

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



FINAL BOARD BOOK
MARCH 17, 2011



FINAL BOARD BOOK OUTLINE

March 17, 2011, 9:00 A.M.

Universities Center
3825 Ridgewood Road
Jackson, MS 39211

CALL TO ORDER

PRAYER

Trustee Ed Blakeslee

INTRODUCTION OF GUESTS

MINUTES

February 17, 2011 Regular Board Meeting Minutes

CONSENT AGENDAS

Trustee Bettye Neely

BUDGET, FINANCE, AND AUDIT

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2. UM – Approval to Escalate Budgets
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Mr. David Mallery, Executive Director
Mississippi Commission for Volunteer Services

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Trustee Bob Owens and Trustee Alan Perry

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Trustee Bob Owens

1. UMMC – Request for Waiver.....1
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LEGAL

Trustee Alan Perry

1. SYSTEM – Final Approval of Amendments to *Board Policies and Bylaws* Regarding the Election of Board Officers1

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ADJOURNMENT

MISSISSIPPI
BOARD OF TRUSTEES
OF STATE
INSTITUTIONS OF HIGHER LEARNING



MINUTES FOR:

February 17, 2011 Regular Board Meeting Minutes

**MINUTES OF THE BOARD OF TRUSTEES OF
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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 approximately 9:11 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on January 6, 2011, to each and every member of said Board, said date being at least five days prior to this February 17, 2011 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Dr. Bettye Henderson Neely, Mr. Bob Owens, Mr. Aubrey B. Patterson, Mr. Alan Perry, Ms. Christine Pickering, Mr. Scott Ross, Dr. Douglas Rouse, Mr. C.D. Smith and Ms. Amy Whitten. Ms. Robin J. Robinson was absent. The meeting was called to order by Dr. Bettye Neely, President, and opened with prayer by Mr. Bob Owens.

INTRODUCTION OF GUESTS

- ▶ President Bettye Neely welcomed the Student Government Association presidents: Mr. Corey Cooper – Alcorn State University, Mr. Thomas Sellers – Mississippi State University; Mr. Rhett Hobart - President Elect from Mississippi State University; Miss Virginia Burke – University of Mississippi; and Mr. Taylor McGraw, President Elect at the University of Mississippi.
- ▶ Commissioner Hank Bounds welcomed Dr. Carolyn Meyers, President of Jackson State University, to her first Board meeting. He then introduced Dr. Willis Lott, President of the Gulf Coast Community College. Dr. Bounds thanked him for what he has done for the State of Mississippi. Dr. Lott introduced Dr. Mary S. Graham the President Elect of the Gulf Coast Community College.

APPROVAL OF THE MINUTES

On motion by Trustee Pickering, seconded by Trustee Patterson, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the Minutes of the Board meeting held on January 19, 2011 and January 20, 2011, as amended to reflect Trustee Perry's abstention from discussing and voting upon the Parkway Joint Venture, LLC lease agreement with the University of Mississippi Medical Center. The amendment also reflects that Trustee Perry not only recused himself from voting on the Parkway Joint Venture, LLC matter, he left the room before discussion began and did not return until after the other Board members voted on the item.

CONSENT AGENDA

On motion by Trustee Patterson, seconded by Trustee Blakeslee, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the following Consent Agenda.

BUDGET, FINANCE AND AUDIT

1. **JSU** - Approved the request to enter into an equipment lease agreement with IKON Office Solutions, Inc., for upgrades and replacements of all copier hardware, software and multi-function devices. The contract length is sixty months - February 28, 2011 to February 28, 2016. Monthly payments

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- are \$39,290 with the total cost for the contract period of \$2,357,400. The contract will be funded by a combination of E&G funds and externally funded grant sources. The contract which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.
2. **UMMC** - Approved the request to enter into a contract with ECG Management Consultants, Inc. for consulting services. The objective of this assignment is to support the School of Medicine in planning for and implementing internal changes related to the department's transition to a contribution-based budget model (transition planned for July 2011). The contract length is six months - March 1, 2011 to August 31, 2011. Costs will be billed based on an hourly rate of \$280 per hour with a total of 1,200 hours budgeted. The total cost for the contract period is \$336,000. The contract will be funded by state appropriated funds. The contract which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.
 3. **UMMC** - Approved the request to enter into a subscription agreement with Elsevier B.V. to electronically subscribe to science, technology, and medical journals on the ScienceDirect platform. The contract length is four years and ten-months - March 1, 2011 to December 31, 2015. The total costs are estimated at \$3,668,299.82. By entering into the subscription agreement, Elsevier B.V. assures a 10% discounted electronic subscription fee and a 9% content fee for the duration of the agreement with a 5% price cap. The cost for access to the Freedom Collection (specific journals) is waived for two years and is graduated over the last three years of the agreement. Estimated annual costs are included in the bound *February 17, 2011 Board Working File*. This agreement will be funded by hospital patient revenue. The agreement which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.
 4. **UMMC** - Approved the request to exercise the renewal option in the lease agreement with Select Specialty Hospital - Jackson, Inc. for the lease of 9,403 square feet of space to house the outpatient Gastro-Intestinal/Endoscopy Outpatient Clinic in order to exercise the two consecutive one-year renewal periods in the original agreement. The contract length will be extended an additional two years bringing the total contract period to five years - March 1, 2008 to February 28, 2013. The current lease payment of \$35.03 per square foot will reduce to \$25.16 per square foot in the fourth and fifth years, making the new monthly lease payment \$19,715. The cost for the two-year contract renewal period has an estimated expenditure of \$717,338 (lease - \$47,159 and operating cost - \$244,179) bringing the overall estimated costs for the entire contract period to \$2,217,338. All other terms remain the same as set forth in the original agreement. This agreement will be funded by hospital patient revenue. The contract which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.
 5. **UMMC** - Approved the request to exercise the renewal option in the lease agreement with Select Specialty Hospital - Jackson, Inc. for the lease of 12,415 square feet of space to house the Sleep Disorders Center. The purpose of this request is to exercise the two consecutive one-year renewal periods in the original agreement. The contract length will be extended an additional two years bringing the total contract period to five years - March 1, 2008 to February 28, 2013. The current lease payment of \$26.85 per square feet will be reduced to \$25.16 per square foot in the fourth and fifth years making the new monthly lease payment \$26,030. The costs for the two-year contract renewal period has an estimated expenditure of \$947,358 (lease - \$624,723 and operating costs - \$322,635) bringing the overall estimated costs for the entire contract period to \$2,647,358. All other terms remain the same as set forth in the original agreement. This agreement will be funded by hospital patient revenue. The contract which has been reviewed and approved by the Attorney General's Office is available for review at the Board Office.

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6. **System** - Approved the request to escalate the Executive Office Budget and authorized the spending authority as shown in the budget below. The escalation is due to the inclusion of the REMI contract approved by the Board at the January 2011 meeting. The agreement will be funded by the Governor's Office in conjunction with the Deep Water Horizon Economic Impact Study. The Executive Office Budget includes grant funds and transfer funds from the universities, student financial aid, and the Delta Regional Revitalization Study.

Consolidated	FY 2011 Original Budget	Revision/ Escalation	FY 2011 Revised Budget
Salaries, Wages, & Fringe Benefits	\$ 11,948,881	\$ -	\$ 11,948,881
Travel	498,673		498,673
Contractual Services	27,844,482	312,000	28,156,482
Commodities	388,890		388,890
Capital Outlay:			
Other Than Equipment	-		-
Equipment	111,500		111,500
Total Capital Outlay	111,500	-	111,500
Subsidies, Loans, & Grants	37,172,271		37,172,271
Total	\$ 77,964,697	\$ 312,000	\$ 78,276,697

REAL ESTATE

7. **UM** - Approved the initiation of **GS 207-346, Stockard Hall and Martin Hall Brick Veneer Replacement**, and the request to select a design professional using the "Request for Qualifications" process through a publicly advertised RFQ. The two buildings share a lobby and, over time, water penetrated the brickwork causing the shelf angles to oxidize which in turn caused the mortar to crack and loosen. The project involves removing the masonry skin in its entirety from the seventh floor to the eleventh floor and replacing the brick and re-installing windows on floors seven through eleven. The estimated project budget is \$4 million. Funds are available from auxiliary R&R funds (\$4 million).
8. **UMMC** - Approved the initiation of **IHL 209-540, School of Dentistry Restorative Lab Renovations**, and the appointment of Mark Vaughan as design professional. The project will include renovation of approximately 3,750 square feet of existing School of Dentistry Lab space. The existing Restorative Lab suite will be renovated/upgraded to provide modern Restorative Lab design and includes new laboratory casework, upgraded utilities, additional offices, and support space as well as new digital simulation area and equipment. The estimated project budget is \$1,280,000. Funds are available from hospital patient revenue (\$665,600) and tuition fees (\$614,400).
9. **MVSU** - Approved the request to increase the amount of *Ayers* funds that will be used to fund **GS 106-201, J.H. White Library Enhancements**, from \$7.5 million to \$8.5 million while decreasing the amount of HB 1722, Laws of 2009, funds from \$2.5 million to \$1.5 million. The \$7.5 million is the original amount requested and allocated through the *Ayers* Settlement as approved by the

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Board for this project. The university will use the remaining \$1 million of excess *Ayers* funds for the project. The project will consist of \$8.5 million in *Ayers* funds allocated for GS 106-201, White Library Enhancements and an additional \$3 million in other state bond funds. The total project budget will remain \$11.5 million for this project. Funds are available from HB 1641, Laws of 2008 (\$250,000); SB 2988, Laws of 2003 (\$255,000); SB 2010, Laws of 2004 (\$250,000); SB 3158, Laws of 2001 (\$745,000); HB 1722, Laws of 2009 (\$1.5 million); and \$8.5 million in *Ayers* funds.

10. **MSU** - Approved the request to name the basketball practice facility which is nearing completion as the Mize Pavilion at Humphrey Coliseum. The practice facility was made possible in large part by a major lead gift from Mize Foundation of Tupelo, MS, whose leadership also encouraged other significant donations for the project.
11. **UMMC** - Pending approval by the Mississippi Department of Environmental Quality, the Board approved the request to delete Build #277 Outpatient Department Addition from state inventory and demolish it. Due to conflicts with structural column layouts and required design layouts for the new Cardiovascular Renovation Project, the existing one story structure needs to be removed. The Mississippi Department of Archives and History has reviewed the design documents and has approved the demolition. All legal documentation will be kept on file in the Office of Real Estate and Facilities.

LEGAL

12. **UMMC** - Approved the request to hire Balch & Bingham, LLC as outside counsel for healthcare regulatory and compliance matters, and administrative hearings. The term of the contract will be from March 1, 2011 through June 30, 2012. The hourly rate payable to attorneys will be \$215.00 with the maximum amount payable under the contract to be \$50,000. Either party may terminate the contract with thirty days notice. The contract will be paid from hospital patient revenues.
13. **System** - Approved the request to seek an official Attorney General's Opinion regarding the disagreement among state agencies about when the *Ayers* settlement implementation began as to legislative funding of the academic programs required under the settlement agreement. The request for an official Attorney General's opinion would also inquire as to whether the *Ayers* settlement academic program funding, as specifically provided for within the *Ayers* settlement agreement, must be appropriated by the Mississippi Legislature over the course of seventeen separate fiscal years. The draft opinion request letter is included in the bound *February 17, 2011 Board Working File*.

14. PERSONNEL REPORT

EMPLOYMENT

Mississippi State University

Rehired Retirees Making More than \$20,000 Who Are Not on Contracts During FY 2011

Willie Davis, *former position:* Teacher; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$27,500

Paul Allen, *former position:* Professor; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$52,583

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Reba Thompson, *former position:* Teacher; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$27,500

Betty Estes, *former position:* Reading Facilitator; *re-employment position:* Lecturer; *re-employment period:* January 3, 2011 through June 30, 2011; *salary of* \$27,500

Sherrill Wiygul, *former position:* Teacher; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$27,500

Terry Stacy, *former position:* Teacher; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$27,500

William Maslin, *former position:* Associate Professor; *re-employment position:* Associate Clinical Professor; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$48,017

Patsy Moore, *former position:* Instructor; *re-employment position:* Lecturer; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$27,500

Elborn Jones, *former position:* Professor; *re-employment position:* Lecturer; *re-employment period:* January 7, 2011 through June 30, 2011; *salary of* \$57,156

Glenn McGee, *former position:* Superintendent; *re-employment position:* Director; *re-employment period:* January 1, 2011 through June 30, 2011; *salary of* \$40,000

James Lawson, *former position:* Instructor; *re-employment position:* Lecturer; *re-employment period:* January 11, 2011 through June 30, 2011; *salary of* \$27,351

Kathleen Wilson, *former position:* Teacher; *re-employment position:* Lecturer; *re-employment period:* January 16, 2011 through June 30, 2011; *salary of* \$32,010

CHANGE OF STATUS

University of Mississippi Medical Center

Kimberly W. Hoover, *from* Professor and Interim Dean, School of Nursing, salary of \$160,00 per annum, pro rata; E&G Funds; *to*, Dean and Professor, salary of \$200,000 per annum, pro rata; E&G Funds; effective October 14, 2010

University of Southern Mississippi

Russell H. Willis; *from* Interim Vice President for Administrative Affairs, salary of \$120,000 per annum, pro rata; E&G Funds; *to* Vice President for Administrative Affairs; salary of \$185,000 per annum, pro rata; E&G Funds; effective July 1, 2011

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SABBATICALS

University of Mississippi

Melvin Arrington, Professor of Modern Languages, *from* salary of \$76,270 per annum, pro rata; E&G Funds; *to* salary of \$38,135 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Julia Aubrey, Associate Professor of Music, *from* salary of \$61,528 per annum, pro rata; E&G Funds; *to* salary of \$30,764 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

John Stephen Brewer, Professor of Biology, *from* salary of \$79,255 per annum, pro rata; E&G Funds; *to* salary of \$39,627 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Yunhee Chang, Assistant Professor of Nutrition and Hospitality Management, *from* salary of \$58,293 per annum, pro rata; E&G Funds; *to* salary of \$29,146 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development (*contingent upon approval of tenure and promotion*)

Wei-Yin Chen, Professor of Chemical Engineering, *from* salary of \$123,773 per annum, pro rata; E&G Funds; *to* salary of \$61,886 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

H. Conrad Cunningham, Professor of Computer and Information Science, *from* salary of \$122,783 per annum, pro rata; E&G Funds; *to* salary of \$61,391 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

John N. Daigle, Professor of Electrical Engineering, *from* salary of \$126,684 per annum, pro rata; E&G Funds; *to* salary of \$63,342 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to December 31, 2012; professional development

Gregg Davidson, Professor of Geological Engineering, *from* salary of \$81,149 per annum, pro rata; E&G Funds; *to* salary of \$40,574 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to May 12, 2012; professional development

Oliver Dinius, Associate Professor of History, *from* salary of \$61,087 per annum, pro rata E&G Funds; *to* a salary of \$30,543 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to May 12, 2012; professional development

Ross Haenfler, Associate Professor of Sociology and Anthropology, *from* salary of \$59,945 per annum, pro rata; E&G Funds; *to* salary of \$29,972 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

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Marvin King, Assistant Professor of Political Science, *from* salary of \$54,487 per annum, pro rata; E&G Funds; *to* salary of \$27,243 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development (*contingent upon approval of tenure and promotion*)

Marc H. Lerner, Assistant Professor of History, *from* salary of \$52,987 per annum, pro rata; E&G Funds; *to* salary of \$26,493 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to May 12, 2012; professional development (*contingent upon approval of tenure and promotion*)

Jeanette S. Martin, Professor of Management, *from* salary of \$84,560 per annum, pro rata; E&G Funds; *to* salary of \$42,280 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Mustafa M. Matalgah, Associate Professor of Electrical Engineering, *from* salary of \$91,570 per annum, pro rata; E&G Funds; *to* salary of \$45,785 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Ben W. McClelland, Professor of English, *from* salary of \$92,171 per annum, pro rata; E&G Funds; *to* salary of \$46,085 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Kerry Brian Melear, Associate Professor of Leadership and Counselor Education, *from* salary of \$62,744 per annum, pro rata; E&G Funds; *to* salary of \$31,372 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Dale G. Nagle, Professor of Pharmacognosy, *from* salary of \$103,006 per annum, pro rata; E&G Funds; *to* salary of \$38,627 per annum, pro rata for sabbatical period (twelve-month contract); E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Milorad Novicevic, Associate Professor of Management, *from* salary of \$116,975 per annum, pro rata; E&G Funds; *to* salary of \$58,487 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Minjoo Oh, Associate Professor of Sociology and Anthropology, *from* salary of \$59,843 per annum, pro rata; E&G Funds; *to* salary of \$29,921 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to December 31, 2012; professional development

Igor Ostrovskii, Associate Professor of Physics and Astronomy, *from* salary of \$65,670 per annum, pro rata; E&G Funds; *to* salary of \$32,835 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Ronald J. Rychlak, Professor of Law, *from* salary of \$180,729 per annum, pro rata; E&G Funds; *to* salary of \$67,773 per annum, pro rata for sabbatical period (twelve-month contract); E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

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Paul Scovazzo, Associate Professor of Chemical Engineering, *from* salary of \$81,561 per annum, pro rata; E&G Funds; *to* salary of \$40,780 per annum, pro rata for sabbatical period; E&G Funds; effective January 23, 2012 to May 12, 2012; professional development

Paula Temple, Professor of Art, *from* salary of \$71,588 per annum, pro rata; E&G Funds; *to* salary of \$35,794 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Kathleen Woodruff Wickham, Associate Professor of Journalism, *from* salary of \$63,205 per annum, pro rata; E&G Funds; *to* salary of \$31,602 per annum, pro rata for sabbatical period; E&G Funds; effective August 18, 2011 to December 31, 2011; professional development

Gabriel Wrobel, Associate Professor of Sociology and Anthropology, *from* salary of \$60,149 per annum, pro rata; E&G Funds; *to* salary of \$30,074 per annum, pro rata for sabbatical period; E&G Funds; professional development

University of Southern Mississippi

Jonathan Barron, Associate Professor of English, *from* \$54,226 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$24,100 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

Robin Carr, Associate Professor of Theatre and Dance, *from* \$50,321 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$22,364 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

C. S. Chen, Professor of Mathematics, *from* \$117,054 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$52,024 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

David Cochran, Associate Professor of Geology and Geography, *from* \$56,519 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$25,120 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

Alina Gearba, Professor of Social Work, *from* \$55,213 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$27,606.50 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to May 19, 2012; professional development

Kate Greene, Associate Professor of Political Science, *from* \$59,068 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$26,252 per annum for sabbatical period; E&G Funds; effective August 22, 2011 to December 31, 2011; professional development

Jae-Hwa Shin, Associate Professor of Mass Communication and Journalism, *from* \$60,452 per annum, prorate (9-month contract); E&G Funds; *to* salary of \$33,585 per annum for sabbatical period; E&G Funds; effective January 1, 2012 to May 19, 2012; professional development

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

February 17, 2011

ACADEMIC AFFAIRS

Presented by President Bettye Neely

On motion by Trustee Blakeslee, seconded by Trustee Davidson, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #1 as submitted on the following Academic Affairs Agenda. On motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #2.

1. **System** - Approved the following new academic programs:
 - a. Mississippi State University to offer the Doctorate of Philosophy in Human Development and Family Studies degree.
 - b. Mississippi State University to offer the Master of Science in Human Development and Family Studies degree.
 - c. Mississippi University for Women to offer the Bachelor of Science in Public Health Education degree.
 - d. University of Mississippi (School of Business) and the University of Mississippi Medical Center (School of Health Related Professions) to offer the Master of Health Care Administration degree.
2. **System** - Approved for first reading the proposed amendments to Board Policy 602 Nonresident Admissions, as follows:

F. Nonresident Admissions

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

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

BUDGET, FINANCE & AUDIT AGENDA

Presented by Trustee Bob Owens, Chair

1. **System** - The Board received a system overview of the Housing and Food Operations Three-Year Business Plans, Fiscal Years 2012, 2013, and 2014. This item will be brought before the Board in March for initial approval with final approval at the April meeting.

**MINUTES OF THE BOARD OF TRUSTEES OF
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LEGAL AGENDA

Presented by Trustee Alan Perry, Chair

On motion by Trustee Perry, seconded by Trustee Whitten, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to move agenda items #1 and #2 to the Executive Session agenda. On motion by Trustee Perry, seconded by Trustee Whitten, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve agenda item #3 as submitted on the following Legal Agenda.

1. **UMMC** - Settlement of Tort Claim No. 1204. **(This item was taken up during Executive Session.)**
2. **MSU** - Settlement of Tort Claim No. 930750. **(This item was taken up during Executive Session.)**
3. **System** - Approved for first reading the proposed amendments to Board Policies 201.02 President of the Board, 301.01 Officers of the Board, and 301.02 Election of Officers. **(See Exhibit 1.)**

INFORMATION AGENDA

Presented by Commissioner Hank M. Bounds

ACADEMIC AFFAIRS

1. **System** - The Higher Education Appreciation Day, Working for Academic Excellence (HEADWAE) was established by the Mississippi Legislature to honor academically talented students and faculty members of Mississippi's higher education institutions who have made outstanding contributions in promoting academic excellence. The HEADWAE recipients were honored on February 3, 2011 at the Jackson Convention Complex, where Lt. Governor Phil Bryant was the guest speaker. System honorees for 2011 are listed below.

INSTITUTION	STUDENT HONOREE	FACULTY HONOREE
ASU	Crystal Denise Glenn	Jan E. Duncan
DSU	Emily Hearn	Gloria Rizzo Brister
JSU	Ameenah Maha Abdur-Rashied	Natarajan Meghanathan
MSU	Thomas Leon Sellers	Rachel Elizabeth McCann
MUW	Brandon Colby Newsome	George V. Pinchuk
MVSU	Kimberly Patrice Palmer	Ying Wang
UM	Katherine Virginia Burke	Kelly Gene Wilson
UMMC	Denise Creshun Cornelius	Michael David Hebert
USM	Suzanna Lee Ellzey	Steve Chi-Yin Yuen

REAL ESTATE

1. **System** - The Board received the Real Estate items that were approved by the Board staff subsequent to the January 20, 2011 Board meeting in accordance with Board Policy 904 Board Approval. **(See Exhibit 2.)**

**MINUTES OF THE BOARD OF TRUSTEES OF
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LEGAL

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

ADMINISTRATION/POLICY

3. **System** - In compliance with Board Policy, the following items have been approved by the Commissioner on behalf of the Board and are available for review at the Board Office:
 - a. **UM** - In compliance with Board Policy 701.06 Budget Escalations and Revisions, “all revisions to the annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board.” On February 4, 2011, the Commissioner approved the budget revisions for the Intercollegiate Athletic budgets at the University of Mississippi. The revision contains no increases in the total budgets but rather reallocations amongst individual expense categories.
 - b. **UMMC** – In accordance with Board Policy 707.01 Land, Property, and Service Contracts, “the Commissioner is authorized and empowered to approve renewals of service expenditure contracts if the original contract was previously approved by the Board of Trustees, and if the contract amount does not exceed 110% of the current contract.” On February 4, 2011, the Commissioner approved the renewal of a contract between the University of Mississippi Medical Center and National Billing Associates. The purpose of the agreement is to provide continued billing services for UMMC’s home dialysis accounts. The original three-year contract approved by the Board in January 2008 was for a total cost of \$853,264. The renewed contract will be effective February 1, 2011 and will cover a 17 month period ending on June 30, 2012. Total costs during the new period are not expected to exceed the original contract fees (\$853,264). The final contract cost is contingent upon the actual level of collections secured by the vendor as they are paid a fee of 4% on every dollar collected from the home dialysis accounts.
 - c. **USM** - In compliance with Board Policy 701.06 Budget Escalations and Revisions, “all revisions to the annual budgets which do not increase the total amount of the budgets must be approved by the Commissioner prior to implementation and subsequently reported to the Board”. On February 1, 2011, the Commissioner approved the budget revisions for On Campus (Hattiesburg), Off Campus (Gulf Coast), the Mississippi Polymer Institute, and the Auxiliary budgets. These are second revisions for the On Campus (Hattiesburg), Off Campus (Gulf Coast), and the Mississippi Polymer Institute and the first revision for the Auxiliary budgets for FY 2011. The budget revisions contain no increases in the total budget but rather reallocations amongst individual expense categories.

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- d. **System** – On January 26, 2011, the Commissioner reviewed and approved the Quarterly Employment Reports which lists all hires and all separations for the period beginning October 1, 2010 and ending December 31, 2010. These reports are required by IHL Policy 401.0102 Delegation of Authority and 801.09 Resignations.

ANNOUNCEMENT

- Commissioner Bounds informed the Board that the first Diversity Summit was held on February 16, under the direction of Mr. Marcus Thompson, System Diversity Officer. The diversity officers were brought in from each of the institutions. They are now working on creating diversity plans with goals and metrics at each of the institutions. A progress report will be presented to you in March.

UNIVERSITY AWARENESS PRESENTATION

As a follow-up to discussions held during the September Board meeting that indicated there is not a strong awareness in Mississippi of the value and economic impact that our universities provide, a committee of university communicators discussed strategies and objectives to increase awareness and build greater support for our universities. The committee of university communicators was formed following the September meeting with participation from all eight universities, as well as by Trustee Robin Robinson on the Board's behalf. The committee called upon Dr. Arthur Cosby and the Social Science Research Center at Mississippi State University to assist in determining current perceptions the public holds about Mississippi's university system. Dr. Cosby shared the results of the survey with the Board. Potential university system identity packages were presented and discussed. Dr. Cosby also shared the feedback on the identity packages gained from focus groups, including university students, university faculty and staff, IHL staff and community leaders. The committee of university communicators will bring a recommendation for a university system identity package to the Board at a later date.

2011 BLACK HISTORY MONTH RECOGNITION

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

Trustee Perry, Co-Chair of the Diversity Committee, thanked the members of the committee, Trustee Owens as Co-Chair, and Trustees Pickering, Rouse and Whitten for their time and effort. Trustee Perry also recognized the members of the IHL staff who worked to make this event happen: Pearl Pennington, Caron Blanton, Bridget Breithaupt, Henry Anderson, Gloria Miller, Deborah Bridges, Kim Gallaspy and Marcus Thompson. Trustee Perry gave special thanks to Ms. Clotee Lewis, IHL Coordinator of Public Affairs, for assistance with this event each year.

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

Dr. Donzell Lee	Alcorn State University
Mrs. Joi Jones Phillips	Delta State University
Dr. Byron D'Andra Orey	Jackson State University
Dr. Minion Kenneth Chauncey Morrison	Mississippi State University
Dr. Walter N. Taylor	Mississippi State University, Division of Agriculture, Forestry and Veterinary Medicine
Dr. James D. Ward	Mississippi University for Women
Dr. Catherine Singleton-Walker	Mississippi Valley State University
Ms. Wilma Faye Webber-Colbert	University of Mississippi
Dr. Rob Rockhold	University of Mississippi Medical Center
Dr. Andrea Lott Wesley	University of Southern Mississippi

Trustee Perry announced Dr. Minion Kenneth Chauncey Morrison, Professor and Head, Department of Political Science and Public Administration and Senior Fellow, African American Studies Program, as the Black History Month Educator of the Year. Trustee Whitten recognized the Honorable James E. Graves, Jr., a presiding Mississippi Supreme Court Judge, as the special community honoree. Dr. Morrison and Judge Graves were each presented with a resolution and plaque commemorating this award. **(See Exhibits 4 and 5.)**

ADDITIONAL AGENDA ITEM

Trustee Neely opened the floor for nominations for the office of Vice President of the Board. Trustee Patterson nominated Trustee Ed Blakeslee, the motion was seconded by Trustee Owens, with Trustee Robinson absent and not voting, all Trustees legally present and participating voting unanimously to approve. There being no further nominations, the nominations were closed. All Trustees legally present and participating voted in the affirmative, therefore, it was

RESOLVED, that Trustee Ed Blakeslee was elected as Vice President of the Board for a one year term, beginning May 1, 2011.

ANNOUNCEMENTS

- ▶ Commissioner recognized Representative Willie Perkins (LeFlore County) and thanked him for attending the meeting.
- ▶ Judge Graves announced that Trustee Owens received the Best Lawyer in Jackson Award which is voted on by the readership of the *Jackson Free Press*.

**MINUTES OF THE BOARD OF TRUSTEES OF
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EXECUTIVE SESSION

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

Discussion of a litigation matter at Mississippi State University,
Discussion of a litigation matter at the University of Mississippi Medical Center,
Discussion of a litigation matter at the Board Office,
Discussion of a personnel matter at Alcorn State University, and
Discussion of a personnel matter at Mississippi University for Women.

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

On motion by Trustee Whitten, seconded by Trustee Patterson, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 930750, styled as *Mary L. Bryan vs. Mississippi State University, et al.*, as recommended by counsel.

On motion by Trustee Pickering, seconded by Trustee Ross, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to approve the settlement of Tort Claim No. 1204, styled as *Ronita Edwards vs. University of Mississippi Medical Center, et al.*, as recommended by counsel.

The Board discussed a litigation matter at the Board Office.

On motion by Trustee Blakeslee, seconded by Trustee Patterson, with Trustee Robinson absent and not voting, all Trustees legally present and participating voted unanimously to authorize Commissioner Bounds to revise the contract for Dr. M. Christopher Brown II, President of Alcorn State University, to include a salary supplement of \$25,000 to be provided by the Alcorn State University Foundation, and that such salary supplement may be discontinued at any time upon written notice by the Foundation.

The Board discussed a personnel matter at Mississippi University for Women.

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

**MINUTES OF THE BOARD OF TRUSTEES OF
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ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
February 17, 2011**

EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | Proposed amendments to Board Policies 201.02 President of the Board, 301.01 Officers of the Board, and 301.02 Election of Officers for first reading. |
| Exhibit 2 | Real Estate items that were approved by the IHL Board staff subsequent to the January 20, 2011 Board meeting. |
| Exhibit 3 | Report of the payment of legal fees to outside counsel. |
| Exhibit 4 | Resolution commending Dr. Minion Kenneth Chauncey Morrison, Professor and Head, Department of Political Science and Public Administration and Senior Fellow, African American Studies Program, as the Black History Month Educator of the Year. |
| Exhibit 5 | Resolution commending the Honorable James E. Graves, Jr., a presiding Mississippi Supreme Court Judge, as the special community honoree. |

EXHIBIT 1

February 17, 2011

Proposed Amendments to Board Policies 201.02 President of the Board, 301.01 Officers of the Board, and 301.02 Election of Officers for First Reading.

201.02 PRESIDENT OF THE BOARD

~~Within 10 days after the beginning of the terms of office of its members, upon call of the Governor, the Board shall meet in the City of Jackson and organize by electing (1) of its number as president, whose term of office shall be for (1) year or until a successor shall be elected, and shall transact such other business as may come before the meeting. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie.~~

Miss. Code Ann., §37-101-7, as amended.
(See Section 301.01, A.)
(BT Minutes, 9/90; 1/98)

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:

~~There shall be a president elected by the Board from its membership whose term of office shall be for one year or until his or her successor is elected. It is expected that each member of a class of Trustees shall be elected to serve as President, unless a Trustee elects not to serve. A class of Trustees shall consist of those Trustees who take office on the same date, or those whose terms as trustees end on the same date. Each member of the class of Trustees that took office as of May 2004 shall serve eleven months as president, unless he/she elects not to serve. The first Trustee elected as President from the class of Trustees that took office in 2004 shall begin his/her presidential term on May 1, 2011. Each member of the class of Trustees that took office as of May 2008 shall serve ten months as president, unless he/she elects not to serve. Each member of the class of Trustees that shall take office as of May 2012, as well as the members of all subsequent classes, shall serve nine months as president, unless he/she elects not to serve. If a member of a class of Trustees elects not to serve, another member of the class may serve more than one term, if elected. The president of the Board shall preside at all meetings of the Board; he or she shall be an ex officio member of all standing and special~~

EXHIBIT 1

February 17, 2011

committees; ~~he or she shall appoint members of all standing or special committees;~~ he or she shall, with the Commissioner, execute such instruments and contracts as may be ordered by the Board; he or she shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board; and he or she shall be governed in his action by the usual parliamentary procedure. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie. The president of the Board may not immediately succeed himself/herself as president after having served a full ~~year~~ term.

Miss. Code Ann., §37-101-7, as amended.
(See Section 201.02 President of the Board)

B. VICE PRESIDENT:

There shall be a vice president elected by the Board from its membership. A vice president shall serve until completion of the term of the president that the vice president will succeed. ~~The term of office shall be one year, and~~ The vice president shall preside at meetings of the Board in the absence or disability of the president.

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

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

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

301.02

ELECTION OF OFFICERS

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

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

EXHIBIT 2

February 17, 2011

SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE JANUARY 20, 2011 BOARD MEETING SUBMISSION DEADLINE

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

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

1. ASU – GS 101-269 – Dumas Hall Renovations

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Paul Jackson & Sons, Inc, the lower of eight (8) bidders, for a total contract amount of \$5,808,000.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 7, 2010

Project Initiation Date: January 31, 2008

Design Professional: Duval Decker

General Contractor: Paul Jackson & Sons, Inc.

Contract Award Date: December 7, 2010

Project Budget: \$7,000,000

Funding Source(s): HB 246, Laws of 2007 (\$2,057,735); HB 1641, Laws of 2008 (\$368,847.64); SB 2988, Laws of 2003 (\$300,000); SB 2010, Laws of 2010-Ayers (\$4,273,417.36)

2. JSU – GS 103-255 – Fire Suppressions System, Phase I (McAllister/Whiteside)

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to Metro Mechanical, Inc, the lower of five (5) bidders, for a total contract amount of \$3,934,876.00. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 6, 2011

Project Initiation Date: August 20, 2009

Design Professional: CGM Group

General Contractor: Metro Mechanical, Inc.

Contract Award Date: January 6, 2011

Project Budget: \$7,360,000

Funding Source(s): HB 1722, Laws of 2009 (\$1,550,025.64); HB 1701, Laws of 2010 (\$3,415,276.85); HB 246, Laws of 2007 (\$2,318,436.73); SB 2010, Laws of 2004 (\$76,260.98)

EXHIBIT 2

February 17, 2011

3. MSU – GS 105-314B – Middleton Hall Renovation – Phase II

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$102,630.43 and ninety (90) additional days to the contract of Weathers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$54,837.00 and zero (0) additional days to the contract of Weathers Construction, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: (#1) January 7, 2011; (#2) January 14, 2011

Change Order Justification: **Change Order #2** is necessary to address structural repairs to the building due to termite damage and improperly supported structural conditions in the enclosed attic area. The change order also includes changing flooring types in several locations from preservation of existing wood floors to VCT and carpet.

Change Order #3 is necessary to install gypsum board on interior walls in lieu of plaster as originally specified, install EMT conduit in lieu of MC cable, tuck pointing of interior brick wall, install 8" X 8" X 6" tee on water main for fire hydrant, and install new plywood sub-floor in entry corridor.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$187,787.25

Project Initiation Date: November 18, 2005

Design Professional: Shafer & Associates, PLLC

General Contractor: Weathers Construction, Inc.

Contract Award Date: April 23, 2010

Project Budget: \$3,750,000

Funding Source(s): HB 246, Laws of 2007 (\$3,000,000); SB 2010, Laws of 2004 (\$750,000)

4. MSU – IHL 205-235G – Residence Halls Fire Protection

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by LPK Architects, P.A., design professional.

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

Staff Approval Date: December 15, 2010

Project Initiation Date: January 21, 2010

Design Professional: LPK Architects, P.A.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$29,960,000

Funding Source(s): MSU EBC (\$29,960,000)

EXHIBIT 2

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5. **MSU – IHL 213-139 – Stoneville Office Building**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to McMillan-Pitts Construction, Inc, the lower of twelve (12) bidders, for a total contract amount of \$2,484,000.00.

Staff Approval Date: December 14, 2010

Project Initiation Date: November 19, 2009

Design Professional: Pryor & Morrow

General Contractor: McMillan-Pitts Construction

Contract Award Date: December 14, 2010

Project Budget: \$3,000,000

Funding Source(s): MAFES Sales Funds (\$1,795,000) ; MSU-Experiment Station State Funds (\$1,205,000)

6. **MVSU – GS 106-230 – Stadium Seating Replacement-Demolition Bid Package**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the award of contract to D.H. Griffin Wrecking Company, the lower of eleven (11) bidders, for a total contract amount of \$83,354.00 plus \$28,223.00 for alternate #1 if chosen. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 14, 2011

Project Initiation Date:

Design Professional: JBHM Architects

General Contractor: D.H. Griffin Wrecking Company

Contract Award Date: January 14, 2011

Project Budget: \$4,900,000

Funding Source(s): HB 1701, Laws of 2010

7. **UM– IHL 207-258 – New Law School**

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$134,409.71 and thirty-six (36) additional days to the contract of W.G. Yates Construction, Inc.

Staff Approval Date: January 6, 2011

Change Order Justification: **Change Order #9** is necessary to address millwork changes, window structural supports, attic fire sprinklers, change VCT to carpet in classroom, add donor pavers/modify ramps, relocate switches and moot court 2035, add paint, and to add limestone protection.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$888,761.84

Project Initiation Date: April 21, 2005

Design Professional: Eley Guild Hardy Architects

General Contractor: W.G. Yates Construction

Contract Award Date: May 13, 2008

Project Budget: \$50,000,000

EXHIBIT 2

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Funding Source(s): HB 1634, Laws of 2006 (\$10,000,000); EBC (\$19,977,699.06); Private gifts and Federal Grant (\$20,022,300.94)

8. UM– IHL 207-320 – Mississippi Small Business Development Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$4,011.10 and zero (0) additional days to the contract of Murphy & Sons, Inc.

Staff Approval Date: January 5, 2011

Change Order Justification: **Change Order #5** is necessary to add concrete sidewalk at west side of building, upgrade floor adhesive to accommodate moisture vapor emission as tested on site, add 4' wide concrete sidewalk connecting main entry to cart parking location and to deduct refunded amount from signage allowance #1.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$137,813.10

Project Initiation Date: February 19, 2009

Design Professional: The McCarty Company

General Contractor: Murphy & Sons, Inc.

Contract Award Date: December 16, 2009

Project Budget: \$2,000,000

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

9. USM– GS 108-260 – Residence Halls Sprinkler Systems

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Contract Documents** as submitted by Atherton Consulting Engineers, Inc., design professional. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **request to advertise for receipt of bids**. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 14, 2011

Project Initiation Date: June 18, 2009

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$2,000,000

Funding Source(s): HB 1722, Laws of 2009 (\$2,000,000)

10. USM– GS 108-267 – College of Business Building (Pre-Design)

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

Staff Approval Date: January 12, 2011

Project Initiation Date: March 2, 2005

Design Professional: Eley Associates/Studio South

EXHIBIT 2

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General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$547,413 (Pre-Design Budget)

Funding Source(s): SB 2010, Laws of 2004 (\$547,413)

11. USM – GS 108-268 – Campus Security Lighting and Code Blue Phone Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$300,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or *Ayers* funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2010

Project Initiation Date: December 16, 2010

Design Professional: N/A

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$300,000

Funding Source(s): HB 246, Laws of 2007 IHL Discretionary Funds (\$300,000)

12. USM– GS 110-089A – Research / Facility (Phase II)

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2 for a credit** in the amount of (\$5,355.00) and seventy-two (72) additional days to the contract of C. Perry Builders.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$15,062.13 and forty-three (43) additional days to the contract of C. Perry Builders.

Staff Approval Date: December 13, 2010

Change Order Justification: **Change Order #2** is necessary to adjust for credits to the project that include eliminating shades on window Type H, deleting stained concrete as shown on plans, adding smoke detector and programming, conduit, wire, and labor, changing the specified biological safety cabinet to a 5' cabinet, adding 15 days to the contract to execute the above items. **Change Order #3** is necessary to install gypsum board, add two 4" PVC conduits with concrete easements, addition of electrical items, relocation of tempering valve, and adding 23 weather related delay days to the contract.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$14,846.13

Project Initiation Date: February 24, 2005

Design Professional: Allred Architectural Group

General Contractor: C. Perry Builders

Contract Award Date: January 8, 2009

Project Budget: \$9,041,697.88

Funding Source(s): SB 2010, Laws of 2004 (\$1,971,044.88); Mississippi DMR (\$1,700,000); NOAA Grant GRO 02733 (\$5,370,653)

EXHIBIT 2

February 17, 2011

13. USM – GS 114-017 – Gulf Park Campus Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$50,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or *Ayers* funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2010

Project Initiation Date: December 16, 2010

Design Professional: N/A

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$50,000

Funding Source(s): HB 246, Laws of 2007 IHL Discretionary Funds (\$50,000)

14. Education & Research Center – GS 111-049 – ADA Compliance Project Pre-Plan

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved the **Initiation** of the above project in the amount of \$150,000. All project initiations with a project budget of \$1,000,000 or less and that use state bond funds or *Ayers* funds as a funding source require staff approval. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: December 16, 2010

Project Initiation Date: December 16, 2010

Design Professional: N/A

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$150,000

Funding Source(s): HB 246, Laws of 2007 IHL Discretionary Funds (\$150,000)

EXHIBIT 3

February 17, 2011

SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 10/1/10, 11/1/10, 1/6/11, 1/6/11 and 1/10/11) from the funds of Mississippi State University. (These statements, in the amounts of \$11.46, \$24.22, \$118.70, \$384.90 and \$106.80, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 646.08

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 10/28/10, 11/11/10, 11/11/10 and 11/29/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with *Jackson HMA LLC vs. UMMC* - \$27,344.30; *Jackson HMA LLC vs. UMMC* - \$19,951.77; General Rep. of the Medical School and Facility Practice Plans - UMMC North Clinic - \$107.50 and General Advice - UMMC North Clinic - \$8,773.25, respectively.)

TOTAL DUE.....\$ 56,176.82

Payment of legal fees for professional services rendered by John Kitchens, Esq. (statements dated 10/29/10, 10/29/10, 10/29/10, 10/29/10, 10/29/10, 10/29/10, 11/30/10, 11/30/10, 11/30/10 and 11/30/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the cases styled *Kermode* - \$3,943.50; *Kermode* (Federal Case) - \$3,828.00; *Kermode* (State Case) - \$1,171.50; *Seid* - \$2,925.00; *Smith* - \$445.50; *Walker* - \$1,452.00; *Kermode* - \$1,452.00; *Kermode* (Federal Case) - \$2,737.50; *Seid* - \$2,706.00; *Jaralah* - \$1,483.50 and *UMMC* (General) - \$1,530.00, respectively.)

TOTAL DUE.....\$ 23,674.50

Payment of legal fees for professional services rendered by Watkins, Ludlam, Winter & Stennis (statement dated 11/24/10) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$17.00, represents services and expenses in connection with financial concerns.

TOTAL DUE.....\$ 17.00

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 12/13/10) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the

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following patents: “Compact Time-of-Flight Mass Spectrometer - United Kingdom” - \$410.50; “Compact Time-of-Flight Mass Spectrometer - Japan” - \$25.50; “Methods of Preparation of Live Attenuated Bacterial Vaccines” - \$25.50; “Methods for Maize Transformation Utilizing Nodal Section Explants and Mature Zygotic Embryos” - \$2,565.00; “Alcohol Esterification (Condensor Train)” - \$473.88; “Esterification and Bio Oil Upgrading” - \$1,415.00 and “Steele - Reactor Design Patent” - \$2,137.50, respectively.)

TOTAL DUE.....\$ 7,052.88

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (statements dated 11/16/10, 11/16/10, 12/14/10, 12/16/10 and 12/16/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Utilizing Tactile Speech Feedback for Stuttering and Other Speech/Fluency/Motor Initiation Disorders” - \$112.50; “Complexes and Compounds for Light Emitting Applications” - \$9,390.00; “Chick Separation-Anxiety-Depression (SAD) Model” - \$42.50; “Utilizing Tactile Speech Feedback for Stuttering and Other Speech/Fluency/Motor Initiation Disorders” - \$4,182.00 and “Complexes and Compounds for Light Emitting Applications” - \$42.50, respectively.)

TOTAL DUE.....\$ 1,376.95

Payment of legal fees for professional services rendered by Hershkovitz & Associates (statements dated 10/31/10, 11/30/10 and 12/14/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$2,088.73; “Manzamines for Treatment of Drug Resistant Infection” - \$138.00 and “Compositions for the Prevention/Prophylactic Treatment of Poison Ivy Dermatitis” - \$1,111.80, respectively.)

TOTAL DUE.....\$ 3,338.53

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 11/22/10, 12/21/10, 12/21/10, 12/21/10, 12/21/10, 12/21/10 and 12/21/10) from the funds of the University of Mississippi. (These statements represent services and expenses in connection with the following patents: “Canada - Delivery of Medicaments to the Nail and Perionychium via ‘Etching’” - \$375.00; “Canada - Highly Purified Amphotericin-B” - \$927.89; “Highly Purified Amphotericin-B” - \$202.50; “Germany - Highly Purified Amphotericin-B” - \$614.63; “France - Highly Purified Amphotericin-B” - \$443.95; “United Kingdom - Highly Purified Amphotericin-B” - \$399.12; “Ireland - Highly Purified Amphotericin-B” - \$546.96; “US - Highly Purified Amphotericin-B” - \$248.00; “Europe - A Corrugated and Ported Prism Engine Nozzle for Reduction of Supersonic Jet Exhaust Noise” - \$1,686.75; “Australia - High-Speed Data Compression Based on Set

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Associative Cache Mapping Techniques” - \$2,028.38; “China - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$96.00; “Mexico - High-Speed Data Compression Based on Set Associative Cache Mapping Techniques” - \$1,634.00; “Method of Detecting Vibration and Sound Signatures of Human Footsteps” - \$574.00; “US - Multi-Domain Plate Acoustic Wave Devices” - \$360.00; “US - Delivery of Medicaments to the Nail and Perionychium via (Etching)” - \$780.50; “China - High speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$923.00; “Mexico - High-Speed Data Compression Based on Set-Associative Cache Mapping Techniques” - \$41.34; “US - Highly Purified Amphotericin-B” - \$1,336.20; “Japan - High Purified Amphotericin-B” - \$4,659.52; “Highly Purified Amphotericin -B” - \$4,402.00 and “Canada - Highly Purified Amphotericin-B” - \$391.07, respectively.)

TOTAL DUE.....\$ 22,670.81

Payment of legal fees for professional services rendered by Stites & Harbison (statements dated 10/31/10) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patents: “Abell/CIP/System for Diagnosis and Prediction of Therapy for Nutritional and Metabolic Disorders” - \$288.50; “Eishamy/Novel Breast, Ovarian BRCA1-Iris” - \$132.00; “General Advice” - \$1,305.00; “Raucher/Targeted Delivery of Therapeutic Peptides by Thermally Responsive Polymers” - \$111.60; “Raucher/Modular Thermally Targeted Biopolymers for Drug Delivery” - \$27.00 and “Vig/Therapeutic Use of Dopamine D2 Receptor Aganists for Treating SCA1” - \$5,854.62, respectively.)

TOTAL DUE.....\$ 7,718.72

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February 17, 2011

RESOLUTION

HONORING

DR. MINION KENNETH

CHAUNCEY MORRISON

Educator of the Year

***WHEREAS**, the Board of Trustees of State Institutions of Higher Learning pays tribute and recognizes **Dr. Minion Kenneth Chauncey Morrison**, Professor and Head, Department of Political Science and Public Administration and Senior Associate, African American Studies, Mississippi State University (MSU), as the 2011 Educator of the Year; and*

***WHEREAS**, **Dr. Morrison** earned a bachelor's degree in political science from Tougaloo College; and a master's and doctorate degree in political science from the University of Wisconsin, Madison; and*

***WHEREAS**, since arriving at MSU in 2009, **Dr. Morrison** has played a vital role in advancing diversity on MSU's campus through such contributions as serving on the President's Commission on the Status of Minorities, chairing the MSU Diversity Conference Committee, and organizing public lectures that address the importance of diversity; and*

***WHEREAS**, **Dr. Morrison** began his collegiate career in 1969 as an instructor and assistant professor of Political Science at Tougaloo College. He has served as an assistant professor of Political Science and Coordinator of Third World Studies at Hobart and William Smith Colleges (New York); Associate Professor of Afro-American Studies and Political Science; Chairman Afro-American Studies, Syracuse University; Vice Provost, Minority Affairs and Faculty Development, MU; Professor of Political Science and Black Studies Affiliate, University of Missouri; and*

***WHEREAS**, in his academic career spanning over 30 years, **Dr. Morrison** has encouraged the advancement of diversity as evidenced through his teaching, research and service; and as an educator, **Dr. Morrison** has educated and trained numerous students whose placements in important civic, social, and political leadership positions enhance diversity throughout the country; and*

***WHEREAS**, **Dr. Morrison's** contributions to diversity and to positive relations among all elements of the university and the broader community are numerous and varied, and highlighted by his leadership efforts to develop and maintain strong relationships across racial, gender and economic boundaries; and*

***WHEREAS**, as result of **Dr. Morrison's** strong understanding of counseling a diverse population of students with varied needs, he has developed an international reputation for his research that consists of dozens of publications that attest to his knowledge of Black history, government and politics, and the critical importance of enhancing diversity; and*

***WHEREAS**, **Dr. Morrison** has been a dynamic leader off campus as well as on campus. He is a well known community leader serving on the Board of Directors at the Stennis Institute of Government. He served as Adjudicator for the Center of Civic Education High School Competition on the United States Constitution, Mississippi and national judging. He was keynote speaker for MVSU International Convocation on Globalization as well as Tougaloo College, Conference on Aaron Henry, Mississippi Department of Archives and History. He has*

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been the organizer and master of ceremonies for the Martin Luther King Jr. program at MSU and in Columbia, Missouri for 15 years; and has more than 20 years committee service to the NAACP; and

***WHEREAS, Dr. Morrison's** service extends beyond the MSU campus as he has participated in service activities related to civil rights, diversity, and globalization throughout the State of Mississippi, giving him the opportunity to serve as an outstanding role model for future educators and professionals; and*

***WHEREAS, Dr. Morrison** has received numerous honors and awards for his work as an educator and community leader including but not limited to Martin Luther King Community Award, Columbia, Missouri; University of Missouri Diversity Enhancement Award; Black Alumni Kwanzaa Recognition Award; Who's Who Among Black Americans; Barbara Jordan Leadership Award; Directory of Distinguished Americans; Outstanding Young Men of America; Teacher of the Year, Tougaloo College; Who's Who in American Colleges and Universities; Foreign Affairs Scholar—State Department; and*

WHEREAS, Dr. Mark Keenum, President of Mississippi State University, summarizes Dr. Morrison's success:

***'Dr. Morrison's** efforts as a teacher, researcher, and provider of service to the State of Mississippi are evidence of his advocacy for advancing diversity at MSU, within the Starkville/Oktibbeha County region, and throughout the state. When I consider the importance of Black history and the advancement of diversity, **Dr. Morrison** is the individual whom I believe exemplifies the title "Educator of the Year."*

***THEREFORE, BE IT RESOLVED,** that the Board of Trustees of State Institutions of Higher Learning takes great pride in recognizing **Dr. Minion Kenneth Chauncey Morrison** as "Educator of the Year" in observance of Black History Month for his tireless efforts in the pursuit of excellence in education and commitment to positive advancement of diversity at Mississippi State University and in the community, that have fostered a better understanding and appreciation of African-American history and culture.*

***BE IT FURTHER RESOLVED,** that a copy of this resolution be included in the minutes of the Board and a copy presented to **Dr. Morrison** to share with his family in recognition of his commitment to diversity in higher education.*

***DONE,** this the 17th day of February, 2011.*



*Dr. Bettye H. Neely, President
Board of Trustees of State Institutions of Higher Learning*

*Mr. Bob Owens, Co-Chair of the Board of Trustees'
Diversity Committee*

*Mr. Alan Perry, Co-Chair of the Board of Trustees'
Diversity Committee*

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RESOLUTION

HONORING

Mississippi Supreme Court

PRESIDING JUSTICE

THE HONORABLE JAMES E. GRAVES, JR.

*WHEREAS, the Board of Trustees of State Institutions of Higher Learning pays tribute to and recognizes Honorable **James E. Graves, Jr.**, Presiding Mississippi Supreme Court Justice and recently confirmed Federal Judge to the United States Court of Appeals for the Fifth Circuit, in observance of Black History Month; and*

WHEREAS, Justice Graves was born and raised in Clinton, Mississippi, and, after graduating as valedictorian of his high school class, he attended Millsaps College and graduated with a Bachelor of Arts Degree in Sociology. He received his law degree from Syracuse University College of Law and a Master of Public Administration degree from the Maxwell School of Citizenship and Public Affairs at Syracuse University; and

WHEREAS, Justice Graves began his legal career in 1980 as a staff attorney at Central Mississippi Legal Services. Soon thereafter, he also began his 17 years of service as an Adjunct Professor at Jackson State University, teaching in the departments of Mass Communications, Political Science, and Public Policy and Administration. Justice Graves entered private practice, focusing primarily on civil matters in state and federal court. From 1986 to 1990, he joined the Office of the Mississippi Attorney General, working as a Special Assistant Attorney General in the Human Services and Health Law divisions. He then served in the Mississippi Department of Human Services as the Director of Child Support Enforcement until his appointment to the Hinds County Circuit Court in 1991 where he served as a Circuit Court Judge in Hinds County, Mississippi, for ten years; and

WHEREAS, Justice Graves has served on the Mississippi Supreme Court since 2001. He was appointed to the Court by Governor Ronnie Musgrove and later won election to the Court in 2004; and

WHEREAS, Justice Graves is the only African-American currently serving on the Mississippi Supreme Court and was nominated by President Barack Obama and confirmed by the U.S. Senate to serve on the United States Court of Appeals for the Fifth Circuit; and

WHEREAS, President Obama said: “Justice Graves has shown unwavering integrity and outstanding commitment to public service throughout his career, and I am proud to nominate him to serve on the United States Court of Appeals;” and

WHEREAS, Justice Graves is deeply committed to working with Mississippi youth and has received numerous distinctions for his dedication to teaching, motivating and inspiring young people; and

WHEREAS, Justice Graves’ distinctions include:

- Jackson Public School District’s Parent of the Year Award (2001)
- First Alternate for the State of Mississippi’s Parent of the Year Award (2001)
- United States Department of Health and Human Services’ Commissioner’s Award (2001)
- Mississippi Association of Educators’ Humanized Education Award (2002); and

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WHEREAS, in addition to his legal work and teaching career, **Justice Graves** has been very active in local and national bar associations. **Justice Graves** is currently a Fellow of the Mississippi State Bar, and has served on a variety of committees of the National Conference of State Trial Judges. He also serves the state's court system as the current Chair of the Mississippi Supreme Court Rules Committee on Criminal Practice and Procedure; and

WHEREAS, **Justice Graves** has been recognized by numerous organizations for his steadfast adherence to the principle of equal justice for all and his outstanding ability as a judge including, but not limited to: the 2009 Maxwell Public Administration Award, from the School of Citizenship and Public Affairs at Syracuse University; 2004 recipient of Millsaps College's Jim Livesay Service Award for service to the college and the community; 2002 Law Related Public Education Award by the Mississippi Bar Foundation for excellence in enhancing the public's understanding of the law and the legal system; National Bar Association's Distinguished Jurist Award, National Conference of Black Lawyers' Judge of the Year Award, and the Hinds County Bar Association's Innovation Award; and

WHEREAS, **Justice Graves** is a renowned orator, frequently speaking at universities, schools, churches and conventions throughout the country. His past speaking engagements include a keynote address at the International Reading Association's 50th Annual Convention; and

WHEREAS, **Justice Graves'** commitment to working to enhance the quality of life for African-Americans and all the citizens of Mississippi has touched the lives of all who know him and earned him the respect and admiration of people in Mississippi and all over the world; and

WHEREAS, **Justice Graves** has been praised by his friends and colleagues for his courage, compassion, honor and willingness to serve; and

WHEREAS, **Justice Graves'** service to the state may best be summed up in the words of Marian Anderson: "Leadership should be born out of the understanding of the needs of those who would be affected by it;" and

WHEREAS, **Justice James E. Graves, Jr.**, is to be commended and accorded the Board's highest accolades for the distinction and honor he has brought to our state in furthering the cause of justice and equality for all citizens.

THEREFORE, BE IT RESOLVED, that the Board of Trustees of State Institutions of Higher Learning takes great pride in honoring **Presiding Mississippi Supreme Court Justice, James E. Graves, Jr.**, for his tireless efforts for preserving the heritage of African-Americans and commitment to equal justice for all citizens of the state of Mississippi.

BE IT FURTHER RESOLVED, that a copy of this resolution is included in the minutes of the Board and a copy presented to **Justice James E. Graves, Jr.**, to share with his family in recognition of his work as Presiding Mississippi Supreme Court Justice.

DONE, this the 17th day of February, 2011.



Dr. Bettye H. Neely, President
Board of Trustees of State Institutions of Higher Learning

Mr. Bob Owens, Co-Chair of the Board of Trustees'
Diversity Committee

Mr. Alan Perry, Co-Chair of the Board of Trustees'
Diversity Committee

CONSENT AGENDAS

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1. DSU – APPROVAL OF AIRCRAFT PURCHASE

Agenda Item Request: Delta State University requests approval to purchase three Diamond Aircraft “twin trainers” for the Commercial Aviation program. The unit cost of the aircraft is \$592,501 for a total purchase of \$1,777,503.

Vendor Legal Name: Diamond Aircraft, London, Ontario

Specific type of contract: Purchase Agreement

Purpose: The purpose of the purchase is to update the Commercial Aviation fleet. There are 22 aircraft in the current fleet. The most current model year in the fleet is 2002. Many of the aircraft have a high number of flight hours and outdated technology. The plan is to ultimately purchase 8 new aircraft and sell 12 existing aircraft which will reduce the fleet to 18. The new aircraft will be financed with the proceeds from the sale of existing aircraft and IHL's master lease funding through FirstSouthwest Bank.

Contract Amount: The total purchase price is \$1,777,503.

Funding Source for Purchase: The purchase will be funded through IHL's master lease financing. Debt service on the lease will be financed using Commercial Aviation student fees and state appropriated funds.

Vendor Selection Process: Delta State University advertised the purchase of the aircraft as required by state law in newspapers as well as in the industry publication, Trade-A-Plane. Diamond Aircraft and two other companies submitted bids. The Diamond Aircraft bid was not the lowest bidder; however, Diamond was the only bidder that met all the advertised specifications in the RFP. Moreover, the Diamond aircraft will not require additional investments in training equipment as would the other aircraft. Diamond is a proven aircraft with lower operating costs, and DSU's commercial aviation instructors are familiar with this line of aircraft equipment. Because the purchase exceeded \$500,000 the purchase was submitted to the Public Procurement Review Board for approval. The Board approved the purchase on March 2.

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

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2. UM – APPROVAL TO ESCALATE BUDGETS

- a. The University of Mississippi requests approval to escalate its On-Campus Education and General budget and seeks spending authority approval for the budget shown below. Additional personnel costs are related to greater than anticipated enrollment increases and the balance is requested for library acquisitions.

Category	Original FY 2011 Budget	Revision/ Escalation	Revised FY 2011 Budget
Salaries, Wages, & Fringe Benefits	\$ 148,427,170	\$ 1,039,500	\$ 149,466,670
Travel & Subsistence	1,636,689	-	1,636,689
Contractual Services	39,885,582	-	40,088,672
Commodities	5,575,581	-	5,575,581
Capital Outlay:			-
Other than Equipment	3,945,477	100,000	4,045,477
Equipment	2,870,310	-	2,870,310
Total Capital Outlay	6,815,787	100,000	6,915,787
Transfers:			
Mandatory	1,111,067	-	1,111,067
Non-Mandatory	5,595,309	-	5,595,309
Total Transfers	6,706,376	-	6,706,376
Subsidies, Loans & Grants	-	-	-
TOTAL	\$ 209,047,185	\$ 1139,500	\$ 210,186,685

Funding Source for Budget Escalation: The budget increase will be funded with tuition revenue.

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- b. The University of Mississippi requests approval to escalate its Off-Campus Education and General budget and seeks spending authority approval for the budget shown below. The escalation is due to additional scholarship costs related to increased enrollment.

Category	Original FY 2011 Budget	Revision/ Escalation	Revised FY 2011 Budget
Salaries, Wages, & Fringe Benefits	\$ 7,649,161	\$ -	\$ 7,649,161
Travel & Subsistence	102,779	-	102,779
Contractual Services	1,318,245	145,213	1,463,458
Commodities	239,604	-	239,604
Capital Outlay:			-
Other than Equipment	-	-	-
Equipment	158,582	-	158,582
Total Capital Outlay	158,582		158,582
Transfers:			
Mandatory	103,484		103,484
Non-Mandatory	131,094		131,094
Total Transfers:	234,578		234,578
Subsidies, Loans & Transfers	-	-	-
TOTAL	\$ 9,702,949	\$ 145,213	\$ 9,848,162

Funding Source for Budget Escalation: The budget increase will be funded with tuition revenue.

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- c. The University of Mississippi requests approval to escalate its Auxiliary Enterprise budgets and seeks spending authority approval for the budget shown below. The escalation is required for equipment upgrades and expansions to accommodate rapid growth. The increases relate to three particular units – a) the Inn at Ole Miss for costs associated with an increase in business, b) Student Housing for additional costs for renovating and updating Campus Walk, additional community student workers and realignment of debt service payments, and c) Contractual Service Management for an additional person, upgrade of position, equipment upgrades, and expansion for Johnson Commons and the ID Center.

Category	Original FY 2011 Budget	Revision/ Escalation	Revised FY 2011 Budget
Salaries, Wages, & Fringe Benefits	\$ 8,171,518	\$ 141,770	\$ 8,313,288
Travel & Subsistence	153,250	-	153,250
Contractual Services	9,674,410	500,000	10,174,410
Commodities	7,214,680	227,560	7,442,240
Capital Outlay:			-
Other than Equipment	-	-	-
Equipment	705,000	165,000	870,000
Total Capital Outlay	705,000	165,000	870,000
Transfers:			
Mandatory	6,156,420	(387,560)	5,768,860
Non-Mandatory	644,401	-	644,401
Total Transfers	6,800,821	(387,560)	6,413,261
Subsidies, Loans & Transfers	-	-	-
TOTAL	\$ 32,719,679	\$ 646,770	\$ 33,366,449

Funding Source for Budget Escalation: The budget increase will be funded with housing rental fees and food service contracts.

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

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3. UM – APPROVAL TO EXTEND SERVICE AGREEMENT

Agenda Item Request: The University of Mississippi requests approval to exercise the renewal option to extend the end date and increase the total authorized cost of its service agreement with **PCS Link, Inc. *doing business as* Greenwood and Hall** for the call center for the Bursar and Financial Aid Offices.

Contractor's Legal Name: **PCS Link, Inc. dba Greenwood and Hall**

History of Contract: The original agreement was approved by the Board of Trustees on February 19, 2009 for a total of \$672,400 based on an estimated 82,000 calls.

Specific type of contract: Service Agreement

Purpose: The purpose of the agreement is to provide inbound call center services for the Bursar and Financial Aid Offices. This request is to authorize the renewal option provided in the original agreement and to increase the total authorized cost of the contract.

Scope of Work: The contractor assumed temporary ownership of an established nationwide, toll-free number owned by UM and will provide in-depth technical assistance on financial aid and bursar issues to UM customers.

Term of contract: The contract length will be extended an additional four (4) years bringing the total contract period to six (6) years – April 1, 2009 to March 31, 2015. The agreement allows for re-evaluation on a year-by-year basis.

Termination Options: Either party may terminate the agreement for cause upon providing ninety (90) days written notice.

Contract Amount: The fee per call remains the same as in the original agreement, but the estimated annual call volume has increased from 82,000 calls to 102,500 calls. Anticipated call volume is based on actual call history. The primary reason for the increase is due to the university's enrollment increases over the last two (2) years.

Costs for the four (4) year extended period are estimated at \$1,681,000 bringing the overall total contract cost to \$2,353,400.

Funding Source for Contract: The contract will be funded by E&G sources.

Contractor Selection Process: The original contract was selected via a Request for Proposals process.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract for all other

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land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

4. UMMC – APPROVAL OF CONTRACTUAL SERVICES AGREEMENTS

- a. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to increase the total authorized amount of its staffing services agreement with **Central Parking System of Mississippi, Inc.**

Contractor's Legal Name: Central Parking System of Mississippi, Inc.

History of Contract: The original agreement which was approved by the Board in February 2006 was for an initial two-year period at a cost of \$840,000 with the right to approve for additional three one-year periods. The contract was not brought back for approval once the costs were known for years three through five since the language approved the right to renew in the original approval. UMMC is requesting Board approval to adjust the total authorized cost of the contract to \$2,040,984 to cover the entire five-year period.

Specific type of contract: Staffing Services Agreement

Purpose: The purpose of this agreement is to provide staffing services for the parking Facilities by requesting adjustment to the total authorized cost to \$2,040,984, the amount necessary to cover the five-year contract period.

Scope of Work: The Contractor is to provide a manager and support staff to manage, operate, repair and promote the parking facilities.

Term of contract: The contract length is March 1, 2006 through February 28, 2011.

Termination Options: N/A

Contract Amount: Costs for the total five (5) year contract period are \$2,040,984.

Funding Source for Contract: The contract will be funded by E&G sources.

Contractor Selection Process: The contractor was selected via a Request for Proposals process.

Staff Recommendation: Based on Board Policy 707.01, Land, Property and Service Contracts, Board approval is required prior to execution of the contract

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for all other land, personal property, and service contracts that require an aggregate total expenditure of more than \$250,000. The agreement has been reviewed and approved by the Attorney General's Office. Board staff recommends approval of this item.

- b. Agenda Item Request:** The University of Mississippi Medical Center (UMMC) requests approval to renew its license agreement with **Dell Marketing, LP.**

Contractor's Legal Name: Dell Marketing, LP.

History of Contract: Renewal Contract

Specific type of contract: License Agreement

Purpose: The purpose of this agreement is to provide for Volume Licensing for Microsoft Desktop Operating System, Microsoft Office Products (both personal computer and Mac/Apple) and Microsoft Server Products. This agreement is campus wide which covers licenses for all faculty, staff and student desktops estimated to be 10,723.

Scope of Work: Dell, an approved Microsoft reseller, will provide licensing for the Microsoft Desktop Operating System, Microsoft Office Products (both pc and Mac/Apple) and Microsoft Services Products. Additionally, this agreement provides for maintenance of the licensing/systems, including upgrades, as applicable.

Term of contract: The contract length is three (3) years – April 1, 2011 to March 31, 2014.

Termination Options: According to the Master Agreement with the State of Mississippi Information Technology Services, the agreement may be terminated for convenience by providing the other party with sixty (60) calendar days notice.

Contract Amount: Costs for the three (3) year period are not to exceed \$2,087,208.72 with an annual cost of \$695,736.24.

Funding Source for Contract: The contract will be funded by E&G sources.

Contractor Selection Process: UMMC's Campus Agreement with Microsoft is through DELL, an approved Microsoft reseller. The Microsoft product was selected in 2007 based upon a needs analysis performed by the UMMC as well as a strategic plan analysis of current and future capabilities/needs of the UMMC. The only other vendor that could compete with Microsoft at the time was Novell; however, Novell could not

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provide the integrated package that Microsoft offered. Therefore, Dell was chosen based on being a Microsoft reseller.

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

5. UMMC- EDUCATIONAL BUILDING CORPORATION - APPROVAL OF FINANCIAL ADVISOR, BOND COUNSEL AND UNDERWRITER

Agenda Item Request: The University of Mississippi Medical Center (UMMC) requests approval of professionals to assist UMMC with a tax-exempt bond issue at fixed and/or variable rates. UMMC wishes to engage **First Southwest Company** as Financial Advisor; **Watkins, Ludlam, Winter and Stennis** as Bond Counsel, and **Morgan Stanley & Co., Inc.** as Lead Underwriter and **Ziegler Securities** and **RBC** as additional underwriters.

History: UMMC has completed and presented to the Board of Trustees its Master Facility Plan that was the result of the strategic planning process for the education, research and health care service missions. First Southwest as financial advisor has completed a debt capacity analysis on the UMMC and is in the process of assisting the Medical Center with a long term strategic financial plan. UMMC is prioritizing the projects in the master facility plan in conjunction with the development of the long term strategic financial plan. UMMC has initiated this request to evaluate the financing of certain projects to be completed over the next three years. It is UMMC's intent that the professionals listed provide assistance in the overall restructuring of its Master Facilities Plan.

Purpose: The Bonds will be issued for the purpose of financing capital expenditures related to the expansion, furnishing and equipping of existing and new health care, education, and research facilities located in the Metro Jackson, Mississippi area. The professional team will assist UMMC in prioritizing its capital projects which will be submitted in April, 2011.

Project Professionals:

First Southwest Company - Financial Advisor
Watkins, Ludlam, Winter and Stennis – Bond Counsel (Fee is not to exceed \$60,000 plus expenses)
Morgan Stanley & Co., Inc. – Lead Underwriter
Ziegler Securities, and RBC – Underwriter

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Staff Recommendation: Based on Board Policy 906 - Educational Building Corporations, Board approval is required for the naming of bond counsel and the underwriters. Pending Attorney General's approval, Staff recommends approval of this item.

6. SYSTEM - OFFICE OF STUDENT FINANCIAL AID – REVISIONS TO THE CONTRACT AND NOTE AND RULES AND REGULATIONS FOR THE VETERINARY MEDICINE MINORITY LOAN/SCHOLARSHIP PROGRAM

The Office of Student Financial Aid requests approval of revisions to the Rules and Regulations and the Contract and Note for the Veterinary Medicine Minority Loan/Scholarship Program effective for the 2011-2012 award year.

Proposed changes will increase the annual award amount for students eligible for assistance through the Veterinary Medicine Minority Loan/Scholarship Program from \$6,000 per year to an annual amount equal to the cost of tuition.

Exhibits attached:

- Exhibit 1 – revisions to the Veterinary Medicine Minority Loan/Scholarship Contract and Note
- Exhibit 2 – revisions to the Veterinary Medicine Minority Loan/Scholarship Rules and Regulations

Staff Recommendation:

The staff, after review and approval of the above information by the Office of the Attorney General, recommends approval.

Exhibit 1

**BOARD OF TRUSTEES OF STATE
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VETERINARY MEDICINE MINORITY LOAN/SCHOLARSHIP PROGRAM
CONTRACT AND NOTE WITH STUDENT**

This Contract and Note entered into this day, by and between the Board of Trustees of State Institutions of Higher Learning (hereinafter referred to as the "Board") and <First Name Middle Initial Last Name SSN> (hereinafter referred to as "loan recipient"), on this date <Date> **WITNESSETH:**

For and in consideration of the mutual promises and covenants made by and between the parties to this agreement, as set forth herein; in consideration of the sums paid on behalf of and for the benefit of the loan recipient; in further consideration of the promise and obligation to repay said sums, with interest; the payment by the Board of an annual amount equal to the cost for tuition of the sum of up to a maximum of Twenty Four Thousand Dollars (~~(\$24,000.00)~~), dependent upon availability of funds, the receipt by the loan recipient of the same sum, and other good

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and valuable consideration, the receipt and sufficiency of which is all hereby acknowledged, the Board and loan recipient bind themselves to the following promises, covenants, terms and conditions as follows, to-wit:

I. PARTIES AGREE AND CONTRACT THAT:

- A. This Contract and Note is executed by and between the parties under the authority of and, pursuant to all applicable State Laws and the Rules and Regulations promulgated thereunder for the purpose of assisting the loan recipient to obtain certain professional training.
- B. The extension of and provision of funds under this Contract and Note are conditioned upon the availability of sufficient funds. Should funds not be available and not be advanced to the loan recipient, then this Contract and Note shall be void and of no force and effect. The non-availability of funds in this or any other contract period shall not void other notes entered into by and between the parties hereto, under which funds were provided, nor shall it negate or void the necessity for performance with the terms and conditions of other Contracts and Notes entered into by and between the parties.
- C. The further purpose of this Contract and Note is to secure the services of Doctors of Veterinary Medicine in the State of Mississippi. The parties further agree that utilization of the degree shall in no event be outside the State of Mississippi.
- D. Payments made by the Board pursuant to this Contract and Note shall be made payable to the school to be applied to the account of the Loan Recipient, first to the tuition due and payable for the current school year; second to any past-due amounts due and owing by the Loan Recipient to MSUCVM. Any remaining amount shall be paid by MSUCVM to the order of the loan recipient, to be used for such other educational expenses as are reasonable and necessary, including, but not limited to, other fees, books, room and board.

II. THE BOARD AGREES:

- A. To furnish to MSUCVM, on behalf of the loan recipient, subject to the availability of funds, and to the performance by the loan recipient of the terms and conditions set out herein, and in the Rules and Regulations governing this instrument, the sum of an annual amount equal to the cost for tuition up to a maximum of twenty four thousand dollars (\$24,000.00), payable in ~~annual~~ installments as specified in the Rules and Regulations, for the purpose of paying the tuition and other educational expenses incurred by the loan recipient at MSUCVM.
- B. To allow repayment of said Loan/Scholarship over time, in accordance with the terms and conditions of this Contract and Note and the Rules and Regulations governing the same.
- C. To allow, in accordance with the terms and conditions of this Contract and Note and Rules and Regulations, the amounts due hereunder to be converted to a scholarship which need not be repaid by the loan recipient as long as the scholarship requirements are performed and met by the loan recipient.

III. THE LOAN/SCHOLARSHIP RECIPIENT AGREES AS FOLLOWS:

- A. To enroll as a full-time student at Mississippi State University College of Veterinary Medicine (MSUCVM) and to diligently pursue the course of study and requirements for a Doctor of Veterinary Medicine degree.
- B. To pursue and complete the four-year course of study at MSUCVM leading to the doctor of veterinary medicine (D.V.M.) degree; to observe all of the rules and regulations of the School and of the Board; to

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demean himself or herself properly and be of good behavior during the period of attendance at MSUCVM.

- C. To furnish the Board in writing a current residence address and telephone number, and, until the sums due and owing are repaid in full, or until the loan recipient fulfills a loan/scholarship obligation incurred hereunder, to immediately notify the Board in writing of any change of residence address or telephone number, and furnish in writing such new residence address and telephone number.
- D. Should the loan recipient desire or require post-graduate training, the training may not exceed four (4) years.
- E. Should the loan recipient desire or require post-graduate training, loan recipient will, within (60) days prior to the completion of loan recipient's course of study leading to the D.V.M. degree, furnish in writing to the Board the following information:
 - 1. Location of post-graduate training;
 - 2. Period of post-graduate training;
 - 3. Date training is to begin; and
 - 4. Specific area of training.
- F. Within sixty (60) days prior to the final completion of post-graduate professional training, the loan recipient will furnish in writing to the Board the following information concerning the loan recipient's proposed utilization of the degree, and seek Board approval of the same:
 - 1. Proposed site of location;
 - 2. Expected date to begin utilization of the degree.

It is fully understood and agreed that it is the responsibility of the loan/scholarship recipient to notify the Board of the above-mentioned proposed location and expected date to begin and to seek Board approval for the same. Loan/Scholarship recipient fully acknowledges that the loan received pursuant to this Contract and Note will become immediately due and payable according to the terms hereof should the aforementioned approval not be sought by loan recipient and granted by the Board.

- G. Should the amount of this loan/scholarship exceed the current tuition and expenses at MSUCVM, and no application of the remainder is made by MSUCVM to unpaid or past-due tuition, fees or expenses, and should the loan/scholarship recipient receive the difference from MSUCVM, then the loan/scholarship recipient agrees to utilize said sums only for other reasonable and necessary educational expenses, including but not limited to, fees, books, room and board.

IV. **REPAYMENT.** The loan/scholarship recipient promises and agrees to pay the loaned funds, with interest, in accordance with the provisions set out in this paragraph. Unless one of the "Service Options" described in Subparagraph 9, below, is selected by the loan/scholarship recipient, with proper written notice to the Board, and unless the "Service Option" subsequently completed in the manner described in Subparagraph 9, then repayment shall commence as follows:

- A. **Number of Payments; Principal and Interest to be Repaid.** The recipient shall repay and agrees to repay all amounts loaned under this or any other similar or like contract and/or note made pursuant to this Program, in not to exceed sixty (60) equal monthly consecutive payments, beginning as set out below in

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Subsection (b), and terminating upon the complete and total repayment of all sums, both principal and interest, which are due and owing under the terms and conditions of this Contract and Note, and any other sums heretofore loaned or advanced to recipient under this or any other similar or like contract and note made pursuant to this Program.

- B. **Beginning and Ending of Repayment Period.** Repayment shall begin one (1) month after the attainment of the D.V.M. degree, or should an approved post-graduate training be selected by the loan/scholarship recipient and approved by the Board, beginning thirty (30) days after the termination of such approved post-graduate training, but in no event to exceed thirty (30) days after the period of the loan/scholarship recipient's termination or cessation of attendance as a full-time graduate or post-graduate veterinarian student or termination of full-time employment or termination of other deferment. The termination date as set above is referred to as "the occurrence" in subsection (d), below.
- C. **Repayment of Principal Amount.** The amount of principal which shall be repaid according to the terms and conditions of this Contract and Note, and which has been advanced pursuant to the terms of this Contract and Note is the sum of up to a maximum of four (4) annual awards ~~up to a maximum of twenty-four thousand dollars (\$24,000.00).~~
- D. **Interest Rate.** The rate of interest charged upon the principal amount loaned upon this Contract and Note by the Board to the loan recipient shall be fixed by reference to the Federal Stafford Loan Program thirty (30) days subsequent to the occurrence which is defined in Subsection (b), above. The rate of interest to be paid by the recipient upon the principal sums loaned or advanced pursuant to this note shall be calculated according to the provisions of the Federal Stafford Loan Program and shall be applied to the unpaid balance on the 30th day following the occurrence referred to in Subsection (b), above. The rate of interest charged a loan recipient shall be at the current Federal Stafford Loan rate at the time of the occurrence of the event.
- E. **Acceleration of Debt.** Should the Board terminate this contract or should the following conditions occur:
1. Failure of the loan recipient to abide by its terms and conditions;
 2. Failure of the loan recipient to abide by and comply with the Statutes, Rules and Regulations governing this Contract and Note;
 3. Loan recipient does not continue in status as a full-time graduate or post-graduate student; or
 4. Should any payment due and owing by the recipient be received more than thirty days past the date upon which said payment was due and owing; then the Board may, at its option, declare the entire sum due and owing by the loan recipient under this or any other similar or like contract and note entered into by the recipient pursuant to this loan program immediately due, and may demand the immediate payment of the same by loan recipient of this instrument. Failure of the Board to exercise its option to accelerate shall not constitute a waiver of its future right to exercise the option to accelerate.
- F. **Application of Partial Payments.** Should partial payments be made before default, or should sums be received or recovered after default, the sums shall first be applied to costs of collection, court costs and attorney fees, then to interest, and the remaining sums shall be applied to principal.
- G. **Waiver of Presentment, etc.** Loan recipient hereby waives presentment, dishonor, notice of dishonor, protest and protest of dishonor.

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- H. **Costs and Attorneys' Fees.** Should this Contract and Note be in default in payment or any of its provisions, then the same shall be placed with an attorney for collection. Loan recipient hereby agrees to pay any reasonable attorneys' fees, costs of collection, suit costs and costs of court which are incurred in the collection of the sums due and owing under the terms of this Contract and Note.
- I. **When Repayment May Be Deferred.** The conditions of repayment shall be deferred in accordance with the terms and conditions of the Service Option provisions of this Contract and Note, and/or the Military Service provisions of this Contract and Note.

V. **SERVICE OPTIONS:**

- A. **Definition: Full time** as used in subparagraph (b) of this section shall be defined as maintaining the normal full-time work schedule where the veterinarian is employed.
- B. **Service Option:** In lieu of payment in full of both principal and interest, the loan recipient after successful attainment of a Doctor of Veterinary Medicine degree may elect to repay principal and interest due hereunder by full-time employment as a Doctor of Veterinary Medicine in the State of Mississippi for a period equal to the length of the study period provided by the loan/scholarship provided however that such service shall never be less than twelve (12) consecutive months, regardless of the length of study provided under this loan/scholarship.
- C. In the event of abandonment or abrogation of the option for repayment as provided for in Subparagraph (b) of this section, the remaining balance of unpaid or undischarged principal and interest shall become due and payable over the remaining period of time made in sixty (60) or less equal monthly consecutive installments, as determined by the Board, commencing one (1) month after graduation or termination of attendance as a full-time student or termination of service employment or termination of other deferment.

- VI. **REQUIRED MILITARY SERVICE.** The requirements of Repayment under Subsection (8) of this contract and note and the requirements of Service under Subsection (9) of this contract and note shall be eligible for deferment during any such period of time the loan recipient shall be required to serve by United States law (required service being further defined in the Rules and Regulations of the Board governing this document), in the Armed Forces of the United States, provided that notice of such required service is given to the Board and the period of required service is approved by the Board in accordance with its Rules and Regulations. Immediately upon the termination of such required military service in the Armed Forces of the United States, such indebtedness and the interest which has accumulated thereon shall be due and payable in accordance with the terms and conditions and in a manner provided for by this Contract and Note.

- VII. **RULES AND REGULATIONS OF BOARD INCORPORATED HEREIN.** The loan recipient agrees that the Rules and Regulations which are, have been, or may be in the future duly promulgated by the Board governing this loan/scholarship program are incorporated herein by reference as if fully recopied in words and figures herein. The loan recipient agrees to abide by such Rules and Regulations.

- VIII. **SEVERABILITY.** The provisions of this instrument are severable. Should a court of competent jurisdiction invalidate any portion or portions thereof, the other portions not so invalidated shall remain in full force and effect.

- IX. **CONSTRUED UNDER THE LAWS OF MISSISSIPPI.** This instrument is to be construed under the laws of the State of Mississippi in effect at the time reference is made thereto in aid of such construction. Should the laws governing the Board or the statutory enactment allowing the provision of this loan be repealed or so modified as to remove the power of the Board to enter into such Contracts and Notes, then the last such statutory enactment before such repeal or modification shall control.

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X. CONTACT

PROVIDE THE ADDRESS OF YOUR PARENTS.

NAME: _____ Telephone # _____

Street Address City State Zip Code Relationship

REFERENCES

PROVIDE TWO ADULT REFERENCES WITH DIFFERENT ADDRESSES. DO NOT LIST SPOUSE OR OTHER STUDENTS.

NAME: _____ Telephone # _____

Street Address City State Zip Code Relationship

NAME: _____ Telephone # _____

Street Address City State Zip Code Relationship

STATE OF MISSISSIPPI

COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named _____ (loan scholarship recipient), who after being first by me duly sworn states on his/her oath(s) that he/she represents himself/herself to be; that he/she has read, understood, and will abide by the above and foregoing laws, rules and regulations pertaining to the aforesaid loan/scholarship program, and that repayment and/or conversion to loan or scholarship will be accomplished in the manner set out herein and in the Contract or Note entered into by him/her of even date.

IN WITNESS THEREOF, we have affixed our signatures this the _____ day of _____, 200__.

Signature of Loan/Scholarship Recipient SS#

Place seal here

Signature of NOTARY PUBLIC

Date my commission expires _____

By:

Director, Mississippi Student Financial Aid
Board of Trustees of State Institutions of Higher Learning

Date

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RETURN THIS ENTIRE CONTRACT AND NOTE TO:
Mississippi Student Financial Aid
3825 Ridgewood Road
Jackson, MS 39211-6453
1-800-327-2980

Exhibit 2

**BOARD OF TRUSTEES OF STATE
INSTITUTIONS OF HIGHER LEARNING
VETERINARY MEDICINE MINORITY LOAN/SCHOLARSHIP PROGRAM
RULES AND REGULATIONS**

These Rules and Regulations are subject to change by the Board of Trustees of State Institutions of Higher Learning (hereinafter, referred to as the "Board"). The number of awards and recipients are dependent upon availability of funds, and selection shall be based on a first-come, first-served basis of all eligible applicants; however, priority consideration shall be given to persons previously receiving awards under the Veterinary Medicine Minority Loan/Scholarship Program. Completed applications and all required documents received on or before March 31 each year, will be given first consideration in the award process.

I. ELIGIBILITY

- A. Must be a current legal resident of Mississippi. Applicants over twenty-one years of age who are actually domiciled out of the State of Mississippi may not claim the residency of their parent or parents unless they have been living out of the State of Mississippi for the previous twelve months to attend school or fulfill military obligations. Questions of residency will be decided by the Board.
- B. Must be accepted for enrollment full time in the Mississippi State University College of Veterinary Medicine.
- C. Must be classified as a minority student by the Registrar's Office at Mississippi State University.
- D. Dependent on availability of funds, selection shall be based on a first-come, first-served basis of all eligible applicants and recommendation by the College of Veterinary Medicine.
- E. Must not presently or previously have defaulted on an educational loan.
- F. Must enter into a Contract and Note with the Board pursuant to these Rules and Regulations and all applicable State Laws.

II. REQUIREMENTS FOR LOAN/SCHOLARSHIP APPLICANT

Along with the application, the following documents must be submitted:

- A. A statement from the Mississippi State University Registrar's Office classifying the applicant as a minority student.
- B. Official academic transcript from the school/college/university last attended. The transcript must report grades from **all** schools/colleges/universities attended. If the transcript **does not** report grades from **all** schools/colleges/universities attended, then individual transcripts **must** be submitted.
- C. **Proof of current Mississippi residency.** Proof may be any **two** of the following, photo copies of current Mississippi valid driver's license, pages one (1) and two (2) of the State of Mississippi Tax Return for the current tax filing year, or the electronic results from filing the Free Application for Federal Student Aid.

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- D. An official letter of acceptance from the Mississippi State University College of Veterinary Medicine, showing date admitted and entering classification.
- E. **One** executed, dated and **notarized** copy of the Contract.
- F. **One** executed copy of the Rules and Regulations.

III. AMOUNT AND LENGTH OF LOAN/SCHOLARSHIP

- A. The Loan/Scholarship may be made in any amount not to exceed an annual amount equal to the cost for tuition ~~twenty four thousand dollars (\$24,000.00)~~ to any one recipient, not to exceed four years to any one recipient.
- B. The Loan/Scholarship is paid in installments not to exceed an amount equal to the cost for tuition ~~six thousand dollars (\$6,000.00)~~ per annum to any one recipient.
- C. Checks shall be made payable to the school and mailed directly to the school, to be applied first toward tuition.

IV. RECIPIENTS IN SCHOOL

- A. Recipient must maintain good standing in the Mississippi State University College of Veterinary Medicine at all times.
- B. Should a recipient fail, withdraw, or have to repeat any year, he/she is suspended from participation in the Program and his/her awards are stopped until such time as the proper official at his/her institution informs the Board that he/she is ready to advance.
- C. Recipient must at all times keep the Student Financial Aid Office informed of any change of address and phone number. Recipient will furnish a correct, complete home address and telephone number, and will immediately inform this office of any change of address or phone number.

V. POST-GRADUATE TRAINING

Loans/Scholarships shall be eligible for deferment of the accrual of interest and the repayment of principal during post-graduate training in conformity with the following requirements:

- A. Post-graduate training at an accredited institution may not exceed four (4) years.
- B. Prior to graduation, each recipient must request and receive Board approval for location of post-graduate training. The recipient must address a letter to the Board providing the following information:
 - 1. Location of post-graduate training, address and telephone number
 - 2. Period of training
 - 3. Date training begins
 - 4. Specific area of training.
- C. Any change in status, address and telephone number **must be** reported to the Board.

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VI. MILITARY SERVICE

In terms of military service the following definitions shall apply:

REQUIRED military service is that service which is required of an individual in the service of the Armed Forces of the United States; it does not include a military service obligation incurred to repay a grant, stipend or scholarship granted the individual prior to, during, or after the award of the Veterinary Medicine Minority Loan/Scholarship.

OBLIGATED or **VOLUNTARY** military service is that service which is performed by the individual in repayment of a debt owed the United States government as a result of military scholarships, ROTC scholarships, etc. received by the individual. Service is **VOLUNTARY** if the individual is not obligated to incur a period of military service, but chooses to incur the service obligation.

- A. Loans/Scholarships shall be eligible for deferment of the accrual of interest and the repayment of principal during the time of required military service:
 - 1. In the event of **REQUIRED** military service, the recipient must apply in writing to the Board for a leave of absence, stating beginning and ending dates.
 - 2. Recipient must supply the Board with a copy of military orders.
 - 3. Deferment of the obligation to repay due to military service must be requested and approved by the Board on a year-to-year basis (annually).
 - 4. Immediately upon completion of **REQUIRED** military service, recipient must elect among the options for repayment or service repayment and notify the Board of such election.
 - 5. If a recipient continues **REQUIRED** military service for any reason beyond the required time, then that person shall be declared ineligible for deferment and the remaining unpaid principal and interest due and payable shall become due and payable on demand to the Board in equal monthly consecutive installments as determined by the Board with interest calculated at the current Federal Stafford Loan rate at the time of the occurrence of the event.
- B. If a recipient obligates himself/herself to **VOLUNTARY** military service prior to, during, or after the award of the Veterinary Medicine Minority Loan/Scholarship, then that person shall be declared ineligible for deferment and the remaining unpaid principal and interest due and payable shall become due and payable on demand to the Board in equal monthly consecutive installments, as determined by the Board, with interest calculated at the current Federal Stafford Loan rate at the time of the occurrence of the event.

VII. SERVICE OPTION

- A. When education and approved training are completed, a recipient **MAY NOT** work out of the State of Mississippi until contractual obligations have been totally fulfilled, except in the instance of Board approved **REQUIRED** military service. The recipient may not defer his/her service obligation in order to pursue an additional degree.
- B. Within sixty (60) days prior to completion of approved training, the recipient will furnish to the Board the proposed location of utilization of the degree within the State of Mississippi, and expected begin date. It is fully understood that it is the responsibility of the loan/scholarship recipient to seek and secure an

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approved location for his/her proposed utilization of the degree. The Board assumes no obligation to perform that function.

- C. The recipient may select any location within the State of Mississippi to utilize the degree.
- D. Loans/Scholarships made to recipients shall be made and based upon the following options for repayment or conversion to interest-free scholarships (**REQUIRED military service excepted**):
 - 1. In lieu of payment in full of both principal and interest, a loan/scholarship recipient may elect to repay by entry into full-time¹ veterinarian work equal to the period provided by the Loan/Scholarship award. However, the period of service to be performed shall never be less than twelve (12) consecutive months, regardless of the length of study provided under the Loan/Scholarship.
 - 2. In the alternative, in the event of abandonment or abrogation of the option for repayment as provided for in VII. D. 1, the remaining balance of unpaid or undischarged principal and interest shall become due and payable over the remaining period of time made in sixty (60) or less equal monthly consecutive installments, as determined by the Board, commencing one (1) month after graduation or termination of attendance as a full-time student or termination of full-time employment or termination of other deferment.
- E. Designate, by written agreement, a time in the future when the obligations shall be fulfilled according to the requirements of the Contract and Note, in the event that obligations imposed by the terms of the Contract and Note are delayed or rendered impossible or impracticable to temporary impairment of health or other conditions beyond the control of the recipient.
- F. Loans shall either be converted to whole or partial scholarships in accordance with this subsection, or repaid in accordance with this subsection, or repaid in accordance with this subsection and the provisions of Section VIII, below.
- G. If a recipient chooses a location outside the State of Mississippi to utilize his/her degree, then that person shall immediately become liable to the Board for the amount remaining of unpaid principal and interest due and payable and shall become due and payable on demand to the Board in equal monthly consecutive installments, as determined by the Board, with interest calculated at the current Federal Stafford Loan rate at the time of the occurrence of the event.

VIII. LOAN OPTION

- A. Recipient is allowed to repay his/her loan (principal and interest thereon) in sixty (60) or less equal monthly consecutive installments, commencing one (1) month after graduation or post-graduate training or termination of attendance as a full-time student or termination of other deferment.
- B. The rate of interest charged a loan recipient on the unpaid balance shall be at the current Federal Stafford Loan rate at the time of the occurrence of the event, commencing one (1) month after graduation or post-graduate training or termination of attendance as a full-time student or termination of full-time employment or termination of other deferment.
- C. If the recipient fails to repay his/her loan (principal and interest thereon) in sixty (60) or less equal monthly consecutive installments, commencing one (1) month after graduation or post-graduate training

¹Full time as used in VII. D. 1 is understood by the parties to mean that the veterinarian shall maintain the normal full-time work schedule where the veterinarian is employed.

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or termination of attendance as a full-time student or termination of full-time employment or termination of other deferment, all principal and interest outstanding, together with costs of collection shall become immediately due and payable and demand shall be made by mailing the same to the obligor at the last address furnished by said obligor. Should payment of the sum due not be made in full within thirty (30) days, on the 30th day following the date demand was made, the Contracts and Notes executed by the obligor shall be placed with an attorney for collection. At this point the obligor shall become liable for reasonable attorneys' fees and court costs, in addition to the other sums due and owing.

IX. DEATH/TOTAL AND PERMANENT DISABILITY/BANKRUPTCY

A. Death

1. If an individual recipient dies and that recipient has elected to repay by service as specified in Section VII. D. 1, then the recipient's obligation to make any further payments of principal and interest on the loan is canceled.
2. The Board may determine that such a recipient has died on the basis of a death certificate or other proof of death that is acceptable under applicable State Law. If a death certificate or other acceptable proof of death is not available, the recipient's obligation on the loan is canceled only upon a determination by the Board on the basis of other evidence that the Board finds conclusive.
3. Once the Board has determined that such a recipient has died, the Board may not attempt to collect on the loan from the recipient's estate.

B. Total and Permanent Disability

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

C. Bankruptcy

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Loans made pursuant to the Veterinary Medicine Minority Loan/Scholarship Program are nondischargeable in bankruptcy.

X. WARRANTY

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

XI. I HAVE READ AND I UNDERSTAND ALL OF THE ABOVE AND I HEREBY AGREE TO ABIDE BY ALL OF THE RULES AND REGULATIONS FOR THE VETERINARY MEDICINE MINORITY LOAN/SCHOLARSHIP PROGRAM AS SET FORTH BY THE BOARD OF TRUSTEES OF STATE INSTITUTIONS OF HIGHER LEARNING.

Loan/Scholarship Recipient

SS#

Date

These Rules and Regulations Must Be Notarized.

STATE OF MISSISSIPPI
COUNTY OF _____

PERSONALLY APPEARED BEFORE ME, the undersigned authority in and for the jurisdiction aforesaid, the within named _____ (Loan Recipient), who after being first by me duly sworn states on his/her oath(s) that he/she is the person he/she represents himself/herself to be; that he/she has read, understood, and will abide by the above and foregoing laws, rules and regulations pertaining to the aforesaid loan/scholarship program, and that repayment and/or conversion to loan/scholarship will be accomplished in the manner set out herein and in the Contract or Note entered into by him/her of even date.

Signature of Loan/Scholarship Recipient

Date

SWORN TO AND SUBSCRIBED BEFORE ME, this the _____ day of _____, 20__.

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Signature of Notary Public _____

My Commission Expires: _____

(Seal)

Return all pages to:
Mississippi Office of Student Financial Aid
3825 Ridgewood Road
Jackson, MS 39211-6453
Questions: **(601) 432-6997** or **(800) 327-2980** (toll free in Mississippi)

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

Board Policy §902, Initiation of Construction Projects

The Board must approve the initiation of a project for the construction of new facilities, repairs and renovations to existing facilities and requests for a capital outlay with a total project budget exceeding \$1,000,000 regardless of how the projects are financed. It is the intent of the Board that its appropriate staff under the direction of the Commissioner shall be involved in all phases of building projects requiring approval by the Board. All construction, repairs, and renovation projects with a total budget of \$1,000,000 or less may be approved by the Institutional Executive Officer. However, all projects utilizing any state bond funds, including Ayers funds, must be initiated with STAFF approval from the Office of Real Estate and Facilities. No further approvals are required by IHL staff for projects of \$1,000,000 or less unless the budget changes. All budget changes for these projects must be reported to the Office of Real Estate and Facilities.

Board Policy §904(A), Board Approval

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

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

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

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

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

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

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

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APPROVAL OF INITIATIONS OF PROJECTS/APPOINTMENTS OF PROFESSIONALS

IHL PROJECTS

1. UM – IHL 207-345 – University Housing

Project Request: The University of Mississippi requests approval to appoint Harrell Contracting Group as the Construction Manager-Advisor for the University Housing project.

Design Professional: Cooke Douglass Farr Lemons + Eley Guild Hardy – A Joint Venture

Purpose: The University of Mississippi has a demonstrated need for more housing on campus. The project would provide full design services for a university-based student housing building (s) with the number of beds anticipated by the university being approximately 800 beds. The university is now asking to appoint a Construction Manager –Advisor for the University Housing project. The request to award this contract to Harrell Contracting Group is being made after a publically advertised “Request for Qualifications” was issued. Submissions from interested firms were received by the University of Mississippi, Office of Procurement Services. The RFQ’s were reviewed by the selection committee and a short-list of two firms was determined and followed by interviews.

The project was initiated with the Board on November 18, 2010. The University of Mississippi is seeking approval to appoint a construction manager for this project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: November 18, 2010

Date of Original Construction: N/A

Date of Last Renovation: N/A

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Project Budget:

	<i>Estimated</i>
Construction Cost:	\$24,000,000.00
Architectural and Engineering Fees:	1,723,527.90
Miscellaneous Project Costs:	3,270,200.00
Contingency:	<u>3,006,272.10</u>
Total Project Budget	\$32,000,000.00

Funding Source(s): Design costs to be funded from Student Housing R&R reserves. Construction and equipping cost will be funded by a mix of Student Housing R&R reserves, contributions from the university food services partner and UM EBC bond proceeds.

Staff Recommendation: Board staff recommends approval of this item.

2. UM – IHL 207-347 – Northgate Apartments HVAC Renovation

Project Request: The University of Mississippi requests approval to initiate a project, Northgate Apartments HVAC Renovation, and to appoint Corbett Legge & Associates as design professional.

Design Professional: Corbett Legge & Associates

Purpose: This project will renovate the HVAC systems in the Northgate Apartments. The project was originally bid with a budget under \$1,000,000 which did not require Board approval. However, the actual bids exceeded the estimated project costs and the cost threshold. As a result, the university is requesting to initiate the project and to appoint the design professional as stated in Board Policy §904(A), Board Approval.

The University of Mississippi is seeking approval to initiate the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to bring all new projects to the Board for the approval of the project initiation and the appointment of a design professional, as required in Board Policy §902, Initiation of Construction Projects.

Project Initiation Date: March 17, 2011

Date of Original Construction: N/A

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Date of Last Renovation: N/A

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 1,200,000.00
Architectural and Engineering Fees:	95,341.79
Miscellaneous Project Costs:	34,950.00
Contingency:	<u>169,708.21</u>
Total Project Budget	\$ 1,500,000.00

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

Staff Recommendation: Board staff recommends approval of this item.

APPROVAL OF BUDGET INCREASES AND/OR CHANGES OF SCOPE

BUREAU OF BUILDING PROJECTS

3. JSU – GS 103-234 – ADA Compliance Phase II-B

Project Request: Jackson State University requests approval to increase the project budget for the ADA Compliance Phase II-B project from \$4,532,985.50 to \$5,032,985.50 for an increase in the amount of \$500,000.

Project Phase: Design Phase

Design Professional: WFT Architect P.A.

General Contractor: N/A

Purpose/Justification: The project is currently in the design phase. This is the third budget escalation request made for this project by the university. The escalation in the project budget is necessary to replace and upgrade the existing elevators in the Administration Tower that are constantly failing due to the elevators not being renovated or replaced since the building was originally constructed in 1972. The increase in project budget will also help the university to plan and construct the interior modifications required at the exterior and interior entrances of the Old Industrial Arts building as well as other needed repairs to the vertical circulations,

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restrooms, and the foundation of the building. This project will help the university to meet requirements of the American with Disabilities Act (ADA) on the main campus as well as off campus properties. Jackson State University is acting in accordance with Board Policy §904(A), Board Approval, that requires each institution to submit all project budget increases to the Board for approval.

Project Initiation Date: August 17, 2006

Project Budget:

	Current Budget	Proposed Budget	Amount (+/-)
Construction Costs	\$ 3,960,517.00	\$ 4,322,727.35	\$ 362,210.35
Architectural and Engineering Fees	\$ 310,197.65	\$ 335,519.60	\$ 25,321.95
Miscellaneous Project Costs	\$ 48,000.00	\$ 60,061.10	\$ 12,061.10
Contingency	\$ 214,270.85	\$ 314,667.45	\$ 100,406.60
Total Project Budget	\$ 4,532,985.50	\$ 5,032,985.50	\$ 500,000.00

Funding Source(s): HB 1701, Laws of 2010 (\$500,000); HB 246, Laws of 2007 (\$4,032,985.50); SB 3197, Laws of 2002 (\$500,000)

Staff Recommendation: Board staff recommends approval of this item.

IHL PROJECTS

4. UMMC – IHL 209-527 – Ophthalmology Renovations – 764 Lakeland

Project Request: The University of Mississippi Medical Center requests approval of change in scope to include additional plumbing revisions to second and fourth floors with no escalation of the project budget.

Design Professional: Dale and Associates, P.A.

Purpose: The university is seeking approval to change project's scope to include additional plumbing and utility service renovations in the ceilings of this project that

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will ultimately serve renovations on the Second and Fourth Floor areas being designed under a separate project. The project IHL #209-538, 4th Floor-764 Lakeland Renovations design is in progress and provides for renovations on the Second and Fourth Floor level of the same facility. The current project will be completed and in service as an Ophthalmology Clinic before construction will begin on IHL #209-538. Preliminary estimates (\$145,986.00) confirm that the present Project budget contingency is adequate and an escalation of budget is not required. The university believes it is in its best interest to incorporate the required “below floor” plumbing work into the current project to prevent interruptions and damages to Clinic operations and to reduce the construction time and “after hours” scheduling of work activities on the future IHL #209-538 project.

The University of Mississippi Medical Center is seeking to change the scope of the project in accordance with Board Policy §904(A), Board Approval, that requires each institution to seek Board approval for all changes to the original project scope approved by the Board during the initiation of the project.

Project Initiation Date: August 20, 2009

Date of Original Construction: 1989

Date of Last Renovation: N/A

Project Budget:

	<i>Estimated</i>
Construction Cost:	\$ 4,086,574.00
Architectural and Engineering Fees:	375,694.00
Miscellaneous Project Costs:	0.00
Contingency:	<u>816,732.00</u>

Total Project Budget	\$ 5,279,000.00
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Funding Source(s): Interest Income (\$25,000); Restricted Funds (\$5,254,000)

Staff Recommendation: Board staff recommends approval of this item.

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APPROVAL OF OTHER REAL ESTATE REQUESTS

5. MSU – Delete from Inventory and Demolish Building 1674

Project Request: Mississippi State University requests approval to delete Building 1674 from inventory and demolish it.

Purpose: Mississippi State University is seeking to delete Building 1674 from inventory and demolish it. Building 1674, a residence at the Beaumont Unit of the Mississippi Agricultural and Forestry Experiment Station, was destroyed by fire and no longer needs to be on inventory. The approval letter has been received from the Mississippi Department of Archives and History and the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

6. MSU – Delete from Inventory and Demolish Building 144 (Arbour Acres #3) and Building 145 (Arbour Acres #4)

Project Request: Mississippi State University requests approval to delete Building 144 (Arbour Acres #3) and Building 145 (Arbour Acres #4) from inventory and demolish it as part of IHL #205-255 New Residence Hall – Arbour Hall.

Purpose: Mississippi State University is seeking to delete Building 144 and 145 from inventory and demolish it as part of the project IHL #205-255 New Residence Hall-Arbour Hall. These apartment units sit in the proposed footprint of the new residence hall (Arbour Hall) and must be removed to make way for the new construction of the residence hall. The approval letter has been received from the Mississippi Department of Archives and History. The buildings will be demolished following notification of and approval from the Mississippi Department of Environmental Quality. All legal documentation will be kept on file in the Office of Real Estate and Facilities. Mississippi State University is acting in accordance with Board Policy §919 Prerequisites for Building Modification or Demolition, that requires Board approval prior to building modification or demolition.

Staff Recommendation: Board staff recommends approval of this item.

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1. SYSTEM -- REPORT ON ENERGY

The Board of Trustees approved the final report of the Energy Efficiency Task Force and adopted three recommendations:

- a. Establish a goal to reduce both System and institution energy use per square feet of space by 30 percent by the end of 2015 using FY 2006 as the baseline year with progress measured at the end of each fiscal year;
- b. Adopt a system-wide Sustainability Policy; and
- c. Adopt a system-wide approach to energy management.

The energy plans from the eight institutions, the Medical Center, and the Executive Office have been submitted to Dr. Betty Norman, MDA Energy Division Bureau Manager as mandated by Senate Bill 2821. We have not had a response from MDA as to acceptance. The institutions have reported through FY 2010. This information is being provided to the Board under separate cover.

The Board also passed the IHL Energy and Sustainability Policy for the system.

A meeting was held February 17 at IHL with Jim Jones (Task Force Leader), Trustee Ed Blakeslee, Harry Sims, Vic Puckett, and Linda McFall to determine next steps. Specifically, the team went over the IHL Energy and Sustainability Policy and developed a plan of action for oversight and reporting progress by the institutions. Names were recommended for positions to be filled on the IHL Energy Council. Length of time for service by the Council members was also decided and timelines were established for energy updates. A Council Charter was developed.

The next step includes the Commissioner drafting a letter to the proposed IHL Energy Council members inviting them to serve. A conference call will be scheduled with Council Members and facilities staff to kick off the process.

2. SYSTEM -- REPORT ON REVERSE AUCTION

Mississippi State University (MSU) was asked by the Mississippi Institutions of Higher Learning (IHL) Board of Trustees and IHL staff to lead a pilot project related to reverse auctions. MSU requested approval from the State of Mississippi's Office of Purchasing, Travel and Fleet Management and was given approval to move forward with a pilot Reverse Auction provided that a report would be submitted upon the completion of the pilot project. The complete report will be provided to the Board under separate cover.

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Two pilot reverse auctions were conducted – one system-wide and one at an individual university. Neither pilot program was rated successful by the procurement officers involved. The reverse auction brought three people into the process – the procurement officer, the vendor, and the auctioneer – rather than the normal two which complicated communication. It was originally thought the first auction would save approximately \$85,000, but due to miscommunications between the three parties, the process actually cost the institutions more money than other purchasing methods.

The second auction which involved only one institution – MSU – failed due to the auctioneer having conversations outside the normal chain rather than with the procurement officer. As a result of these two pilot programs, several observations were noted. First, communication is critical to the success of this type program and the procurement officer must be able to communicate not only with the auctioneer but the preferred vendor as a result of the auction. Any attempt to circumvent that process should invalidate the auction. This should be made clear to the auctioneer at the beginning of the process.

Second, in performing the reverse auction, the system had to rely on the procurement officer at MSU to manage the auction. This put an undue burden on MSU's procurement staff who was already busy and had the unintended consequence of MSU having to fund the process for the system by using their staff.

It was clear there could be savings using the reverse auction method of purchasing; however, communication is critical. For reverse auctions to be truly successful beyond a single institution there must be system staff dedicated to this process at the Board office. Currently, because of the time required, there is not a person who could manage the reverse auction process at the system office.

Staff Recommendation: The Commissioner will direct the institutional executive officers to have their procurement officers work together to look for opportunities to conduct reverse auctions both at their institution and within the system. As the Board continues to investigate shared services opportunities, a system procurement officer for the regional institutions should be part of that discussion.

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1. UMMC - APPROVAL TO HIRE WILLIAM SMITH, III OF WATKINS & EAGER LAW FIRM AS OUTSIDE COUNSEL

The University of Mississippi Medical Center requests permission to hire William Smith, III of the firm Watkins & Eager, PLLC to provide outside counsel services as real estate counsel. This is a renewal of a contract. The contract will be for one year. Either party may terminate upon thirty (30) days notice. The proposed attorney hourly rate is \$165 up to a do not exceed amount of \$100,000. The funding source will be state funds.

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

2. USM - APPROVAL TO HIRE BARRY CANNADA, JOHN HEALY, CARA BAER, HEMANT GUPTA, LANE BELISIMO, BOB MORRIS, AL BRIGHT, BEN ROBERSON AND RYAN O'BEIRNE OF BUTLER, SNOW, O'MARA, STEVENS & CANNADA LAW FIRM AS OUTSIDE COUNSEL

The University of Southern Mississippi requests approval to hire Barry Cannada, John Healy, Cara Baer, Hemant Gupta, Lane Belisimo, Bob Morris, Al Bright, Ben Roberson, and Ryan O'Beirne with Butler, Snow, O'Mara, Stevens & Cannada as outside counsel to represent USM in the filing of applications for patents in the United States and other intellectual property matters. The hourly rates to be charged will be \$225.00 for intellectual property/patent work, \$215.00 for commercial work, and \$85.00 for paralegals. Disbursements will include any long distance telephone charges, delivery charges, photocopy and drawing costs, computer search charges, government filing fees, travel expenses, and the like incurred in connection with this engagement. The approval will be for a period of one year. Either party may terminate the contract with thirty (30) days notice. These fees will be paid with funds from indirect costs associated with various University grants.

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

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APPROVAL OF PERSONNEL ACTION REQUESTS

1. Employment

MUW

Jennifer M. Miles, Vice President for Student Services, salary of \$124,000 per annum, pro rata; E&G Funds; effective May 9, 2011

Rehired retirees making more than \$20,000 who ARE on contracts during Fiscal Year 2011 and Fiscal Year 2012

MUW

E.E. Caston, *former position:* DSU Dean of Education; *new position:* MUW Interim Provost and Vice President for Academic Affairs; *consulting contract period:* May 1, 2011 through June 30, 2011; rate of pay - \$64.50 per hour; *re-employment period:* July 1, 2011 through June 30, 2012; *salary of* \$134,250

Rehired retirees making more than \$20,000 who are NOT on contracts during Fiscal Year 2011

MSU

Jeri V. Mangum, *former position:* Office Associate; *re-employment position:* Office Associate; *re-employment period:* November 1, 2010 through June 30, 2011; salary of \$26,000

Thomas E. Edwards, *former position:* Research Professor; *re-employment position:* Research Professor; *re-employment period:* January 27, 2011 through June 30, 2011; salary of \$36,208

Billie Hughes, *former position:* Chief of Police; *re-employment position:* Mississippi Alcohol Safety Education Program (MASEP) Facilitator; *re-employment period:* January 3, 2011 through June 30, 2011; salary of \$28,400

Gloria Wilson, *former position:* Lecturer; *re-employment position:* Lecturer, *re-employment period:* January 1, 2011 through June 30, 2011; salary of \$22,000

2. Change in Status

USM

Ann Parker Blackwell; *from* Interim Dean, College of Education and Psychology and Professor, Department of Child and Family Studies; salary of \$135,000 per annum, pro rata; E&G Funds; *to* Dean, College of Education and Psychology and

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Professor, Department of Child and Family Studies; salary of \$152,000 per annum, pro rata; E&G Funds; effective July 1, 2011

3. Sabbaticals

MSU

Noel D. Addy, Associate Professor, Richard C. Adkerson School of Accountancy, *from* salary of \$91,121 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$45,560.50 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 16, 2011 to December 31, 2011; professional development

Anatolijs Afanasjevs, Professor, Physics and Astronomy, *from* salary of \$71,899 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$35,949.50 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 16, 2011 to May 15, 2012; professional development

Benjamin F. Blair, Associate Professor, Finance and Economics, *from* salary of \$76,205 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$38,102.50 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 16, 2011 to December 31, 2011; professional development

Robert F. Brzuszek, Associate Professor, Landscape Architecture, *from* salary of \$79,735 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$29,900 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 16, 2011 to December 31, 2011; professional development.

Kenneth M. Coffey, Professor, Curriculum, Instruction, and Special Education, *from* salary of \$65,836 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$32,918 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 16, 2011 to December 31, 2011; professional development

Robert J. Damm, Professor, Music Department, *from* salary of \$59,039 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$29,519.50 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 16, 2011 to December 31, 2011; professional development

Richard V. Damms, Associate Professor, History Department, *from salary* of \$60,000.00 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$30,000.00 per annum, pro rata for sabbatical period; E&G Funds; *effective* August 16, 2011 to December 31, 2011; professional development

Sandra D. Devlin, Professor, Curriculum, Instruction, and Special Education, *from* salary of \$71,426 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$35,713.50 per annum, pro rata for sabbatical period; E&G Funds; *effective* January 1, 2012 to May 15, 2012; professional development

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Jenny Q. Du, Associate Professor, Electrical and Computer Engineering, *from* salary of \$84,295 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$42,147.50 per annum, pro rata for sabbatical period; E&G Funds; effective January 1, 2012 to May 15, 2012; professional development

Steven H. Elder, Professor, Agricultural and Biological Engineering, *from* salary of \$93,419 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$46,709.50 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development

James E. Fowler, Jr., Professor, Electrical and Computer Engineering, *from* salary of \$95,362 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$47,681 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development

Shirley A. Hanshaw, Assistant Professor, English Department, *from* salary of \$47,224 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$23,612 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to December 31, 2011; professional development

Robert J. Harland, Associate Professor, Foreign Languages, *from* salary of \$50,073 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$25,036.50 per annum, pro rata for sabbatical period; E&G Funds; effective January 1, 2012 to December 31, 2012; professional development

Michael J. Highfield, Associate Professor, Finance and Economics, *from* salary of \$184,188 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$69,070.50 per annum, pro rata for sabbatical period; E&G Funds; effective January 1, 2012 to May 15, 2012; professional development

Rachel E. McCann, Professor, School of Architecture, *from salary* of \$74,138.00 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$37,069.00 per annum, pro rata for sabbatical period; E&G Funds; effective August 16, 2011 to May 15, 2012; professional development

Phyllis B. Miller, Associate Professor, School of Human Sciences, *from* salary of \$74,380 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$37,190 per annum, pro rata for sabbatical period; E&G Funds; January 1, 2012 to May 15, 2012; professional development

Edward T. Potter, Associate Professor, Foreign Languages, *from* salary of \$50,056 per annum, pro rata for sabbatical period; E&G funds; *to* salary of \$25,028 per annum, pro rata for sabbatical period; E&G Funds; August 16, 2011 to December 31, 2011; professional development

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Richard C. Raymond, Professor and Head, English Department, *from salary* of \$102,000.00 per annum, pro rata for sabbatical period; E&G funds; *to salary* of \$38,250.00 per annum, pro rata for sabbatical period; E&G Funds; January 1, 2012 to May 15, 2012; professional development

Robert M. West, Associate Professor, English Department, *from salary* of \$57,164 per annum, pro rata for sabbatical period; E&G funds; *to salary* of \$28,582 per annum, pro rata for sabbatical period; E&G Funds; August 16, 2011 to December 31, 2011; professional development

Shu-hui Wu, Associate Professor, History Department, *from salary* of \$55,178 per annum, pro rata for sabbatical period; E&G funds; *to salary* of \$27,589 per annum, pro rata for sabbatical period; E&G Funds; January 1, 2012 to May 15, 2012; professional development

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

The university requests approval to bestow an honorary degree at its May 2011 commencement. Supporting documents are on file at the Board Office.

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

The university requests approval to bestow two honorary doctorates at its Spring 2011 commencement ceremonies. Supporting documents are on file at the Board Office.

3. **MVSU – APPROVAL OF REVISED MISSION STATEMENT**

For the purposes of complying with SACS COC reaffirmation standards and ensuring continuous review of university operations, and as a result of a year-long strategic planning process that engaged hundreds of stakeholders, Mississippi Valley State University has revised its mission statement. This statement not only takes into account SACS COC and IHL standards, but reflects higher education best practices and alignment with the renaissance concept that is being operationalized at the university. The edits shown below include removal of extraneous information on program specifics, greater specificity of expected student outcomes, more current and relevant language on student learning, more measurable outcomes, and the creation of a statement that is more succinct.

Mississippi Valley State University, located in Leflore County, is as a Carnegie Master's Institution Classified Master's University, which provides accessible, relevant and quality academic and public service programs comprehensive undergraduate and graduate programs in education, the arts and sciences, and professional studies. The University is driven by its commitment to excellence in teaching, learning, service, and research – a commitment resulting in a learner-centered environment that prepares critical thinkers, exceptional communicators, and service-oriented, engaged, and productive citizens. While the University has historically drawn the majority of its students from throughout the Delta, the institution recognizes the need to provide greater services to the south and east Delta areas. MVSU, which recognizes the need to be efficient, effective and productive in all of its operations, offers concentrated study in the arts, business, education, humanities, public services, pre-professional services, social sciences, sciences, social work, and technology.

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~~Master's level programs are offered in criminal justice, business administration, teaching, elementary education, special education, environmental health and rural public policy.~~

~~The University also endeavors to provide additional programs that are vital and unique to the needs of the population it serves. MVSU is fundamentally committed to positively impacting the quality of life and creating extraordinary educational opportunities for the Mississippi Delta and beyond. MVSU emphasizes the study and applications of technology, basic and applied research, service learning, health and wellness, and economic and cultural affairs. The University expands its emphasis to incorporate an international focus on governmental, economic and cultural affairs. Out of this concept, the Delta Research and Cultural Institute provides the avenue for faculty and students to engage in theoretical and applied research on subject matter related to the cultural, social, economic and political concerns of the Delta.~~

Staff recommendation: Board staff recommends approval of this item.

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1. SYSTEM -- REPORT ON SPACE

The space inventory was recommended to the Board of Trustees as an efficiency based on the need to develop a system to ensure effective and efficient use of one of IHL's largest asset classes – facilities. IHL manages approximately 1,600 buildings and more than 32 million square feet. For FY 2010 the historical value of IHL's buildings totaled more than \$2 billion. The goal of the efficiency was to know 1) what IHL owns, 2) how the assets are used, 3) how the assets, and use thereof, affect the academic progression of students, and 4) the sufficiency and effectiveness of the fiscal resources currently being spent on facilities in order to advise the Board on their stewardship responsibility.

Little information was available at the system office to provide proper oversight to ensure the Board's fiduciary responsibility. Collection of data was a daunting task for the campuses and could only be done in phases. Therefore, the committee responsible for this efficiency opted to tackle the project in three phases.

The first phase was a compilation of a facility inventory. In other words, the goal was to reconcile three different reports – State of Mississippi's Bureau of Building data, State Auditor's property reports, and IHL financial statements – by doing an actual count on each campus. Phase I is almost complete. All institutions except one have provided the initial data to complete phase I. Some of the institutions provided inventory information using current staffing; others outsourced Phase I. The next phases which consist of Phase II and Phase III will require financial resources to complete.

The Efficiency Team Leader is Roger Baker, Campus Master Planning, Mississippi State University. Other team members include Jessie Stephney (ASU), Linda Smith (DSU), Wayne Goodwin (JSU), Jody Kennedy (MUW), Nora Miller (MUW), Tommy Verdell (MVSU), Nina Jones (UM), Ivory Bogan (UMMC), Jerry Moore (UMMC), Carla Casio (USM), and Brad Rowland (IHL).

The full report is being sent to the Board under separate cover. Board staff will provide the Board of Trustees an update at this meeting on the Space Efficiency including Phase II and III.

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**1. SYSTEM – APPROVAL OF PROPOSED AMENDMENTS TO BOARD POLICY 602
NONRESIDENT ADMISSIONS (FINAL APPROVAL)**

F. Nonresident Admissions

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

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

Staff Recommendation: Board staff recommends approval of this item.

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1. UMMC – REQUEST FOR WAIVER

Agenda Item Request: The University of Mississippi Medical Center requests a waiver of the annual audit requirement applicable to the IHL approved affiliation agreement with the **Medical Center Research Development Foundation (MCRDF)** for the fiscal year ending June 30, 2011.

Justification: As per requirements stipulated in Board Policy 301.0806 D.9., copies of the June 30, 2010 audited financial statements of the MCRDF from an independent Certified Public Accounting (CPA) firm are being submitted to the Board under separate cover. The request for the waiver for FY 2011 is based on the assets of the MCRDF being less than \$30,000 at June 30, 2010. The cost of the related audit would be approximately \$3,500.

There has not been material fiscal activity in the MCRDF to-date and it is anticipated there will not be through the end of this fiscal year. Therefore, the financial statements will be materially the same as the previous fiscal year. The estimated cost of an audit for June 30, 2011 remains at \$3,500. In order to save funds, UMMC requests that the IHL Board waive the requirement of an annual audit by the CPA firm for fiscal year 2011. An audit will be initiated if circumstances change and MCRDF receives additional funds that materially impact the financial statements.

Staff Recommendation: Based on Board Policy 301.0806 D.9., University Foundation/Affiliated Entity Agreements, Board approval is required to waive the requirement of an annual audit by a CPA firm on a showing of adequate grounds. The request and required supporting documentation has been reviewed and approved by Board staff. Board staff recommends approval of this item.

2. SYSTEM – UPDATE RELATED TO FOOD SERVICES AND HOUSING OPERATIONS

Staff will provide an update on the Food Service and Housing Operations with recommendations of proposed rates for a three-year period. Information will be provided under separate cover.

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**1. SYSTEM - FINAL APPROVAL OF AMENDMENTS TO BOARD POLICIES
AND BYLAWS REGARDING THE ELECTION OF BOARD OFFICERS**

Board approval is requested for the following amendments to the Board's Policies and Bylaws regarding the election of Board officers:

201.02 PRESIDENT OF THE BOARD

~~Within 10 days after the beginning of the terms of office of its members, upon call of the Governor, the Board shall meet in the City of Jackson and organize by electing (1) of its number as president, whose term of office shall be for (1) year or until a successor shall be elected, and shall transact such other business as may come before the meeting. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie.~~

Miss. Code Ann., §37-101-7, as amended.
(See Section 301.01, A.)
(BT Minutes, 9/90; 1/98)

301.01 OFFICERS OF THE BOARD

A. PRESIDENT:

~~There shall be a president elected by the Board from its membership whose term of office shall be for one year or until his or her successor is elected. It is expected that each member of a class of Trustees shall be elected to serve as President, unless a Trustee elects not to serve. A class of Trustees shall consist of those Trustees who take office on the same date, or those whose terms as trustees end on the same date. Each member of the class of Trustees that took office as of May 2004 shall serve eleven months as president, unless he/she elects not to serve. The first Trustee elected as President from the class of Trustees that took office in 2004 shall begin his/her presidential term on May 1, 2011. Each member of the class of Trustees that took office as of May 2008 shall serve ten months as president, unless he/she elects not to serve. Each member of the class of Trustees that shall take office as of May 2012, as well as the members of all subsequent classes, shall serve nine months as president, unless he/she elects not to serve. If a member of a class of Trustees elects not to serve, another member of the class may serve more than one term, if elected. The president of the Board shall preside at all meetings of the Board; he or she shall be an ex officio member of all standing and special committees; he or she shall appoint members of all standing or special committees; he or she shall, with the Commissioner, execute such instruments~~

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and contracts as may be ordered by the Board; he or she shall perform such duties as usually pertain to this office and such other duties as may be assigned by the Board; and he or she shall be governed in his action by the usual parliamentary procedure. When the presiding officer has voted and the result is a tie, he cannot vote again to break the tie. The president of the Board may not immediately succeed himself/herself as president after having served a full ~~year~~ term.

Miss. Code Ann., §37-101-7, as amended.
(See Section 201.02 President of the Board)

B. VICE PRESIDENT:

There shall be a vice president elected by the Board from its membership. A vice president shall serve until completion of the term of the president that the vice president will succeed. ~~The term of office shall be one year, and T~~he vice president shall preside at meetings of the Board in the absence or disability of the president.

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

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

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

301.02 ELECTION OF OFFICERS

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

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

STAFF RECOMMENDATION: Board staff recommends approval of this item.

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ACADEMIC AFFAIRS

1. SYSTEM – 2011 IMPROVING TEACHER QUALITY AWARDS

Title II, Part A of the *No Child Left Behind Act of 2001* authorizes awards to higher education state agencies to support an “Improving Teacher Quality” competitive grant program.

The IHL institutions below were awarded Title II federal grant funds for the period beginning March 1, 2011 through April 30, 2012.

INSTITUTION	DISCIPLINE	AMOUNT
Delta State University	Mathematics	\$89,774.00
Delta State University	Literacy Integration	\$89,447.00
Jackson State University	Mathematics	\$90,000.00
Mississippi State University	Literacy Integration	\$90,000.00
Mississippi State University	Mathematics and Technology	\$90,000.00
Mississippi Valley State University	Reading	\$90,000.00
University of Mississippi	Literacy Integration	\$89,851.00
University of Southern Mississippi	Literacy and Leadership	\$89,464.00
University of Southern Mississippi	Mathematics and Technology	\$90,000.00
Total Awarded to IHL Institutions		\$808,536.00

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**SYSTEM: REAL ESTATE ITEMS APPROVED SUBSEQUENT TO THE
FEBRUARY 17, 2011 BOARD MEETING SUBMISSION DEADLINE**

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

Board Policy §904(A), Board Approval

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

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

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

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

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

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1. JSU – GS 103-219 – Johnson/Dansby Replacement – Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #7** in the amount of \$56,809.27 and forty-nine (49) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 24, 2011

Change Order Justification: **Change Order #7** is necessary to add work to re-align stone facing on curved lobby stair, install a seal coat finish on the asphalt parking lot, add track lighting in printmaking studio near north pin-up wall surface, add a switch to the fume hood in printmaking studio that came without that option, and to add emergency A/C supply to the Gallery/EOC.

Total Project Change Orders and Amount: Seven (7) change orders for a total amount of \$279,822.38

Project Initiation Date: November 20, 2003

Design Professional: Foil/Wyatt Architects & Planners, PLLC

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: March 30, 2009

Project Budget: \$13,773,590

Funding Source(s): HB 246, Laws of 2007 and SB 2010, Laws of 2004 (\$11,773,590); HB 1641, Laws of 2008 (\$2,000,000)

2. JSU – GS 103-251 – Security Upgrades

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$0.00 and one hundred fifty-three (153) additional days to the contract of Edwards Electric Service, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 15, 2011

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Change Order Justification: **Change Order #1** is necessary to add days to the contract to provide the correct number of door exits and door monitor switches as well as to modify position of cameras as indicated on Drawing EC-1R.

Total Project Change Orders and Amount: One (1) change order for a total amount of \$0.00

Project Initiation Date: November 20, 2008

Design Professional: Watkins & O'Gwynn

General Contractor: Edwards Electric Service, LLC

Contract Award Date: N/A

Project Budget: \$1,651,948.97

Funding Source(s): HB 1641, Laws of 2008 (\$950,000); HB 1722, Laws of 2009 (\$701,948.97)

3. MSU – GS 105-310 – Harned Hall Renovations – Phase I

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #5** in the amount of \$446,249.00 and one hundred twenty-six (126) additional days to the contract of Harrell Contracting Group, LLC. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 1, 2011

Change Order Justification: **Change Order #5** is necessary to revise building plaque size, prep doors for future access control hardware, change projection screen to larger size, renovate existing greenhouse, extend overhead for plaster repair and greenhouse renovation, add power switches in laboratories, add gas piping and shut off valves to autoclave, repair existing copper roof, and paint existing brick walls in several corridors to match new gypsum board walls.

Total Project Change Orders and Amount: Five (5) change orders for a total amount of \$1,053,426.64

Project Initiation Date: May 1, 2007

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Design Professional: Eley Associates/Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: April 7, 2009

Project Budget: \$17,000,000

Funding Source(s): SB 2010, Laws of 2004 (\$5,000,000); HB 246, Laws of 2007 (\$12,000,000)

4. MSU – GS 113-117 – Wise Center Storm Repairs

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #4** in the amount of \$100,394.00 and thirty-three (33) additional days to the contract of Thrash Commercial Contractors, Inc. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: January 24, 2011

Change Order Justification: **Change Order #4** is necessary to in order to address structural remediation to existing conditions that were not expected to be encountered. These conditions include deteriorating CMU block and un-braced CMU walls, insufficient roof pedestals, and poor flashing.

Total Project Change Orders and Amount: Four (4) change orders for a total amount of \$119,786.00

Project Initiation Date: October 20, 2006

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

General Contractor: Thrash Commercial Contractors, Inc.

Contract Award Date: January 25, 2010

Project Budget: \$6,790,000

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Funding Source(s): HB 1634, Laws of 2006 (\$1,726,000); HB 1641, Laws of 2008 (\$3,000,000); HB 1722, Laws of 2009 (\$2,000,000); MSU CVM (\$64,000)

5. MSU – IHL 205-235B – New Residence Hall Complex

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #3** in the amount of \$68,991.97 and twelve (12) additional days to the contract of Harrell Contracting Group, LLC.

Staff Approval Date: February 3, 2011

Change Order Justification: **Change Order #3** is necessary to in order to add retaining wall, change fire dampers, rework north stairs, asphalt at Ann Arbor Acres, installation of fire rated plywood, landscaping at fountain, brick allowance credit, drainage at McComas, extra Bermuda sod, media wall allowance, acoustical wall panels, McComas Hall drainage, and landscaping at the AT&T box.

Total Project Change Orders and Amount: Three (3) change orders for a total amount of \$312,595.03

Project Initiation Date: April 16, 2008

Design Professional: LPK Architects, P.A.

General Contractor: Harrell Contracting Group, LLC

Contract Award Date: June 22, 2009

Project Budget: \$29,960,000

Funding Source(s): MSU Educational Building Corporation Bonds (\$29,960,000)

6. MSU – IHL 205-255 – Arbour Hall

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board

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staff approved a **waiver of Design Development Documents**

Staff Approval Date: February 3, 2011

Project Initiation Date: November 18, 2010

Design Professional: LPK Architects, P.A.

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$23,653,017

Funding Source(s): MSU EBC (\$23,653,017)

7. MUW – GS 104-149 – Poindexter Hall Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$34,582.00 and zero (0) additional days to the contract of West Brothers. Approval is requested from the Bureau of Building, Grounds, and Real Property.

Staff Approval Date: February 11, 2011

Change Order Justification: **Change Order #2** is necessary to in order to furnish all labor, material, and equipment to relocate 2 temporary outside HVAC units away from the south elevation as described by the architect and engineer. The additional work consists of temporary power to each unit, installed from the existing TCP Panel in the basement to a relocated disconnect at each unit, and additional ductwork as indicated on the revised drawings.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$118,512.58

Project Initiation Date: November 20, 2003

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

General Contractor: West Brothers

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Contract Award Date: July 13, 2010

Project Budget: \$9,579,000

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

8. MVSU – GS 106-230 – Stadium Seating Replacement

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

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

Staff Approval Date: February 15, 2011

Project Initiation Date: September 1, 2010

Design Professional: JBHM Architects

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$4,500,000

Funding Source(s): HB 1701, Laws of 2010 (\$4,500,000)

9. UM– IHL 207-306A – Carrier Hall Addition and Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$56,346.15 and twenty-three (23) additional days to the contract of Panola Construction, Inc.

Staff Approval Date: February 3, 2011

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Change Order Justification: **Change Order #9** is necessary to add block filler CMU primer to unprimed existing CMU walls hidden behind existing radiators and chalkboards, patch existing walls where excessive damage occurred during occupancy not discovered until after occupant move, replace concrete sidewalk in front of Smith Hall between Carrier Hall addition and Smith Hall, add gypsum board furr down at existing lobby/corridor intersection because of conflict between new building systems and existing building systems, replace glazing in existing windows exhibiting small cracks, install a smooth “skin” coat to the concrete floor slab, raise the horizontal length of an existing roof drain to accommodate new building system, and add additional electrical circuits, independent light switching and miscellaneous additional electrical connection points.

Total Project Change Orders and Amount: Nine (9) change orders for a total amount of \$222,616.57

Project Initiation Date: August 20, 2009

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Panola Construction

Contract Award Date: December 16, 2009

Project Budget: \$4,500,000

Funding Source(s): Mississippi Development Authority (\$4,500,000)

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

Staff Approval #1: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #1** in the amount of \$148,287.00 and zero (0) additional days to the contract of Evan Johnson and Sons, Inc.

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$8,157.00 and zero (0) additional days to the contract of Evan Johnson and Sons, Inc.

Staff Approval Date: February 1, 2011

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Change Order Justification: **Change Order #1** is necessary to adjust the contract allowance for actual proposal cost of HVAC controls via UMMC Novation Contract pricing through Johnson Controls. This area of UMMC is “Hospital Patient Care” and the existing controls system in place is Johnson Controls. The change order will also include furnishing and installing patient headwall units into the general construction contract. **Change Order #2** is necessary to provide for early completion and acceptance of a portion of the project to allow the owner corridor access to existing Adult and Pediatric Emergency Room. It will provide for the owners to use to shorten the route from Children’s Cancer Center and Children’s Hospital areas to the existing Pediatric Emergency room.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$156,444.00

Project Initiation Date: November 16, 2007

Design Professional: Dale/Morris Architects

General Contractor: Evan Johnson and Sons

Contract Award Date: February 15, 2010

Project Budget: \$5,633,275

Funding Source(s): PED Outpatient Clinic Funds (\$5,304,371); Hospital Patient Revenues (\$328,904)

11. UMMC – IHL 209-535 – Learning Resources Renovation

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff **approved the award of contract** to Harrell Contracting Group, Inc, the lower of nine (9) bidders, for a total contract amount of \$2,468,000.00.

Staff Approval Date: February 3, 2011

Project Initiation Date: April 15, 2010

Design Professional: Cooke Douglass Farr Lemons

General Contractor: Harrell Contracting Group, Inc.

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Contract Award Date: February 3, 2011

Project Budget: \$2,850,000

Funding Source(s): UMMC Educational Building Corporation (\$2,000,000); Interest Income (\$850,000)

12. USM– GS 108-217 – Science Building and Recreation Building Repair and Renovation

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved a **waiver of Design Development Documents**

Staff Approval Date: January 24, 2011

Project Initiation Date: January 21, 2010

Design Professional: Studio South/ Allred Architectural Group

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$10,792,109.24

Funding Source(s): HB 1641, Laws of 2008 (\$249,488.02); SB 2010, Laws of 2004 (\$6,031,955.11); SB 2988, Laws of 2003 (\$1,279,656.30); SB 3197, Laws of 2003 (\$231,009.81); HB 1701, Laws of 2010 (\$3,000,000)

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

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

Staff Approval #2: In accordance with Board Policy §904 (A) Board Approval, Board staff approved a **waiver of Design Development Documents**

Staff Approval Date: February 2, 2011

Project Initiation Date: October 21, 2004

Design Professional: Dale and Associates

General Contractor: N/A

Contract Award Date: N/A

Project Budget: \$6,252,302.68

Funding Source(s): HB 1641, Laws of 2008 (\$2,728,381.41); SB 2010, Laws of 2004 (\$25,322.21); SB 2988, Laws of 2003 (\$14,805.88); SB 3197, Laws of 2003 (\$23,745.00); HB 1722, Laws of 2009 (\$493,159.34); HB 246, Laws of 2007 (\$2,957,745.50); HB 1634, Laws of 2006 –IHL R&R (\$9,143.34)

14. USM– IHL 208-267 – Dormitory Replacement, Hattiesburg

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #9** in the amount of \$14,968.00 and zero (0) additional days to the contract of W.G. Yates & Sons Construction Co.

Staff Approval Date: February 11, 2011

Change Order Justification: **Change Order #9** is necessary to alleviate drainage issues on the north and south elevations of the Learning Center and the area south of the main site entrance to the plaza.

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Total Project Change Orders and Amount: Nine (9) change orders for a total **credit** amount of (\$249,021.00)

Project Initiation Date: March 14, 2007

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

General Contractor: W.G. Yates & Sons Construction Co.

Contract Award Date: November 12, 2008

Project Budget: \$45,000,000

Funding Source(s): USM Educational Building Corporation (\$45,000,000)

15. Education & Research Center – GS 111-047 – ECM R&D Center

Staff Approval: In accordance with Board Policy §904 (A) Board Approval, Board staff approved **Change Order #2** in the amount of \$1,891.00 and zero (0) additional days to the contract of Metro Mechanical, Inc.

Staff Approval Date: February 11, 2011

Change Order Justification: **Change Order #2** is necessary to provide switches and circuits to operate lights in Boiler room and to relocate controls air compressor from pump room to electrical room. Owner requested light switches be added near office door to boiler room. Lights presently turned off at breaker box. Additional space is needed for new fire pump and jockey pump.

Total Project Change Orders and Amount: Two (2) change orders for a total amount of \$21,878.00

Project Initiation Date: N/A

Design Professional: Atherton Consulting Engineers, Inc.

General Contractor: Metro Mechanical, Inc.

Contract Award Date: August 18, 2010

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Project Budget: \$750,000

Funding Source(s): ARRA (\$750,000)

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SYSTEM - REPORT OF PAYMENTS TO OUTSIDE COUNSEL

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

Payment of legal fees for professional services rendered by David Ware & Associates (statements dated 1/1/11) from the funds of Mississippi State University. (These statements, in the amounts of \$32.77, \$124.85 and \$2,500.00, respectively, represent services and expenses in connection with labor certifications.)

TOTAL DUE.....\$ 2,657.62

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statement dated 12/28/10) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with *Jackson HMA LLC vs. UMMC* - \$24,072.50.)

TOTAL DUE.....\$ 24,072.50

Payment of legal fees for professional services rendered by Watkins & Eager, PLLC (statement dated 1/27/11) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$48,497.05, represents services and expenses in connection with the Jackson Medical Mall Lease.)

TOTAL DUE.....\$ 48,497.05

Payment of legal fees for professional services rendered by Bryan Nelson, P.A. (statement dated 2/7/11) from the funds of the University of Southern Mississippi. (This statement, in the amount of \$858.30, represents services and expenses in connection with a personnel issue.)

TOTAL DUE.....\$ 858.30

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

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (statements dated 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/18/11, 1/31/11 and 1/31/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "Steele - Prov. Patent on Anhydrosugar Production" - \$25.50; "Methods of Preparation of Live Attenuated Bacterial Vaccines" - \$635.17; "Acoustic Inspection of Structures" - \$85.00; "Ventilating Dehumidifying System" - \$170.00; "Optical Sensing Elements for Nitrogen Dioxide (NO₂) Gas Detection" - \$17.00; "Alcohol Esterification (Condensor Train)" - \$62.00; "Steele - Solid Heat Carrier Pyrolysis Reactor" - \$360.00; "Weed - Pelvic Floor Strength Assessment Device" - \$1,007.50; "Compact Time-of-Flight Mass Spectrometer - United Kingdom" - \$34.00 and "US Patent on Compact Time-of-Flight Mass Spectrometer" - \$541.00, respectively.)

TOTAL DUE.....\$ 2,937.17

Payment of legal fees for professional services rendered by Larry Schemmel (statements dated 1/24/11) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patents: "MSU-Declaration/Renewal" - \$423.75; "Mississippi Horse Park Agricenter and Fairgrounds Trademark (Wordmark)" - \$423.75; "Section 8 and 15 Declarations of Use and Incontestability for MSUcares.com Logo" - \$427.50; "Montana State University - Consent Agreement" - \$42.50; "DrainBlocker Trademark C&D Matter" - \$191.25; "Self-Aligned Methods Low Temp Selective" - \$2,316.25; "Temporal Mapping and Analysis" - \$2,062.50; "Change Analyst" - \$3,378.75; "Engine Speed Controller" - \$1,041.25; "Trademark JUVA" - \$298.75; "St. Augustine Grass Plant Named 'Eclipse'" - \$21.25; "JUVA Trademark Application" - \$320.00; "Catalysts and Process for Liquid Hydrocarbon Fuel Production" - \$2,668.50; "Delta Jazz Trademark" - \$1,848.75; "Giant Micanthus Provisional Plant Patent" - \$297.50; "Buckscore" - \$722.50; "Buckscore.com" - \$233.75; "Diethylene Tricarbamide and Diethylene Tricarbamide-Formaldehyde Condensation Resins" - \$361.25; "System and Method for Recharging Batteries" - \$1,596.25; "Buckscore Software Patent" - \$1,636.25; "Occidiofungin, a Unique Anti-fungal Glycopeptide Produced by a Strain of Burkholderia Contaminans" - \$3,342.50; "Remote Sensing Imaging Accuracy Analysis Method and Apparatus Divisional Application" - \$21.25; "A Method to Tutor Using Textbooks" - \$535.00; "Propulse Software Trademark" - \$1,245.00; "System and Method for Cell-Type Specific Comparative Analyses of Different Genotypes to Identify Resistance Genes" - \$683.75 and "Plant Patent - St. Augustine Grass Cultivars" - \$403.75.)

TOTAL DUE.....\$ 26,543.50