

MINUTES
STATE BOARD FOR COMMUNITY AND JUNIOR COLLEGES
SPECIAL CALLED MEETING
JUNE 3, 1999

A special called meeting of the State Board for Community and Junior Colleges was held on Thursday, June 3, 1999, at 1:30 p.m. in room 507 of the Education and Research Center in Jackson, Mississippi.

Members present: Yvonne Brown, Joanna Heidel, Billy Hewes, Henry Hudspeth, John Junkin, Hazel Terry, and George Walker. Sara Fox viewed the proceedings via the Community College Network from Itawamba Community College, Fulton, Mississippi.

Members absent: Patricia Puckett and William Seal.

Staff in attendance: Dr. Olon Ray, Executive Director, Tina Bradley, Becky Cade, Ethel Ewing, Deborah Gilbert, Sandra Lucas, Dr. Wayne Stonecypher, Dr. Evelyn Webb, and Frankie Walton White.

Guests in attendance: Bethe Williams, Mississippi Delta Community College; Pam Harrison, Meridian Community College, Dr. Eddie M. Smith, East Central Community College, Dr. James Sones and Dr. Miller Hammill, Pearl River Community College; Dr. Tommy Davis, East Mississippi Community College; Dr. Starkey Morgan, Holmes Community College; Andy Kanengiser, The Clarion Ledger; Kenny Flanagan, WLOX-Biloxi; Gene Warr, Ron Peresich, and Chevis Swetman, Coast 21; Marcia Swetman; Senator Tommy A. Gollott; Mrs. Tommy Gollott; Representative Roger Ishee; Suzanne Sharpe, IHL; Frank Spencer, MS Attorney General's Office; and Terry Cassreino, The Sun Herald.

CALL TO ORDER

The meeting was called to order by Chairman George Walker at 1:40 p.m.

The invocation was given by Yvonne Brown.

ACTION

Chairman George Walker announced the purpose of the special called meeting as follows: Consideration of appropriate action which may be indicated in response to the Attorney General's opinion concerning the creation of a University of Southern Mississippi-Gulf Park Campus. Mr. Walker continued by reading a statement defining the issue and detailing background and related issues (Exhibit A). The Board was supplied with a copy of a letter from Representative Diane C. Peranich, dated November 5, 1998, (Exhibit B) requesting an official Attorney General's Opinion for the following question:

Can the USM Gulf Coast facility constitute a campus of the university offering a full four-year curriculum, including lower undergraduate courses, the completion of which would result in the award of a bachelor's degree, without the permission or approval of the State Board for Community and Junior Colleges?

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A copy of the Attorney General's Official Opinion dated November 12, 1998, was attached for the Board's review (Exhibit C). Also provided was a copy of a ruling issued by U. S. District Court Judge, Neal Biggers, issued to the Board of Trustees of State Institutions of Higher Learning in connection with the Ayers Case. In the ruling Judge Biggers devoted a section of that order to the state statute which assigns the State Board for Community and Junior Colleges certain responsibilities in approving university off-campus freshman and sophomore course offerings (Exhibit D).

Mr. Walker called on Mr. Frank Spencer, Special Assistant Attorney General, who read a letter from Attorney General Mike Moore addressed to the SBCJC with regard to the proposed IHL action to enhance programs at the USM Gulf Park campus (Exhibit E).

Mr. Walker recognized Dr. Olon Ray, SBCJC Executive Director for his comments and recommendations. Dr. Ray reported on a meeting with Attorney General Mike Moore and clarified that the issue before the Board was a matter between the SBCJC and the Attorney General and not IHL. Dr. Ray indicated to the Board his belief that the implications of the Opinion of the Attorney General went far beyond the USM-Gulf Coast issue. He further explained that the Opinion opened the door for IHL actions to create additional campuses and that by so doing could place greater financial demands on a system of higher education which has never been adequately funded. It was pointed out by Dr. Ray that the Opinion of the Attorney General had raised sufficient questions related to policy and financial issues of state-wide significance that the Board needed to take such action required to assure that good, reasonable, prudent judgement is exercised. Dr. Ray presented the following recommendations for the Board's review and consideration:

It is recommended that the SBCJC request that the Attorney General approve the employment of private legal counsel by the SBCJC for the following purposes:

1. Conducting an analysis of the meaning and legislative intent of state statutes which are germane to the decision of the Attorney General in issuing his official opinion of November 12, 1998.
2. Reviewing and analyzing the opinion of the Attorney General.
3. Advising the Board on any appropriate action which may be indicated.
4. In the event any legal action is determined to be appropriate on the part of the Board, representing the Board in such legal action(s).

Henry Hudspeth made a motion, seconded by John Junkin, that the Board approve and move forward with the recommendation.

Mr. Walker opened the floor for comments and discussion on the motion. SBCJC member Billy Hewes read a resolution from the Harrison County Council of Governments requesting that the SBCJC reconsider its position in opposition to expansion of the USM Gulf Park Campus (Exhibit F).

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Ron Peresich, Chairman of Coast 21; Senator Tommy Gollott; Chevis Swetman, President of the Peoples Bank in Biloxi and member of Coast 21; Representative Roger Ishee; and Gene Warr, member of Coast 21; spoke requesting that the SBCJC not challenge the Attorney General's Opinion with respect to the USM Gulf Park Campus expansion.

SBCJC member, Billy Hewes, requested that the Board consider the remarks from the Gulf Coast residents and not pursue legal action.

SBCJC Program Committee Chairman, Joanna Heidel, stated that during her tenure on the Board, the University of Southern Mississippi had never submitted a request to the SBCJC to offer freshman and sophomore level courses at the Gulf Park Campus. She referred to a section of Representative Diane Peranich's letter stating that permission for offering lower level courses had not been forthcoming. Also, Mrs. Heidel asked if any member of the Board or staff had been contacted by the Attorney General's office to ascertain if the claim regarding the permission to offer lower level courses had been rejected before issuing the Official Opinion. The Board responded no. Dr. Olon Ray stated that requests from other universities to offer lower level credit courses had been approved by the SBCJC.

SBCJC member John Junkin spoke in support of requesting independent counsel to ensure that the Board is in compliance with their duties mandated by the Mississippi Legislature.

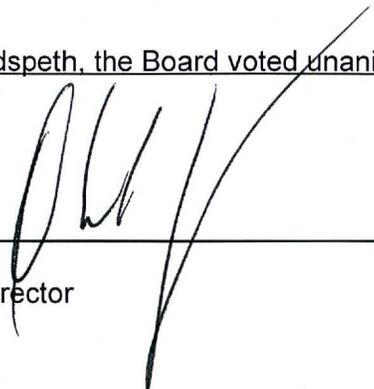
Mr. Walker read the recommendation statement (Exhibit M) and called for the question. Motion carried. (Voting yes - Hazel Terry, Henry Hudspeth, Joanna Heidel, John Junkin, Yvonne Brown, and George Walker. Voting no- Billy Hewes. Due to the fact that Sara Fox was not present in Jackson, she did not participate in the vote.)

ADJOURNMENT

On a motion by John Junkin, and a second by Henry Hudspeth, the Board voted unanimously to adjourn the meeting at 2:45 p.m.



George Walker, Chairman



Olon E. Ray
Executive Director