet of drywall in the lobby that was damaged by a heating line. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$350,000. Funds are available from HB 1634, Laws of 2006.

GS 113-113, Wise Center Fire Alarm/Security: The Board staff approved Change Order #1 in the amount of \$1,310 which adds detectors and notification devices to three rooms used as overnight guest quarters and deletes an audible notification device from a dog run. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$590,000. Funds are available from SB 2010, Laws of 2004, and MSU CVM Dean's Overhead.

Mississippi Valley State University

GS 106-200, Pre-Plan Carpenter Administration Building: The Board staff approved the Design Development Documents as prepared by Shafer and Associates, project professionals and requested approval by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$4,000,000. Funds are available from SB 2010, Laws of 2001.

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GS 106-203, Academic Skills Redesign: The Board staff approved Change Order #1 in the amount of \$523,311.86 with an additional 192 days to the contract of Carothers Construction, Inc. for asbestos abatement. Approval was requested by the Bureau of

Building, Grounds and Real Property Management. The total project budget is \$2,342,932.21. Funds are available from SB 3158, Laws of 2001.

GS 106-212, Re-Roof College Hall: The Board staff approved the Schematic Design Documents as prepared by Pryor & Morrow Architects, design professionals and requested approval by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$666,853.65. Funds are available from SB 2988, Laws of 2003, and self-generated funds.

University of Mississippi Medical Center

IHL 209-495, South Pediatric Renovations II: The Board staff approved Change Order #1 in the amount of \$24,740 with an additional nine (9) days to the contract of Wilkinson Construction Company to add various required utility items and remove asbestos flooring. The project budget is \$2,771,750. Funds are available through self-generated sources and donations.

IHL 209-495, South Pediatric Renovations II: The Board staff approved Change Order #2 in the amount of \$3,549 with an additional five (5) days to the contract of Wilkinson Construction Company to provide additional power outlets and lighting in the new mechanical room. The project budget is \$2,771,750. Funds are available through self-generated sources and donations.

IHL 209-495, South Pediatric Renovations II: The Board staff approved Change Order #3 in the amount of \$25,000 with an additional forty (40) days to the contract of Wilkinson Construction to provide for several latent conditions that need resolving due to owner delays in vacating, conflicts with design documents, and working conditions. The project budget is \$2,771,750. Funds are available through self-generated sources and donations.

IHL 209-507, Dental School Lab D512 Repairs: The Board staff approved the Schematic Design Documents as prepared by Mark Vaughan Architects, design professionals. The project budget is \$500,000. Funds are available from self-generated sources.

IHL 209-507, Dental School Lab D512 Repairs: The Board staff approved the Design Development Documents as prepared by Mark Vaughn Architects, design professionals. The project budget is \$500,000. Funds are available from self-generated sources.

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IHL 209-508, R019 CT Scanner Renovations: The Board staff approved the Contract Documents and authorized advertising for the receipt of bids. The project budget is \$310,000. Funds are available from self-generated sources.

IHL 209-508, R019 CT Scanner Renovations: The Board staff approved the Schematic Design Documents and the request to forgo the submittal of Design Development Documents due to continued failure of CT and the necessity of valuable time to get this much needed project on the market for bid. The project budget is \$310,000. Funds are available from self-generated sources.

University of Southern Mississippi

GS 108-242, 2005 Roofing Program: The Board staff approved the Contract Documents, authorized advertising for the receipt of bids, and requested approval by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$1,700,000. Funds are available from SB 2010, Laws of 2004, and HB 3197, Laws of 2002.

GS 110-089, 2005 Research Office/Lab Facility – Cedar Point Campus, Phase II: The Board staff approved the Design Development Documents and requested approval by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$9,300,000. Funds are available from SB 2010, Laws of 2004, Mississippi DMR and a NOAA Grant (GS02733).

GS 115-002, 2005 Oceanographic Facility/Infrastructure Modifications: The Board staff approved the award of a contract to Kenneth R. Thompson, Jr. of Greenwood, MS, the lower of seven (7) bids in the amount of \$3,450,000. Approval was requested by the Bureau of Building, Grounds and Real Property Management. The total project budget is \$4,157,000. Funds are available from SB 3197, Laws of 2002; SB 2010, Laws of 2004 and HB 246, Laws of 2007.

IHL 208-258, MM Roberts Stadium Expansion and Renovation: The Board staff approved Change Order #10 in the amount of \$38,184.79 for various indoor items necessary to the renovation. The project budget is \$32,171,670.38. Funds are available in the project budget and from the USM Athletic Foundation.

IHL 208-258, MM Roberts Stadium Expansion and Renovation: The Board staff approved Change Order #11 in the amount of \$147,879.79 for various outdoor items necessary to the renovation. The project budget is \$32,171,670.38. Funds are available in the project budget and from the USM Athletic Foundation.

IHL 208-258, MM Roberts Stadium Expansion and Renovation: The Board staff approved Change Order #12 for a credit in the amount of \$52,482.17. The project budget

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is \$32,171,670.38. Funds are available in the project budget and from the USM Athletic Foundation.

IHL 208-260, The Village: The Board staff approved Change Order #5 for a credit in the amount of \$37,412.58. The total project budget is \$20,524,141.57. Funds are available from self-generated sources and EBC bonds.

IHL 208-268, Data Center Upgrade: The Board staff approved the Contract Documents and authorized advertising for the receipt of bids. The total project budget is \$3,500,000. Funds are available from a Mississippi Department of Education grant.

IHL 208-269, Commons Building: The Board staff approved the award of a contract to Abatement Contractors of Mississippi, Inc. of Hattiesburg, MS the lower of seven (7) bids for a contract amount of \$163,865 for asbestos abatement. The total project budget is \$500,000. Funds are available from self-generated sources.

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1. **SYSTEM ADMINISTRATION –APPROVAL FOR FIRST READING OF PROPOSED AMENDMENTS TO BOARD POLICY 301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES**

The following changes to Board Policy 301.0806 and the proposed Annual IEO Certification Statement were approved by the Board for first reading in March 2008.

301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES

Purpose of Foundations and Similar University Affiliated Entities:

The requirements of this policy are to apply to all university development foundations, research foundations, athletic foundations, alumni associations and all other similar entities affiliated with any of our eight state universities. The Board of Trustees recognizes the role university foundations and other similar affiliated entities throughout the nation have in providing additional financial support for their institutions so they can achieve a level of excellence not possible through state funding and tuition alone. The Board of Trustees recognizes and appreciates the contributions made to higher education by such foundations and similar entities affiliated with the ~~institutions of The Mississippi State Institutions~~ of Higher Learning, and that their goal is not to replace necessary support from the state. The Board of Trustees acknowledges that the private, independent nature of foundations and similar affiliated entities provides flexibility to ~~the institutions of The Mississippi State Institutions of Higher Learning~~ state universities in fiscal management and responsiveness.

The purpose of foundations and other entities affiliated with ~~institutions of the Mississippi State Institutions of Higher Learning~~ our state universities is to engage in raising funds and/or other activities consistent with the mission and priorities of the institutions as determined by the Institutional Executive Officers. These entities are expected to have mission statements relevant to this purpose and to adopt policies, plans, and budgets to achieve their missions. If authorized by the Institutional Executive Officer, ~~E~~ each institutionally affiliated entity is authorized to accept gifts, restricted and unrestricted, on behalf of that institution. The institution agrees, through its chief executive officer, to keep the foundation/affiliated entity apprised of its needs and priorities; the foundation/affiliated entity agrees to consider and communicate to the institution its ability and plans to fund those needs and priorities and accept or solicit gifts that are consistent with the institution's mission, goals, or objectives and to manage those funds in a fiscally sound and prudent manner.

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Public Confidence:

The Board of Trustees recognizes it cannot and should not have direct control over institutionally affiliated foundations/entities. These foundations/affiliated entities must be governed separately to protect their private, independent status. However, because the Board of Trustees is responsible for ensuring the integrity and reputation of the university system and its institutions and programs, it must be assured that any affiliated entity/foundation will adhere to ethical standards appropriate to such organizations in order to assure the public that it is conducting its mission with honesty and integrity and in harmony with the mission of the university.

Therefore, each Institutional Executive Officer should ensure that the university development foundations, research foundations, athletic foundations, alumni associations and any other similarly affiliated entities ascribe to the following requirements in order to enhance public confidence in the foundation/entity:

- Compliance with state and federal law applicable to such organizations;
- Maintenance of financial and accounting records in accordance with Generally Accepted Accounting Principles. These records shall be audited annually by a Certified Public Accounting firm and the records shall be maintained separately from the records of the affiliated institution;
- Submission of the annual audited financial statements by each November 1 [to allow compliance with Governmental Accounting Standards Board (GASB) 39] along with a list of foundation/entity officers, directors, or trustees, through their institution's chief executive officer, to the Commissioner of Higher Education;
- Submission to the Board of Trustees of an annual report providing a detailed list of supplemental compensation which was submitted to the university for the purpose of providing additional compensation provided to administrators, faculty, athletic staff, and other employees;
- ~~No form of compensation may be paid or provided to an Institutional Executive Officer by any university foundation or affiliated entity without 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; and~~
- Encourage formal communications between members of the Board of Trustees and directors of the various foundations/entities, to include periodic meetings between Board members, the Chief Executive Officer of the

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- foundations'/entities' Board of Directors, the Commissioner and the Institutional Executive Officers; and
- See requirements within this policy for operating agreements.

The relationship between the ~~institutions of The Mississippi State Institutions of Higher Learning~~ state universities and the foundations/entities supporting those institutions must be based on a recognition of and respect for the private and independent nature of the foundations/entities. Transactions between an institution and its foundation/affiliated entity must be consistent with the foundation's/affiliated entity's mission to assist and benefit the institution and must also be consistent with the institution's obligation to hold, manage, and use public property and resources to benefit the public interest. To ensure that the relationship is clearly defined, each institution shall consummate a formal written operating agreement with its affiliated foundations/entities. Therefore, each university must enter into an operating agreement with its development foundation(s), research foundation(s), athletic foundation(s), alumni association(s) and any other similar university affiliated entities. To ensure the independence of the affiliated entities, no employee of ~~The Mississippi~~ 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 purposes. Senior administrators of the institution should only participate on the affiliated entity's board in an ex-officio capacity.

Operating Agreement:

Each state university ~~institution of The Mississippi State Institutions of Higher Learning~~ and ~~their~~ its development foundations, research foundations, athletic foundations, alumni associations and any other similar affiliated entities shall enter into a public, written operating agreement that outlines the relationship between the two entities. This agreement shall be reviewed for approval by the Board of Trustees at least every five (5) years, or whenever the operating agreement is changed, and include:

- The services and benefits the institution and affiliated entity provide each other and any payments made, including whether institutional assets are managed by the affiliated entity;
- How gifts, grants, and endowments are accepted and accounted for;
- That gifts made to ~~an institution of The Mississippi State Institutions of Higher Learning~~ a state university be accounted for and ownership maintained

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- by that ~~institution~~ university; that gifts made to an institutionally affiliated entity be accounted for and ownership maintained by that entity;
- That the affiliated entity has a conflict-of-interest policy and that such policy must comply with all requirements of Miss. Code Ann., §79-11-269 (1972), as amended, entitled “Conflict of Interest Transaction”;
 - That no form of additional compensation for an Institutional Executive Officer will be underwritten or increased by an affiliated foundation/entity without 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. As to other university employees, no form of additional compensation may be provided or paid by an affiliated foundation/entity without prior approval by the Institutional Executive Officer. All such approvals by the Institutional Executive Officer must be reported to the Board of Trustees at its next official meeting;
 - That institutional input will be sought from the Institutional Executive Officer before defining the major needs and priorities for foundation/affiliated entity consideration; ~~and~~
 - That the foundation/affiliated entity agrees to permit periodic contract compliance reviews of the affiliation/operating agreement by the Board of Trustees of State Institutions of Higher Learning or its designee(s), to ensure compliance with the provisions of the agreement. However, any Board staff conducting the reviews shall be prohibited from examining donor records of the affiliated entity in conducting the compliance reviews; Even so, each Institutional Executive Officer is required to submit to the Board, through the Commissioner, a signed, notarized certification statement, annually, which affirmatively states that the Institutional Executive Officer or his/her designee has examined all donor records of the university’s affiliated foundations and entities listed on the certification statement, and that there was no evidence of any violation of the foundations’/affiliated entities’ conflict of interest policy or of IHL Board policy. In addition, Institutional Executive Officers must certify that, following a review by the Institutional Executive Officer or by his/her designee of the business transactions of the foundation/affiliated entity, there was no evidence of any violation of the foundations’/affiliated entities’ conflict of interest policy or of IHL Board policy. Institutional Executive Officers must further certify that if he/she becomes aware of any such violations by the foundations’/affiliated entities’ governing boards, officers or employees, the institutional executive officer will immediately notify the Board of Trustees, through the Commissioner, in writing; ~~and~~
 - Foundation/affiliated entity board members , officers or employees, including any businesses or corporations in which foundation/affiliated entity board

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members, officers or employees have a financial interest, may not conduct any type of business, sell any products or goods, or perform any services of any kind, to, with or for the university with which the foundation or affiliated entity is associated, unless the university has advertised for and received competitive bids for the products, goods or services, and unless the foundation/affiliated entity board member, officer or employee, or his/ her company or business, submitted the lowest and best bid. In addition, any such business transactions must be reported annually to the Board of Trustees through the Commissioner; and

- That other requirements stated or implied by this policy have been followed.

Board of Trustees' Authority:

As provided in Miss. Const. Art. 8, Section 213-A, the Board of Trustees has governing authority over the eight state universities ~~institutions of The Mississippi State Institutions of Higher Learning.~~ Under such authority, the Board of Trustees has responsibility for ensuring the public interest is served by any individual or organization established to support one of the eight state universities ~~an institution of The Mississippi State Institutions of Higher Learning.~~ While the Board of Trustees cannot control or direct individuals or private organizations, it has the full authority to control the activities of its agents and agencies in their relationships with such individuals or organizations. Such control extends to the regulation of participation in those organizations and the use of a name, logo, or other insignia identified with the state universities ~~institutions of The Mississippi State Institutions of Higher Learning.~~

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**ANNUAL
INSTITUTIONAL EXECUTIVE OFFICER'S
CERTIFICATION STATEMENT**

I, _____, hereby certify, as Institutional Executive Officer of _____ university, at which I am employed, that either I have examined or my designee has examined all donor records of the university affiliated foundations/entities listed immediately below, and that there was no evidence of any violation of the foundations'/affiliated entities' conflict of interest policies or of IHL Board policy. Additionally, following a review by either me or my designee of the business transactions of the foundations'/affiliated entities listed immediately below, there was no evidence of any violation of the foundations'/affiliated entities' conflict of interest policies or of IHL Board Policy. I further certify that if I become aware of any such violations by the foundations'/affiliated entities' governing boards, officers or employees, I will immediately notify the Board of Trustees through the Commissioner of Higher Education in writing.

- 1.
- 2.
- 3.
- 4.

(Signature of IEO)

State of Mississippi
County of _____

This day came and personally appeared before me, the undersigned authority in and for the aforesaid jurisdiction, the above named _____, the Institutional Executive Officer of _____, who, after being by me first duly sworn, stated under oath that the matters and facts set out in the foregoing certification statement are true and correct and that they are based upon his/her own personal knowledge.

WITNESS MY SIGNATURE AND OFFICIAL SEAL, THIS THE ____ day of _____, 2008.

(Seal)

My Commission Expires:

Notary Public

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In light of various university and foundation comments following the Board’s approval of the above version, approval is requested for the following changes to Board Policy 301.0806 for first reading.

301.0806 UNIVERSITY FOUNDATION/AFFILIATED ENTITY ACTIVITIES

Purpose of Foundations and Similar University Affiliated Entities:

The requirements of this policy are to apply to all university development foundations, research foundations, athletics foundations, alumni associations and all other similar entities affiliated with any of our eight state universities. The Board of Trustees recognizes the role university foundations and other similar affiliated entities throughout the nation have in providing additional financial support for their institutions so they can achieve a level of excellence not possible through state funding and tuition alone. The Board of Trustees recognizes and appreciates the contributions made to higher education by such foundations and similar entities affiliated with the ~~institutions of The Mississippi State I~~ institutions of ~~H~~ higher ~~L~~ learning, and that their goal is not to replace necessary support from the state. The Board of Trustees acknowledges that the private, independent nature of foundations and similar affiliated entities provides flexibility to ~~the institutions of The Mississippi State Institutions of Higher Learning~~ state universities in fiscal management and responsiveness.

The purpose of foundations and other entities affiliated with ~~institutions of the Mississippi State Institutions of Higher Learning~~ our state universities is to engage in raising funds and/or other activities consistent with the mission and priorities of the institutions as determined by the Institutional Executive Officers. These entities are expected to have mission statements relevant to this purpose and to adopt policies, plans, and budgets to achieve their missions. If authorized by the Institutional Executive Officer, ~~E~~ each institutionally affiliated entity is authorized to accept gifts, restricted and unrestricted, on behalf of that institution. The institution shall agrees, through its chief executive officer, ~~to~~ keep the foundation/affiliated entity apprised of its needs and priorities; ~~the foundation/affiliated entity agrees to consider and communicate to the institution its ability and plans to fund those needs and priorities and accept or solicit gifts that are consistent with the institution's mission, goals, or objectives.~~

Public Confidence:

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The Board of Trustees recognizes it cannot and should not have direct control over institutionally affiliated foundations/entities. These foundations/affiliated entities must be governed separately to protect their private, independent status. However, because the Board of Trustees is responsible for ensuring the integrity and reputation of the university system and its institutions and programs, it must be assured that any affiliated entity/foundation will adhere to ethical standards appropriate to such organizations in order to assure the public that it is conducting its mission with honesty and integrity and in harmony with the mission of the university.

Therefore, each Institutional Executive Officer should ensure that the university development foundations, research foundations, athletics foundations, alumni associations and any other similarly affiliated entities ascribe to the following requirements in order to enhance public confidence in the foundation/entity:

- Compliance with state and federal law applicable to such organizations;
- Maintenance of financial and accounting records in accordance with Generally Accepted Accounting Principles. These records shall be audited annually by a Certified Public Accounting firm and the records shall be maintained separately from the records of the affiliated institution;
- Submission of the annual audited financial statements by each November 1 [to allow compliance with Governmental Accounting Standards Board (GASB) 39] along with a list of foundation/entity officers, directors, or trustees, through their institution's chief executive officer, to the Commissioner of Higher Education;
- Submission to the Board of Trustees of an annual report providing a detailed list of supplemental monetary compensation ~~which was submitted to the university for the purpose of providing additional compensation provided directly~~ to administrators, faculty, athletic staff, and other employees;
- ~~No form of compensation may be paid or provided to an Institutional Executive Officer by any university foundation or affiliated entity without 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; and~~
- Encourage formal communications between members of the Board of Trustees and directors of the various foundations/entities, to include periodic meetings between Board members, the Chief Executive Officer of the foundations'/entities' Board of Directors, the Commissioner and the Institutional Executive Officers- ; and

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- See requirements within this policy for operating agreements.

The relationship between the ~~institutions of The Mississippi State Institutions of Higher Learning~~ state universities and the foundations/entities supporting those institutions must be based on a recognition of and respect for the private and independent nature of the foundations/entities. Transactions between an institution and its foundation/affiliated entity must be consistent with the foundation's/affiliated entity's mission to assist and benefit the institution and must also be consistent with the institution's obligation to hold, manage, and use public property and resources to benefit the public interest. To ensure that the relationship is clearly defined, each institution shall consummate a formal written operating agreement with its affiliated foundations/entities. Therefore, each university must enter into an operating agreement with its development foundation(s), research foundation(s), athletic foundation(s), alumni association(s) and any other similar university affiliated entities. To ensure the independence of the affiliated entities, no employee of ~~The Mississippi~~ 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 purposes. Senior administrators of the institution should only participate on the affiliated entity's board in an ex-officio capacity.

Operating Agreement:

Each ~~institution of The Mississippi State Institutions of Higher Learning~~ state university and ~~their~~ its development foundations, research foundations, athletics foundations, alumni associations and any other similar affiliated entities shall enter into a public, written operating agreement that outlines the relationship between the two entities. This agreement shall be reviewed for approval by the Board of Trustees at least every five (5) years, or whenever the operating agreement is changed, and include:

- The services and benefits the institution and affiliated entity provide each other and any payments made, including whether institutional assets are managed by the affiliated entity;
- How gifts, grants, and endowments are accepted and accounted for;
- That gifts made to ~~an institution of The Mississippi State Institutions of Higher Learning~~ a state university be accounted for and ownership maintained by that ~~institution~~ university; that gifts made to an institutionally affiliated entity be accounted for and ownership maintained by that entity;

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- That the foundation/affiliated entity agrees to consider and communicate to the university its ability and plans to fund university needs and priorities, as determined by the institutional executive officer, and accept or solicit gifts that are consistent with the university's mission, goals or objectives, and to manage foundation/affiliated entity funds in a fiscally sound and prudent manner;
- That the affiliated entity has a conflict-of-interest policy and that such policy must comply with all requirements of Miss. Code Ann., §79-11-269 (1972), as amended, entitled "Conflict of Interest Transaction". Whenever a university contemplates a purchase from or a business transaction with one of its affiliated entities, or a purchase or business transaction in which one of the board members of the foundation/affiliated entity has a direct or indirect interest, as that term is defined in Miss. Code Ann. Section 79-11-269 (2), the university shall perform an arms-length analysis of the proposed transaction or purchase, based on sound business practices, and whenever appropriate or required by applicable law, the purchase/transaction shall be awarded by competitive bid; That no form of additional compensation for an Institutional Executive Officer will be underwritten or increased by an affiliated foundation/entity without 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. As to other university employees, no form of additional compensation may be provided or paid by an affiliated foundation/entity without prior approval by the Institutional Executive Officer. All such approvals by the Institutional Executive Officer must be reported to the Board of Trustees at its next official meeting.;
- That institutional input will be sought from the Institutional Executive Officer before defining the major needs and priorities for foundation/affiliated entity consideration; and
- That upon request of the supported university or Board staff, the foundation/affiliated entity agrees to provide evidence that the foundation/affiliated entity has fulfilled its contractual obligations under the affiliation/operating agreement. The chief executive officer of each foundation/affiliated entity shall submit to the Board, through the Commissioner, a signed certification statement annually, which affirmatively states that the foundation/affiliated entity has examined all donor records and business transactions of the foundation/affiliated entity, and that there was no evidence of any violation of the foundation's/affiliated entity's conflict of interest policy or of IHL Board policy. The chief executive officer of each foundation/affiliated entity must further certify that if he/she becomes aware of any such violation(s) by the foundation's/affiliated entity's governing

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board, officers or employees, he/she will immediately notify, in writing, the institutional executive officer of the university, who shall then immediately notify the Board of Trustees of same, through the Commissioner, in writing; and

- That other requirements stated or implied by this policy have been followed.

Board of Trustees' Authority:

As provided in Miss. Const. Art. 8, Section 213-A, the Board of Trustees has governing authority over the ~~institutions of The Mississippi State Institutions of Higher Learning~~ eight state universities. Under such authority, the Board of Trustees has responsibility for ensuring the public interest is served by any individual or organization established to support ~~an institution of The Mississippi State Institutions of Higher Learning~~ one of the eight state universities. While the Board of Trustees cannot control or direct individuals or private organizations, it has the full authority to control the activities of its agents and agencies in their relationships with such individuals or organizations. Such control extends to the regulation of participation in those organizations and the use of a name, logo, or other insignia identified with the ~~institutions of The Mississippi State Institutions of Higher Learning~~ state universities.

STAFF RECOMMENDATION: The Commissioner recommends approval of this revised item, versus the version approved for first reading in March 2008.

2. **SYSTEM ADMINISTRATION – APPROVAL FOR FIRST READING OF THE DELETION OF BOARD POLICY 301.0805 COUNCIL OF THE INSTITUTIONAL EXECUTIVE OFFICERS/PRESIDENTS/CHANCELLOR**

301.0805 COUNCIL OF THE INSTITUTIONAL EXECUTIVE OFFICERS/
PRESIDENTS/CHANCELLOR

The Board authorizes the organization of a 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.

STAFF RECOMMENDATION: Board staff recommends approval of this item since the Institutional Executive Officers' Council has not existed for some time.

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3. **UM - APPROVAL OF AFFILIATION AGREEMENT**

The University of Mississippi seeks the Board's approval of an affiliation agreement with The University of Mississippi Foundation, a Mississippi non-profit corporation that has existed since 1973 and which supports the university's development efforts and assists the university by managing its endowments, among other things.

This proposed agreement complies with the requirements of Board Policy 301.0806 University Foundation/Affiliated Entity Activities and is similar to the agreements approved by the Board in November 2006. The Chancellor recommends that the Board approve this agreement and authorize him to execute it on behalf of the university.

AFFILIATION AGREEMENT
BETWEEN
UNIVERSITY OF MISSISSIPPI
AND THE
UNIVERSITY OF MISSISSIPPI FOUNDATION

This Agreement is made and entered into by and between The University of Mississippi, a body corporate and politic of the State of Mississippi (the "University"), and The University of Mississippi Foundation, a not-for-profit corporation duly chartered pursuant to the laws of the State of Mississippi (the "Foundation"), on the dates set forth below to be effective July 1, 2007 and expiring on June 30, 2012. This Agreement is designed to govern the relationship between the University and the Foundation by setting forth the terms and conditions under which the University will provide certain support and services for the Foundation and the Foundation will provide certain support and services for and on behalf of the University.

RECITALS

The University

The University was chartered on February 24, 1844. Its first academic session opened on November 6, 1848, with a faculty of four offering instruction in a general curriculum in the liberal arts. Since that time, the University has grown and has added professional, graduate, and specialized schools to its original College of Liberal Arts, including The School of Law, the School of Engineering, the School of Education, the School of Medicine, the School of Pharmacy, the School of Business Administration, the Graduate School, the School of Nursing, the School of Health Related Professions, the School of Dentistry, the School of Accountancy, and the School of Applied Sciences. The University offers undergraduate, graduate, and

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professional degrees on its main campus in Oxford, through its satellite campuses in Tupelo and Southaven, and through The University of Mississippi Medical Center in Jackson, Mississippi.

In the fall of 2006, total enrollment at the University exceeded 17,000 students. In an effort to create a margin of excellence, generous alumni and friends of the University have contributed private funds to provide scholarships for the University's students, support for its faculty, enhancement for its programs, and improvements to its physical facilities. On June 30, 2007, the productive endowment principal of the University reached a total of \$494.7 million. Of this amount, the University held \$74.7 million; the Foundation held \$281.2 million; The University of Mississippi Medical Center held \$62.9 million; and trusts administered by others for the benefit of the University held \$75.9 million.

The University has an active fund-raising and development program, which is housed in the Office of Development. This office is supported in its efforts by the Office of Development Services. The University wishes to provide office space, enhanced computer capabilities, and assistance to these two offices in the identification of donors, solicitation of donations, acknowledgment and accounting of contributions, and maintenance of donor biographical (with alumni association), financial, and contribution records, all of which the University believes the Foundation can provide.

The University is recognized by the Internal Revenue Service as having tax exempt status under Section 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended.

(B) The Foundation

The Foundation is a private not-for-profit charitable and civic improvement corporation created under and by virtue of the laws of the State of Mississippi on July 31, 1973. Its Charter of Incorporation is recorded in Book 204 at Page 360 of the Records of Incorporations in the Office of the Secretary of State of the State of Mississippi.

The purposes for which the Foundation was created are set forth in Paragraph 6 of its Charter and include, among others: to operate exclusively for the benefit of The University of Mississippi and its students, alumni, faculty, and staff; to promote, encourage, and assist all forms of educational, scientific, literary, research, and service activities provided by the University; to receive, solicit, accept, hold, administer, invest, and disburse any and every kind of property in support of the University's educational, scientific, literary, research, and service purposes; to use such property, or the income there from, in aiding, supplementing, improving, and enlarging the educational, scientific, literary, research, and service facilities and activities of the University, including the supplementing of salaries of professors and research specialists, acquiring and operating laboratory equipment, and erecting, renovating, or repairing buildings; to establish scholarships; to provide for advanced study by faculty and students; to pay expenses, fees, or honoraria for visiting lecturers; to invest and reinvest the principal and income of all monies received; to buy, sell, own, lease, operate, transfer or otherwise dispose of real and personal property; to purchase and maintain liability insurance to protect the corporate assets; and generally to support, promote, and assist the educational, cultural, and physical development

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of the students, faculty, staff, and alumni of the University. The Foundation is recognized by the Internal Revenue Service as having tax exempt status under Section 501(c)(3) of the U.S. Internal Revenue Code of 1986, as amended.

The Foundation owns certain real property situated at 406 University Avenue, Oxford, Lafayette County, Mississippi, referred to as "Brandt Memory House." The offices of the Foundation are located in this facility, which adjoins, but is not a part of, the campus of the University.

Currently, Wendell W. Weakley is President and Chief Executive Officer (the "CEO") of the Foundation. Sandra Guest, Vice-President/Secretary of the Foundation; Lisa Chow, Treasurer/Controller; along with other support staff who are also employed by the Foundation. The Foundation pays the salaries and fringe benefits of Foundation employees.

The Foundation presently receives valuable assistance in its fund-raising and support service efforts from employees of the University and contracts for services for a number of these individuals in the functional area of development services through contributions to the University, which are then disbursed through the University's payroll system. At the present time, eight University employees work within the University's Office of Development Services as shown on Exhibit A. These employees provide services to the Foundation in fulfilling its duties under this Agreement.

The Foundation provides valuable assistance to the University in its fund-raising efforts. It actively solicits donations to be used for the benefit of the University's faculty, staff, and students; it receipts, acknowledges and accounts for donations made to the University or to the Foundation for the benefit of the University; it provides office space for a number of University employees; and it develops and maintains computer records containing biographical (with alumni association), financial, and contribution records pertaining to donors. The Foundation owns and manages principal endowment funds as noted above of June 30, 2007, in the amount of \$281.2 million. It also assists the University, The University of Mississippi Alumni Association, and The University of Mississippi Medical Center and The UMAA Foundation, Inc. in the investment of endowment funds through the Joint Committee on Investments. As part of its fund-solicitation and asset management activities, the Foundation retains personnel experienced in both planning and management of private contributions made to the Foundation for the benefit of the University.

(C) Purpose of this Agreement

Both the University and the Foundation wish to provide support and services for and to receive support and services from each other. The University and the Foundation enter into this Agreement for the purpose of formalizing the relationship between the respective entities by setting forth the manner in which this support and these services will be provided.

In consideration of the mutual covenants, promises, and conditions set forth in this Agreement, and for other good and valuable consideration, the adequacy of which is hereby acknowledged, the University and the Foundation agree as follows:

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TERMS AND CONDITIONS

1.0 Foundation Support of and Obligations to the University

1.1 The Foundation's primary purpose is to provide support to the University in accord with the provisions of its Articles of Incorporation, Charter, and By-laws, which support includes, but is not limited to, researching, raising, receiving, acknowledging, investing, accounting for, and administering funds for the University to use for its charitable, scientific, and educational purposes.

1.2 The Foundation, acting through its Board of Directors and staff, shall assist the University's Office of Development in its fund-raising activities and development programs with individuals, corporations, foundations, governmental, and other external organizations.

1.3 The Foundation, acting through its Board of Directors and staff, shall solicit funds for the purchase of University equipment and supplies; for the construction, renovation, and improvement of the University's physical facilities; for the support of faculty, staff, and student travel and research; for the support of faculty professorships, lectureships, and endowed chairs; for the support of student scholarships; and for the support of other educational, research, cultural, scientific, public service and charitable programs and activities; and shall transfer funds as it deems advisable in support of these purposes, as well as for all lawful purposes of the University. When soliciting funds on behalf of the University, The Foundation agrees to accept only those gifts that are consistent with the University's missions, goals, and obligations.

1.4 The Foundation shall receipt, acknowledge, and express appreciation for all contributions of donors made on behalf of the University or of the Foundation, and shall keep accurate and current records of all such contributions made directly to the University or to the Foundation.

1.5 The Foundation shall contract for services with the University annually a percentage of costs incurred by all University employees who perform work for the Foundation and under the direction of Foundation employees, which are attributable to Foundation work. At the present time, the Foundation and the University agree that a portion of the cost incurred by utilizing those University employees who provide services for Foundation in its fund-raising and developmental efforts shall be reimbursed by Foundation to the University. The Foundation shall pay to the University on June 30, reimbursement as mutually agreed upon for performance of these services to the University. (In fiscal year 2007, this amount was \$226,093 as noted on Exhibit A).

1.6 The Foundation shall make all such payments to the University for the benefit of University employees providing services for the Foundation by deposit in the University's payroll system upon written request of the appropriate University official.

1.7 The Foundation shall reimburse the University for expenses the University incurs as a result of Foundation operations, if those expenses would not otherwise have been incurred by the University, specifically including telephone, mail, and other such services provided on a

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monthly basis. The rate shall be the rate that is charged to University departments for such services.

1.8 The Foundation shall provide the University, on a quarterly basis, a summary of all its gifts to the University and expenditures made on behalf of the University during the preceding quarter.

1.9 The Foundation shall maintain an operating reserve to ensure continuity of its business operations in periods of economic uncertainty. The Foundation shall maintain its financial and accounting records in accordance with generally accepted accounting principles applicable for its industry. The Foundation shall also have an annual audit performed of its finances and operations by an independent public accounting firm and shall make this audit available for review by the University by November 1 of each year during the life of this Agreement. (The audit of the Foundation's books is presently being performed on an annual basis by KPMG.)

1.10 The Foundation shall provide for the bonding of its officers and employees and for general liability insurance and directors' and officers' liability insurance.

1.11 The Foundation shall have a conflict-of-interest policy.

1.12 The Foundation shall immediately deposit into the appropriate University account any funds which are sent to the Foundation but which are clearly intended to be funds designated for a University account. In such an instance, the Foundation shall issue on behalf of the University a University development receipt.

1.13 The Foundation shall provide the University with approximately 11,500 square footage of office space in Brandt Memory House and Carriage House at the prevailing rate for comparable office space in Oxford, Mississippi, as well as parking privileges for University employees performing work on behalf of the Foundation. The rental fee charged the University for this office space shall include the cost of all utilities other than telephone service charges, which charges shall be paid separately by the University. The parties agree at this time that this charge will be \$11.45 per square footage of space for a total sum of \$131,675 per year. The \$1 per square foot rental increase for fiscal 2008 recognizes the construction renovation and additional office space added which exceeded \$150,000 incurred by the Foundation on behalf of the Development staff. Future increases are anticipated to be based on approximate increases in market rates.

1.14 The Foundation shall permit the University to use Brandt Memory House for appropriate University functions consistent with the terms set forth in its Brandt Memory House Rental Agreement. A separate contract is to be executed for each official use of Brandt Memory House. The Foundation serves as host for many functions sponsored by the Office of the Chancellor of the University and will continue to do so.

1.15 The Foundation shall perform any and all other acts and activities on behalf of the University, as the Foundation deems appropriate, in carrying out the purposes and mission of the University, so long as consistent with the governing documents of the Foundation.

2.0 University's Support of and Obligations to the Foundation

2.1 The University shall provide support services to the Foundation of the type provided to University departments on a cost reimbursement basis including, but not limited to,

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utilities, telephone, fiber optic Internet cable connection, custodial services, printing and publication services, motor pool, and, to the extent permitted by law, use of the University mail system and protection of the University Police Department.

2.2 The University shall provide the CEO of the Foundation, and any such additional Foundation employees, staff identification cards, parking privileges, admittance to athletics and entertainment events, health services benefits, and access to the University's library and to its recreation and fitness programs, at the same rates and under the same terms as those benefits and facilities are made available to University administrators and other employees.

2.3 The University designates the Foundation as the primary entity for receipting, acknowledging, accounting for, managing, and investing its endowment funds, as well as for researching, identifying, and maintaining biographical and giving records of potential and actual donors. The University and the Foundation agree that the sum of \$216,000 is a fair and appropriate amount for the University to pay to the Foundation for the performance of these services. The University agrees to pay to the Foundation on June 30, 2008, the sum of \$216,000 for the Foundation's performance of these services for the time period July 1, 2007, through June 30, 2008. Adjustments to this sum in fiscal years 2009-2012 are expected to be based on local cost of living adjustments, unless otherwise agreed to by the University Chancellor and the Foundation President.

2.4 The University shall pay to the Foundation on June 30, 2008, the sum of \$131,675, for the annual rental fee for use of office space in Brandt Memory House and Carriage House, which is referred to in Section 1.1.13 above.

2.5 The Chancellor of the University shall serve *ex officio* as a non-voting member of the Foundation's Board of Directors. No other University employee or other persons directly or indirectly employed by the University's governing board shall serve as a voting member of the Foundation's Board of Directors.

2.6 Annually the Chancellor of the University shall certify to the Foundation a list of University employees who are authorized to request disbursements from the Foundation. Requests by a duly certified University employee shall constitute a representation or certification by the University employee that the disbursement being requested has been approved in accord with established University procedures. The Foundation shall be relieved of any liability arising from a disbursement made pursuant to the provisions of Section 2.6 of this Agreement.

2.7 The Chancellor of the University shall submit a request to the Foundation for utilization of unrestricted gifts received by the Foundation in the following fiscal year. The Foundation shall, consistent with the goals and priorities established by the University, incorporate the University's request into its operating budget and may allocate unrestricted gifts accordingly to the extent funds are available.

3.0 Use of University's Name and Registered Marks and Logos

3.1 The University's name and registered marks and logos have great economic and public relations value to the University, its faculty, staff, alumni, and students.

3.2 In order to protect and control the use of its name and registered marks and logos, as well as to derive commercial benefit from the use thereof, the University has created an official licensing program. Collegiate Licensing Company ("CLC") is the licensing agent for the

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University, pursuant to a certain contract entered into between the University and CLC on July 1, 2001, as amended.

3.3 The University grants permission to Foundation to use its name, as well as its registered marks and logos, in connection with Foundation's lawful business and activities, so long as such use conforms to and is consistent with the operating principles of the University's licensing program and the existing contract between the University and CLC, a copy of which contract has been provided the Foundation's CEO.

4.0 Limitations on the Foundation

4.1 The Foundation shall make payments or expense reimbursements to a University employee or student only upon prior approval in writing of the appropriate University official.

4.2 The Foundation shall make any payments for the support of faculty or staff salaries, payments of funds awarded through outstanding faculty and staff awards, and payments awarded as research stipends for faculty or staff to the University for disbursement by the University through its payroll system. Reimbursement by the Foundation to University faculty, staff, or students for expenses, such as moving expenses, travel, hosting of University guests, meals, and comparable expenses, shall be made by the Foundation directly to the involved employee or student.

4.3 The Foundation agrees that no salary supplement or other form of compensation for the Chancellor will be underwritten or paid by the Foundation without approval by the Board of Trustees of Institutions of Higher Learning.

4.4 If the Foundation should cease to exist, its Board of Directors shall, in consultation with the University, dispose of the Foundation's assets, consistent with the provisions set forth in Paragraph 14 of the Foundation's Charter, as well as applicable state and federal laws.

4.5 The Foundation shall not assign or delegate the authority to use University's name or registered marks or logos to any person or entity without the written approval of the Chancellor of the University and the Director of the University's Licensing Program.

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

5.0 Effect of Agreement; Modification

5.1 This Agreement and its exhibits contain all the terms and conditions agreed upon by the University and the Foundation, and it may be amended only in writing signed by an authorized representative of both parties.

6.0 Term

6.1 The term of this Agreement shall be for a period of five years, beginning on July 1, 2007 and ending on June 30, 2012.

6.2 Either party may terminate this Agreement upon providing ninety days' written notice to the other party.

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7.0 Compliance with Applicable Law and Non-Discrimination

7.1 The Foundation agrees to comply with all applicable state and federal laws, agrees not to discriminate in any manner on the basis of sex, race, color, national origin, age, religious belief, disability, status as a disabled veteran, or veteran of the Vietnam era, and agrees to comply with all non-discriminatory laws and policies that the University promulgates and to which the University is subject.

8.0 Notice

8.1 Any notice to either party hereunder shall be in writing signed by the party given it, and shall be deemed given when mailed postage prepaid by U.S. Postal Service first class, certified or overnight mail, or when sent by Federal Express or a comparable service, or hand-delivered, when addressed as follows:

To the University:
Robert C. Khayat,
Chancellor
The University of Mississippi
Lyceum
University, MS 38677

To the Foundation:
Wendell W. Weakley,
President and CEO
The University of Mississippi Foundation
406 University Avenue
Oxford, MS 38655

or to such other addressee as may be hereafter designated by written notice.

9.0 Liability

9.1 Neither the University nor the Foundation shall have any liability for the obligations, acts, or omissions of the other party.

9.2 The Foundation is an independent entity from the University and is not governed by the University’s Board. Accordingly, to the extent permitted by the laws of the State of Mississippi applicable to a public institution of higher learning, each party to this Agreement shall be responsible for its own obligations, acts, or omissions.

10.0 Assignability

10.1 This Agreement shall not be assigned or otherwise transferred by either party without the prior written consent of the other, which consent shall not be unreasonably withheld.

IN WITNESS WHEREOF, the University and the Foundation, acting through the Chancellor of the University and the President and Chief Executive Officer of the Foundation, respectively, execute this Agreement on this the 1st day of July, 2008.

THE UNIVERSITY OF MISSISSIPPI

THE UNIVERSITY OF MISSISSIPPI
FOUNDATION

By: _____
Robert C. Khayat, Chancellor

By: _____
Wendell W. Weakley, President and
Chief Executive Officer

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ACKNOWLEDGMENT

State of Mississippi
County of Lafayette

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, Robert C. Khayat, known by me to be the Chancellor of The University of Mississippi, who executed the aforesaid Agreement, on this the _____ day of _____, 2008, on behalf of The University of Mississippi, being duly authorized so to do.

Notary Public

My Commission Expires:

ACKNOWLEDGMENT

State of Mississippi
County of Lafayette

Personally appeared before me, the undersigned authority in and for the jurisdiction aforesaid, the within named Wendell W. Weakley, known by me to be the President and Chief Executive Officer of The University of Mississippi Foundation, who executed the aforesaid Agreement on this the _____ day of _____, 2008, for and on behalf of The University of Mississippi Foundation, being duly authorized so to do.

Notary Public

My Commission Expires:

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Exhibit A

Fiscal year 2007 Reimbursement from Foundation to the Univeristy of Mississippi										
UM Employees performing service for the UM Foundation										
UM Employee			Comp.		Expense		UMF Time Percentage (4)	Total UMF Expense	Less UMF Paid	Net Due UM (5)
	UMF (1)	UM (2)	Total	Fringes(3)	Total	Total				
Ron Guest	\$23,720	\$ 72,197	\$ 95,917	\$ 28,775	\$124,692	90.0%	\$ 112,223	\$ 23,720	\$ 88,503	
Christi Bland	7,305	40,103	47,408	14,222	61,630	50.0%	30,815	7,305	23,510	
Lee Ann Cooper	11,025	32,776	43,801	13,140	56,941	25.0%	14,235	11,025	3,210	
Anna Lindsey	-	39,731	39,731	11,919	51,650	90.0%	46,485	-	46,485	
Tiffany Owens	-	23,430	23,430	7,029	30,459	25.0%	7,615	-	7,615	
Teresa Hasse	-	24,973	24,973	7,492	32,465	25.0%	8,116	-	8,116	
Sylvia Finley	-	24,817	24,817	7,445	32,262	50.0%	16,131	-	16,131	
Donna Faulkner	-	25,017	25,017	7,505	32,522	100.0%	32,522	-	32,522	
	\$42,050	\$283,044	\$325,094	\$ 97,528	\$422,622		\$ 268,143	\$ 42,050	\$226,093	

- (1) Represents compensation paid by the UM Foundation to UM for the designated employee
- (2) Represents amount per UM payroll
- (3) Estimated at 30%
- (4) Represents an estimate of time spent by UM employees on UM Foundation operations.
- (5) Pursuant to the UM Affiliation Agreement, this amount will be paid June 30, 2007

STAFF RECOMMENDATION: This agreement has been reviewed and approved by the Attorney General’s Office. Board staff recommends approval of this item.

4. UM - APPROVAL OF AFFILIATION AGREEMENT

The University of Mississippi seeks the Board’s approval of an affiliation agreement with The University of Mississippi Research Foundation, a Mississippi non-profit corporation created in 1999 that supports the research and commercialization efforts of the university, among other things.

This proposed agreement complies with the requirements of Board Policy 301.0806 University Foundation/Affiliated Entity Activities and is similar to the agreements approved by the Board in November 2006. The Chancellor recommends that the Board approve this agreement and authorize him to execute it on behalf of the university.

**Affiliation Agreement
between
University of Mississippi
and the
University of Mississippi Research Foundation**

This agreement is made and entered into this ____ day of _____, 2008 (the

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effective date) by and between UNIVERSITY OF MISSISSIPPI, a state institution of higher learning, organized and existing under the laws of the State of Mississippi (hereinafter referred to as "UM"), and the UNIVERSITY OF MISSISSIPPI RESEARCH FOUNDATION, a corporation duly organized under the laws of the State of Mississippi (hereinafter referred to as "RF").

PREAMBLE

WHEREAS, RF has been established as a non-profit, educational and charitable organization under Section 501(c)(3) of the Internal Revenue Code of 1986 for the purposes outlined in its Articles of Incorporation, a copy of which is attached to this agreement as Exhibit A;

WHEREAS, UM has the authority and right to enter into agreements with affiliated 501(c)(3), not-for-profit organizations;

WHEREAS, RF has the responsibility as a non-profit corporation to use its resources in a responsible and effective manner to further the research, academic, and service programs of UM and to support UM as outlined in its Articles of Incorporation;

WHEREAS, UM and RF anticipate that UM will provide RF with specified services and facilities with which to carry out its responsibilities in exchange for the development, commercialization, management, financial, and other service, support, and assistance RF shall provide UM; and

WHEREAS, UM and RF desire to define the arrangements concerning services, facilities, premises, and activities as set forth in this agreement;

NOW, THEREFORE, in consideration of the premises and mutual covenants contained herein, UM and RF do hereby agree, as follows:

ARTICLE 1. USE OF UM FACILITIES

1.1 UM grants to RF a license to use for RF's activities, physical space provided by UM as needed by RF and available from UM. Upon such time as RF may require space for its exclusive use, UM and RF shall enter a separate lease for such space or the parties shall amend the agreement accordingly.

1.2 This license shall include use of office and related space, maintenance, furniture, equipment and utilities for the leased space. UM agrees to maintain the premises, to include equipment provided by UM, in reasonable repair. Maintenance of equipment purchased by RF will be the responsibility of RF. All additions and improvements made by RF to the premises which are not firmly affixed to a structure shall remain the property of RF and may be removed by RF at any time. UM may request RF to relocate at such time that licensed space is needed to fulfill the missions and programs of UM.

ARTICLE 2. PERSONNEL AND SERVICES

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RF may utilize, with the approval of the Chancellor of UM, which approval shall not be unreasonably withheld, such UM administrative, professional, and other employees from time to time as are needed to carry out the purposes of RF as agreed by UM. RF may also recommend to the Chancellor changes in personnel, as necessary, for those University employees who perform work for or under the direction of RF Board or RF employees.

ARTICLE 3. RF OBLIGATIONS

3.1 RF acknowledges, covenants, and agrees that it may only use its resources for the express purpose of advancing UM's academic, educational, research, and service missions as outlined in its Articles of Incorporation.

3.2 During the term of this Agreement UM may assign to RF contractual rights resulting from UM's licensing of intellectual property owned or developed in whole or in part by UM or resulting from UM's related commercialization activities and efforts. These contractual rights may include income streams from or an equity position or ownership interest in other business entities or the right to receive income streams from or an equity position or ownership interest in other business entities (collectively "Equities"). RF further covenants and agrees upon UM's request to distribute according to UM's instructions any dividends or other income received as a result of owning Equities and any proceeds from the sale or transfer of any interest in any portion of the Equities.

3.3 At least thirty days before the end of each Fiscal Year during this Agreement, RF shall submit an annual budget for the forthcoming Fiscal Year to the Chancellor or the Chancellor's designee.

3.4 RF agrees to maintain its financial and accounting records in accordance with generally accepted accounting principles. The Chancellor or Chancellor's designee shall have the right upon two days' notice to inspect the books and records of RF during normal office hours.

3.5 RF agrees to submit to an annual audit of RF's books, records, and expenditures by an external auditor selected by UM such that audited financial statements for each Fiscal Year may be prepared and submitted to UM by November 1 of the following Fiscal Year, along with a list of RF's officers, directors or trustees. RF shall contemporaneously submit an annual report providing a detailed list of funds submitted to UM for the purpose of providing additional compensation to administrators, faculty, athletics staff, and other employees.

3.6 Except as directed by the Chancellor and reflected in the annual report required in Article 3.5 and consistent with applicable laws and regulations as required in Article 5, RF shall provide no benefit or compensation to any UM employee. Nothing in this provision prevents, however, RF from reimbursing a UM employee for expenses consistent with policies or procedures established between UM and RF.

3.7 RF acknowledges and agrees that UM owns all copyright, interest in and right to all trademarks, trade names, logos, and service marks developed by UM for use by RF, including all such trademarks, service marks, and trade names historically associated with RF.

3.8 RF shall adopt and maintain a conflict of interest policy.

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3.9 RF shall enter into an agreement with the University of Mississippi Foundation, Inc. to provide for the University of Mississippi Foundation, Inc.'s receipting and accounting for charitable gifts, grants, and endowments given to or received by RF, to assure that any such charitable gifts, grants, and endowments are received and accounted for consistent with the policies and practices adopted by the University of Mississippi Foundation, Inc. and consistent with the Affiliation Agreement between UM and the University of Mississippi Foundation, Inc., and to provide for the University of Mississippi Foundation, Inc.'s, management on behalf of RF of all RF endowments and other non-cash assets.

3.10 RF shall provide the Chancellor notice of any regular, annual, or special meetings of the RF Board of Directors, and the Chancellor or the Chancellor's designee has the right to attend any such meetings.

3.11 RF agrees to timely satisfy any and all financial, audit, and accounting obligations to third parties, including but not limited to any requirements of any funding or grant awarding agencies.

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

3.13 UM may from time to time make other requests from RF or seek other assistance from RF in accomplishing UM's mission, and RF agrees that it will not unreasonably deny any such requests.

3.14 RF shall reimburse the University for expenses the University incurs as a result of RF operations if those expenses would not otherwise have been incurred by the University, specifically including telephone, mail, and other such services provided on a monthly basis. The rate charged RF shall be the rate that is charged to University departments for such services.

3.15 The parties acknowledge that UM employees currently serve on RF's Board of Directors. RF agrees that when future Board Members are solicited, no employee of the University or of its governing board will be elected to serve as a voting member of the RF Board of Directors without the prior approval of UM's governing board.

3.16 RF agrees to regularly seek input from UM's Chancellor in defining RF's objectives.

3.17 RF agrees that it will not provide any form of compensation to UM's Chancellor or to UM for the purpose of supplementing the Chancellor's compensation without prior approval of the IHL Board.

3.18 Although RF may seek contributions, grants, and other support from third parties on its own behalf, RF shall not seek contributions, grants, or other public or private support on behalf of UM without the consent of UM through its Chancellor.

ARTICLE 4. UM OBLIGATIONS AND IN-KIND SUPPORT

To assist RF in discharging its obligations under this Agreement and in development, commercialization, management, financial, and other service, support, and assistance RF shall provide UM in support of its academic, educational, research, and service missions, UM grants RF the following rights:

4.1 The designation as an UM official affiliated entity.

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4.2 A non-exclusive, non-transferable license to use UM trademarks, service marks, and logos consistent with UM policy and its contract with Collegiate Licensing Company, including but not limited to a license to use marks developed by UM for use by RF.

4.3 An exclusive, transferable license to use UM trademarks, service marks, and trade names historically associated with RF.

4.4 UM shall provide support services to RF of the type provided to UM departments on a cost reimbursement basis including, but not limited to, utilities, telephone, fiber optic Internet cable connection, custodial services, printing and publication services, motor pool, and, to the extent permitted by law, use of the UM campus mail system and protection of the University Police Department.

4.5 UM shall provide RF employees staff identification cards, parking privileges, admission to athletics and entertainment events, and access to the UM's library and to its recreation and fitness programs at the same rates and under the same terms as those benefits and facilities are made available to University administrators and other employees.

4.6 UM shall provide RF technical support, expertise, cooperation, and assistance in applying for grants and external funding and in complying with the regulatory and other requirements of governmental agencies and other funding sources.

4.7 UM shall provide RF such other rights, privileges or benefits as the Chancellor, in the Chancellor's sole discretion, may determine will assist RF in discharging its obligations under this Agreement.

4.8 UM, through its Chancellor, will regularly communicate to RF UM's needs and priorities to RF, particularly with respect to UM's research objectives, mission, and goals.

ARTICLE 5. COMPLIANCE

RF shall comply with any and all federal and state laws and regulations and shall comply with any compliance, financial, accounting, audit, and regulatory guidelines as may be required by UM's governing Board or by granting or funding agencies.

ARTICLE 6. INDEMNIFICATION

RF agrees to indemnify and hold harmless UM, including its agents and employees from any and all claims, demands, suits, or liabilities of any nature, or on account of any of the actions or inactions in or about the licensed premises. RF agrees to reimburse UM and its agents and employees for any expenses incurred by them or as a result of legal action or inaction, including reasonable attorney fees, provided funds are available for such purpose.

ARTICLE 7. INSURANCE

7.1 RF shall maintain General Liability insurance providing insurance coverage of at least \$1,000,000 per occurrence and \$2,000,000 aggregate liability covering its employees and agents during the course and scope of their employment, providing protection from general

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liability risks, including, but not limited to, protection against claims of sexual harassment, discrimination or other violations of law.

7.2 In the event RF owns, or leases automobiles or other motorized vehicles, RF shall maintain Automobile Liability insurance providing at least \$1,000,000 per accident or occurrence for bodily injury and property damage.

7.3 RF shall maintain Property Insurance in an amount sufficient to provide full replacement of all insured property, and in the event that RF owns any interest in real property during the life of this Agreement, sufficient property and casualty insurance to insure against the loss of the real property and any improvements or personal property associated with the insured premises.

7.4 RF shall maintain Directors and Officers liability insurance on members of the Board of Directors and RF Officers, while performing as such.

7.5 RF shall maintain Commercial Excess or Umbrella Coverage: RF shall maintain \$4,000,000 in additional coverage in excess or over and above the basic coverages set forth in Articles 7.1, 7.2, and 7.4.

7.6 RF shall maintain Workers Compensation insurance if required to do so by applicable law or such other insurance coverages as may be required by applicable law.

ARTICLE 8. REPORTING

RF shall, within one hundred and twenty (120) days following the close of its Fiscal Year, submit a detailed annual report of the work and financial condition of the RF to the Chancellor, and any other reports as required by this Agreement, by the Bylaws of the RF, by the policies of UM's governing board or by other applicable law.

ARTICLE 9. TERMINATION AND RENEWAL

9.1 This Agreement shall expire on June 30, 2013, if not renewed by mutual consent of the parties before that date.

9.2 This agreement may be terminated for any reason by written approval and consent of UM and RF upon ninety (90) days written notice.

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

9.4 If this Agreement is terminated for any reason, including because the Agreement has expired without being renewed under Article 9.1, Articles 6, 9, and 10 shall survive the termination.

9.5 Within ninety days of termination of this Agreement for any reason, UM may in its sole discretion require RF to transfer all assets in its possession to UM or to a successor non-profit corporation qualifying as an UM affiliate through approval and designation as such by UM's Chancellor and by its governing Board.

ARTICLE 10. MISCELLANEOUS PROVISIONS

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10.1 This Agreement shall be construed, governed, interpreted and applied in accordance with the laws of the State of Mississippi.

10.2 The parties agree that RF is an independent entity that is not a part of or controlled by UM or its governing board. RF is not the agent or employee of UM, and nothing in this Agreement creates an employment or other agency relationship between the parties.

10.3 UM and RF agree that RF's donor and giving records and any other financial or commercial information possessed by RF or provided by RF to UM concerning individuals or corporations that provide RF financial support are confidential and proprietary. Unless required to disclose such information by applicable law, UM and RF agree not to disclose to third parties and to keep confidential the giving records, giving history, and financial or commercial information of individuals and corporations that provide financial support to RF.

10.4 In the performance of this Agreement, RF shall not deny employment opportunities to any person on the basis of race, color, religion, ethnic group identification, sex, age, physical or mental disability, medical condition, or veteran's status.

10.5 The parties hereto acknowledge that this Agreement sets forth the entire Agreement and understanding of the parties hereto as to the subject matter hereof, and shall not be subject to any change or modification except by the execution of a written instrument subscribed to by the parties hereto.

10.6 The provision of this Agreement are severable, and in the event that any provisions of this Agreement shall be determined to be invalid or non-enforceable under any controlling body of the law, such invalidity or non-enforceability shall not in any way affect the validity or enforceable nature of the remaining provisions hereof.

10.7 The failure of either party to assert a right hereunder or to insist upon compliance with any term or condition of this Agreement shall not constitute a waiver of that right or excuse a similar subsequent failure to perform any such term or condition by the other party.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals and duly executed this Agreement the day and year set forth below.

UNIVERSITY OF MISSISSIPPI

UNIVERSITY OF MISSISSIPPI RESEARCH
FOUNDATION

By: _____

By: _____

Name: Robert C. Khayat

Name: Alice M. Clark

Title: Chancellor

Title: President

Date: _____

Date: _____

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

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5. SYSTEM ADMINISTRATION – REPORT OF PAYMENTS TO OUTSIDE COUNSEL (INFORMATION ONLY)

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

Payment of legal fees for professional services rendered by David Ware & Associates (Statement dated 3/27/08) from the funds of Mississippi State University. (This statement represents services and expenses in connection with Dr. Fiona M^cCarthy.)

TOTAL DUE.....\$ 1,500.00

Payment of legal fees for professional services rendered by Phelps Dunbar (Statement dated 3/31/08) from the funds of Mississippi State University. (This statement represent services and expenses in connection with the case styled *Charlie F. Wade v. MS cooperative Extension Service.*)

TOTAL DUE.....\$ 2,320.16

Payment of legal fees for professional services rendered by Forman Perry Watkins Krutz & Tardy (Statements dated 3/7/08) from the funds of the University of Mississippi Medical Center. (These statements in the amounts of \$540.00, \$120.00, \$2,748.99, \$1,981.14, and \$1,390.75 represent services and expenses in connection with *M^cGarry, Seid, Beason, Flowers, and Knight* cases, respectively.)

TOTAL DUE.....\$ 6,780.88

Payment of legal fees for professional services rendered by Phelps Dunbar (Statement dated 3/31/08) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with *DSH Litigation.*)

TOTAL DUE.....\$ 1,515.16

Payment of legal fees for professional services rendered by Adams & Reese (Statements dated 3/13/08 and 4/9/08) from the funds of the University of Southern Mississippi. (These statements represent services and expenses in connection with personnel issues.)

TOTAL DUE.....\$ 6,933.25

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (Statement dated 3/10/08) from the funds of Mississippi State University. (This

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statement represents services and expenses in connection with the following patent: “Compact Time-of-Flight Mass Spectrometer – Germany.”)

TOTAL DUE.....\$ 226.41

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (Statement dated 3/18/08) from the funds of the University of Mississippi. (This statement represents services and expenses in connection with the following patent: “Cache Mapping Technology Matter.”)

TOTAL DUE.....\$ 5,188.30

Payment of legal fees for professional services rendered by Hunton & Williams (Statements dated 3/11/08) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: General - \$128.00; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – CA” - \$62.50; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – South Africa” - \$31.25; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Belgium” - \$62.50; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Denmark” - \$62.50; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – France” - \$62.50; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Germany” - \$62.50; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Netherlands” - \$31.25; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Sweden” - \$31.25; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Switzerland” - \$62.50; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – United Kingdom” - \$31.25; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Ireland” - \$31.25; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Italy” - \$31.25; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – Luxembourg” - \$31.25; “Design and Synthesis of Optimized Ligands and PPAR ... – CA” - \$62.90; “Design and Synthesis of Optimized Ligands and PPAR ... – EP” - \$62.50; “Design and Synthesis of Optimized Ligands and PPAR ... –AU” - \$62.50; “Transmucosal Delivery of Cannabinoids – CA” - \$62.50; “Transmucosal Delivery of Cannabinoids – CA” - \$62.50; “Transmucosal Delivery of Cannabinoids – MX” - \$522.87; “Transmucosal Delivery of Cannabinoids” - \$2.24; “Method of Preparing Delta-9-Tetrahydrocannabinol – CA” - \$1,770.39; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – PL” - \$31.25; “Stable Suppository Formulations Effecting Bioavailability of 9-THC – AU” - \$62.50; “Manzamines in the Treatment of Infectious Diseases” - \$5.62; “Method of Preparing Delta-9-Tetrahydrocannabinol – CA” - \$1,129.62; “Method of Preparing Delta-9-Tetrahydrocannabinol – KR” - \$1.97; “Artemisinin-Based Peroxide Compounds as Broad Spectrum Anti-Infective Agents” - \$3.46; “Method of Preparing Delta-9-Tetrahydrocannabinol – AU” - \$6.56; “Method of Preparing Delta-9-Tetrahydrocannabinol – CA” - \$1,186.58; “Anticancer and Antiprotozoal Dihydroartemisinin and Dihydroartemisitene Dimers with Desirable Chemical Functionalities – CA” - \$62.50; “Anticancer and Antiprotozoal Dihydroartemisinin and Dihydroartemisitene

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Dimers with Desirable Chemical Functionalities – EP” - \$62.50; “Anticancer and Antiprotozoal Dihydroartemisinin and Dihydroartemisinin Dimers with Desirable Chemical Functionalities” - \$3.11; “Method of Controlling Toxicity of Aminoquinoline Compounds” - \$5.99; and “PRVPA Prevention of Poison Ivy Dermatitis” - \$649.19.)

TOTAL DUE.....\$ 6,540.60

Payment of legal fees for professional services rendered by Stites & Harbison (Statements dated 2/29/08) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Amphotericin BHP” - \$693.92; “Novel Antigiardial Agents” - \$519.00; “Medicaments to Nails & Perionychiu” - \$735.04; “Spherical Pellet Production” - \$1,014.34; “Method and Device for Reducing Engine Noise” - \$91.50; “Novel Cyclopentenedione Antifungal Compounds and Methods for Their Use – JP” - \$103.00; “Cembranoids/Chemopreventive” - \$1,984.99; “Acoustic Instruments for Use in Aquaculture” - \$150.50; “Saururus Cernuus Compounds that Inhibit Cellular Response to Hypoxia” - \$173.50; “Novel Cyclopentenedione Antifungal Compounds and Methods for Their Use – EP” - \$227.56; “Saururus Cernuus Compounds that Inhibit Cellular Response to Hypoxia - AU” - \$1,066.50; and “Corrugated and Ported Prism Engine Nozzel for Reduction of Supersonic Jet Exhaust Noise” - \$947.79.)

TOTAL DUE.....\$ 7,707.64

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1. **SYSTEM ADMINISTRATION - APPROVAL OF THE CONSULTANT FIRM FOR MISSISSIPPI STATE UNIVERSITY'S PRESIDENTIAL SEARCH**

Approval is requested for the hiring of a consulting firm for the Mississippi State University's Presidential Search in compliance with Board Policy, 201.0608 - Institutional Executive Officer/Commissioner of Higher Education Search Process.

2. **SYSTEM ADMINISTRATION - COMMISSIONER'S NOTIFICATION OF APPROVAL (INFORMATION ONLY)**

In compliance with Board Policy, the following item has been approved by the Commissioner on behalf of the Board and is available for inspection in the Board Office.

- a. Quarterly Employment Hires Report for the period of January 1, 2008 through March 31, 2008, as required by Board Policy 401.0102 Delegation of Authority and 801.08 Outside Employment.