

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in regular session at the Board Office in Jackson, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on May 2, 2003, to each and every member of said Board, said date being at least five days prior to this June 19, 2003 meeting. At the above named place there were present the following members to wit: Mr. Thomas W. Colbert, Mr. William (Bill) S. Crawford, Dr. L. Stacy Davidson, Jr., Ms. Ricki R. Garrett, Mr. Bryce Griffis, Mr. Roy Klumb, Dr. D. E. Magee, Jr., Dr. Bettye Henderson Neely, Mr. Carl Nicholson, Jr., Mr. Scott Ross, and Ms. Amy Whitten. Ms. Virginia Shanteau Newton was absent. The meeting was called to order by Mr. Colbert, President, and opened with prayer by Mr. Nicholson.

APPROVAL OF THE MINUTES

On motion by Mr. Klumb, seconded by Ms. Garrett, with Mr. Crawford and Ms. Newton absent and not voting, it was

RESOLVED, That the Minutes of the Board meeting held on May 15, 2003, stand approved.

UNANIMOUS CONSENT

On motion by Ms. Garrett, seconded by Dr. Davidson, with Mr. Crawford and Ms. Newton absent and not voting, it was

RESOLVED, That consent to be considered is granted to all items not previously placed on the agenda and hereinafter reported.

BUILDING/FACILITIES

Presented by Mr. Scott Ross, Chair

On motion by Mr. Ross, seconded by Mr. Griffis, with Mr. Crawford and Ms. Newton absent and not voting, it was

RESOLVED, That the Board hereby approves agenda items #1-17, #19-20, and #22-24, as submitted on the Building/Facilities agenda. **Agenda items #18 and #21 were pulled from the agenda.** Agenda items #27a-c were approved on a separate motion by Mr. Ross, seconded by Mr. Nicholson, with Mr. Crawford and Ms. Newton absent and not voting. **No action was taken on agenda item #25.**

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

1. **ASU** - Approved initiation of a project to develop the specifications and contract documents to purchase furniture and equipment for the Business Administration Building. Preparation of plans and specifications will be paid from SB#3315, Laws of 2000. Funds in the amount of \$1.1 million has been authorized as part of the Ayers settlement, but will not be available until all appeals are exhausted.
2. **MUW** - Approved initiation of **IHL #204-121, Air Handlers Kincannon Hall**, to install new air handlers at Kincannon Hall and the appointment of Atherton Consulting Engineers as project professionals. Funds are available in the amount of \$100,000 from the university plant fund.
3. **UM** - Approved initiation of **IHL #201-236, Alumni Center Hotel**, for the renovation and additions to the existing Alumni Center Hotel and the process for selection of a professional. Funds are available in the amount of \$4 million from self-generated sources.
4. **UM** - Approved initiation of **IHL #207-237, Thad Cochran Natural Products Center, Phase II**, and the appointment of Cooke Douglas Farr Lemons, Ltd., as project professionals. The original plans for the Cochran Natural Products Center were divided into two phases. Phase I, which is now complete, is primarily the drug discovery and Phase II will be primarily drug development. Funds are available from Health Resources and Service Administration grants in the amount of \$934,389 for planning and site preparation. The total cost of the project is estimated to be \$27 million.
5. **UM** - Approved initiation of **GS #107-258, Guyton Hall F&E**, for furniture and equipment, and request approval by the Bureau of Buildings. Allocate \$350,000 of the Guyton Hall Renovation, GS #107-258, to a furniture and equipment budget. Funds are available in the project budget.
6. **MUW** - Approved contract documents and authorize advertisement for the receipt of bids for **IHL #204-116, Fant Hall, and #204-117, Peyton Hall, Repairs Related to Storms**. Funds are available in the project budgets in the amount of \$760,000.
7. **MSU** - Approved contract documents, authorize advertisement for the receipt of bids, and request approval by the Bureau of Buildings for **GS#105-298, Industrial Education Roofing and Waterproofing**. This project will replace the built-up roof, replace deteriorated mortar in the masonry exterior, and repair or replace deteriorated windows. Funds are available from SB #3158, Laws of 2001, in the amount of \$900,000.
8. **MSU** - Approved contract documents and authorize advertising for the receipt of bids for **IHL #205-198, Lee/McCain Parking Lot**. The new faculty and staff parking lot would replace and enlarge an older deteriorated lot with improved drainage, lighting, landscaping, and 82 parking spaces. Funds are available from Gifts-In-Kind in the amount of \$45,000 and from plant fund accounts in the amount of \$155,000.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

9. **MSU** - Approved advertising and receipt of bids for timber sales on approximately 616 acres at the John W. Starr Memorial Forest.
10. **ASU** - Approved bids and award of contract in the amount of \$387,500 to the second lowest bidder, B&B Electric, for **GS #101-230, Lighting for Baseball Field**, and request approval by the Bureau of Buildings. Funds are available in the project budget. Bids were as follows:

Contractor	Base Bid	Alternates
1. Fountain Construction	\$381,000	(\$22,500)
2. B&B Electric	\$387,500	(\$22,500)
3. Standard Electric Co., Inc.	\$398,029	(\$20,000)
4. Tompkins Electric	\$430,260	(\$14,500)

11. **ASU** - Approved bids and award of contract in the amount of \$483,590 (base bid less alternates #1 & #4) to the lowest bidder, Metro Mechanical, for **GS #101-229, A/C Simmons Hall**, and request approval by the Bureau of Buildings. A transfer of \$27,245.92 from GS#101-223 and \$45,000 from GS#101-220 will bring the total budget to \$532,245 which is enough to award the contract. Bids were as follows:

Contractor	Base Bid	Alternates
1. Metro Mechanical	\$525,370	1. (\$ 36,780) 2. (\$ 38,300) 3. (\$ 92,000) 4. (\$ 5,000)
2. South Central Heat. & Plumb.	\$589,000	1. (\$ 45,000) 2. (\$ 36,000) 3. (\$ 98,000) 4. (\$ 11,500)
3. Ivey Mechanical Co. Inc.	\$619,000	1. (\$ 49,600) 2. (\$ 35,100) 3. (\$105,000) 4. (\$ 16,000)
4. J.L. Roberts Plumb. & Heat.	\$625,569	1. (\$ 42,000) 2. (\$ 38,825) 3. (\$ 86,155) 4. (\$ 3,500)
5. Blanchard Mechanical Cont.	\$648,600	1. (\$ 57,000) 2. (\$ 49,400) 3. (\$116,000) 4. (\$ 14,000)
6. McLain Plumbing Co.	\$649,419	2. (\$ 38,277) 3. (\$129,290)
7. Buford Plumbing	\$676,000	1. (\$ 40,000) 2. (\$ 32,300) 3. (\$120,000) 4. (\$ 14,500)

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

12. **MSU** - Approved bids and recommended award of contract in the amount of \$1,367,753 to the lowest bidder, Sneed Construction Company for **GS #113-097, Pace Seed Technology Building**. Funds are available in the project budget in the amount of \$3,000,000. (See the **Informal AG's Opinion in Exhibit 1.**) Bids were as follows:

Contractor	Base Bid	Alternates
1. Sneed Construction Co.	\$1,367,753	(\$54,320)
2. Moffett Construction	\$1,421,350	(\$62,200)
3. Mast Construction	\$1,445,000	(\$82,500)
4. Anco Construction	\$1,576,600	(\$79,000)
5. Sam Oswald & Son, Inc.	\$1,528,300	(\$34,900)
6. Larry J. Sumrall Cont.	\$1,647,000	(\$40,000)
7. Benchmark Const. Corp.	\$1,705,000	(\$71,000)
8. Perry Construction	\$1,798,000	(\$63,000)

13. **MSU** - Approved bids and award of contract in the amount of \$496,200 (base bid plus alternate #3) to the lowest bidder, Harvey C. Green Construction Company, for **IHL#213-131, Renovation of Building 1585 Delta Research and Extension Center**. Funds are available from the Department of Health and Human Services in the amount of \$600,000. Bids were as follows:

Contractor	Base Bid	Alternates
1. Harvey C. Green Const.	\$453,000	1. \$14,900 2. \$41,300 3. \$43,200
2. Hovas Construction	\$540,000	1. \$15,000 2. \$57,000 3. \$51,000
3. Kenneth R. Thompson, Jr.	\$566,000	1. \$24,000 2. \$39,500 3. \$45,000

14. **UM** - Approved bids and award of contract in the amount of \$789,700 to the lower of two bids, Upchurch Mechanical, for **GS #107-269, Faser Roofing and Mechanical**, and request approval by the Bureau of Buildings. Funds are available in the project budget. Bids were as follows:

Contractor	Base Bid	Alternates
1. Upchurch Plumbing	\$789,700	1. (\$45,000)
2. Tri Star Mechanical	\$907,000	1. (\$50,000)

15. **UM MC** - Approved bids and award of contract in the amount of \$172,404 to the lowest bidder, Pat Calhoun Fence Contractors, for **IHL #209-463, Fencing Stadium Parking Area**. Funds for the project are available from University Parking Fees. Bids were as follows:

Contractor	Base Bid	Alternates
1. Pat Calhoun Fence Cont.	\$172,404	1. (\$ 4,560) 2. (\$18,714)
2. Columbus Fence Comp.	\$174,800	1. (\$ 4,030) 2. (\$15,416)

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

23. **MSU** - Approved a utility easement to BellSouth Telecommunications, Inc. The easement is located along Old Mayhew Road on the campus. The proposed easement will cause no interference with University activities. A copy of the easement is on file in the Board's Office of Construction and Physical Affairs.
24. **DSU** - Approved the following re-naming of buildings:
- a. To honor Dr. Jesse White's many years of dedicated service and as requested by numerous faculty and graduates, Caylor Hall (DSU Science Building) to Caylor-White Hall to honor the memory of Dr. Jesse Steven White;
 - b. To recognize Ms. Odealier Morgan for her many (47) years of dedicated service, the DSU Laundry is to be named in her honor;
 - c. To honor the request of both faculty and former students, the DSU Biochemistry Laboratory is to be named in honor of Dr. Henry Outlaw;
 - d. In recognition for a significant estate gift made to the Journalism Department by former Jackson Clarion Ledger Sports Editor S. Wayne Thompson, a 1943 graduate, the Journalism Laboratory is to be named in his honor; and
 - e. To honor the request of Roy Lee Wiley and his family, the Roy Wiley Planetarium will be changed to the Roy and Clara Belle Wiley Planetarium. Mr. Wiley is a former physics professor who has established a Charitable Trust and named DSU as the beneficiary to the trust and has signed a Life Estate Agreement which allows him to live in his home for the remainder of his life and at his death the home will become University property.
25. **System Administration** - Amendment to the *Board Policies and Bylaws* - Section 901.01, Approval of Construction, Repair & Renovation, and Capital Outlay - for first reading. **(NO ACTION WAS TAKEN ON THIS ITEM.)**

901.01 APPROVAL OF CONSTRUCTION, REPAIR & RENOVATION, AND CAPITAL OUTLAY

The Board shall approve construction of new facilities, repairs and renovations to an existing facility, and requests for capital outlay ~~however these projects are financed~~ regardless of financing source. However, all construction and renovation projects under \$250,000 which are not Bureau of Buildings projects are considered routine maintenance and do not require Board action. 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.

The Board shall approve and furnish to the Legislature each year a priority list of the capital improvements for all institutions under its control.

The Commissioner, after consultation with the Institutional Executive Officers, shall prepare and submit an annual request for capital improvements for approval by the Board prior to its submission to the Legislature. Guidelines and procedures for preparing and submitting the annual request shall be developed by the Commissioner, after consultation with the Institutional Executive Officers, and reviewed with the Board prior to preparation and submission of the annual request. In developing such guidelines and procedures, the Commissioner shall consider state, system and institutional priorities, institutional missions, institutional performance, comparative funding, and other appropriate criteria.

26. **System Administration (Information item.)** - Facilities Summary Items. **(See Exhibit 2.)**

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

27. **Other Business**

- a. **MSU** - Approved bids and award of contract in the amount of \$6,437,000 to the lowest bidder, West Brother Construction Company, Inc., for **GS #105-293 Hand Chemical Laboratory Renovations**, and request approval by the Bureau of Buildings. Funds are available from SB #3158, Laws of 2001, in the amount of \$6 million and from SB#3315, Laws of 2000, in the amount of \$1,230,408, for a total project budget of \$7,230,408. Bids were as follows:

Contractor	Base Bid	Alternates
1. West Brothers Construction Co., Inc.	\$6,437,000	(\$41,700)
2. Benchmark	\$6,712,000	(\$23,000)
3. Malouf Construction Corp.	\$6,998,000	(\$19,900)
4. Conn Construction Co., Inc.	\$6,825,000*	(\$40,685)

*Deducted \$375,000 on front of envelope from original bid of \$7.2 million.

- b. **MUW** - Approved bids and award of contract in the amount of \$4,309,000 to the lowest bidder, Conn Construction Company, Inc., for **GS #104-128 South Callaway Renovation**, and request approval by the Bureau of Buildings. Funds are available in the project budget. Bids were as follows:

Contractor	Base Bid	Alternates
1. Conn Construction Co., Inc.	\$4,309,000*	1. (\$ 48,550) 2. (\$172,400) 3. (\$212,400) 4. (\$206,500) 5. (\$266,100)
2. Anco Construction Inc.	\$4,492,000	1. (\$ 42,000) 2. (\$132,000) 3. (\$241,000) 4. (\$197,000) 5. (\$238,000)
3. W.G. Yates & Sons Construction Co.	\$4,543,000	1. (\$ 46,000) 2. (\$188,000) 3. (\$239,000) 4. (\$122,000) 5. (\$268,000)
4. Benchmark Construction Corporation	\$4,825,000	1. (\$ 45,800) 2. (\$187,000) 3. (\$275,000) 4. (\$244,000) 5. (\$272,000)

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

5. Baggette Construction, Inc.	\$4,866,000	1. (\$ 46,400)
		2. (\$158,800)
		3. (\$236,000)
		4. (\$205,100)
		5. (\$285,800)

*Deducted \$5,000 from the base bid.

- c. **UM** - Approved bids and award of contract in the amount of \$134,656 to the lowest bidder, Eubanks Construction Company, Inc., for **IHL #207-227 Drainage Ditch Around Waste Treatment Plant**. Funds are available from university self-generated sources. Bids were as follows:

Contractor	Base Bid
1. Quinn Contracting, Inc.	\$151,270.80
2. Eubank Construction Co., Inc.	\$134,656.00
3. Colom Construction Co., Inc.	\$134,959.70
4. Unicon, Inc.	\$369,994.50
4. Eutaw Construction	\$159,000.00
5. WG Construction Co., Inc.	\$208,597.00
6. Chancellor & Sons, Inc.	\$154,628.00

- d. Ms. Garrett commended Delta State University on their process of naming the campus facilities to reward the efforts of the long-time supporters of DSU.

BUDGET & FINANCIAL AFFAIRS/AUDIT

Presented by Mr. Carl Nicholson, Chair

On motion by Mr. Nicholson, seconded by Mr. Ross, with Mr. Crawford and Ms. Newton absent and not voting, it was

RESOLVED, That the Board hereby approved agenda items #1-19 and #27a as submitted on the Budget & Financial Affairs/Audit agenda. **Agenda item #20 was pulled from the agenda. Agenda item #26 was voted on separately as shown below.** Agenda item #27b was approved on a separate motion by Mr. Nicholson, seconded by Dr. Davidson, with Ms. Newton absent and not voting.

1. **ASU** - Approved the renewal of the food service contract with Campus Chefs for FY 2004. The cost per student will be \$24.66 per week for twenty-one meals. This is an increase of six cents per meal. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
2. **UMMC** - Approved request to renew an agreement with Valley Innovative Services, Inc., to provide management of food service operations. The annual amount for the period July 1, 2003 through June 30, 2004 is \$338,363.88. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

3. **UMMC** - Approved request to renew an agreement with the Mississippi Blood Services to purchase human blood and related blood products and provide laboratory procedures and tests. The contract is automatically renewed each year for a total of five years beginning July 1, 2003 through June 30, 2008 and will not exceed \$8 million annually. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
4. **UMMC** - Approved request to enter into an agreement with Computer Credit, Inc., to provide printing and mailing services on behalf of the University Hospitals and Clinics and to certain debtors, a series of two collection letters. The agreement is for the period beginning July 1, 2003 through June 30, 2004 and will not exceed \$425,000. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
5. **UMMC** - Approved request to enter into an agreement with ENVOY/ExpressBill, Inc., to provide receipt of electronic data from the Medical Center, print statements, and affix postage. The agreement is for three years beginning July 1, 2003 through June 30, 2006 and will not exceed \$500,000 annually. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
6. **UMMC** - Approved request to enter into a renewal agreement with Kforce, Inc., to provide medical coding services by consultants. The agreement is for the period July 1, 2003 through June 30, 2004 and will not exceed \$1 million. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
7. **UMMC** - Approved request to enter into an agreement with MC AnalyTXx, Inc. ("MCA") to identify unpaid or underpaid claims in inpatient Medicare related payments due to the University Hospitals and Clinics from Medicare Part A or B, Medicaid, and from other insurance carriers. The contract shall pay 50% of all amounts collected by MCA up to \$1 million. The agreement is for the period July 1, 2003 through June 30, 2004. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
8. **UMMC** - Approved request to enter into an agreement with Medical Reimbursements of America, LLC ("MRA") to provide reimbursement assistance when care results from an accident/injury that may involve a coordination of benefits among automobile medical payments; premises medical payments; workers' compensation; general and products liability; Medicare/Medicaid; commercial health plans; self-funded based health plans and HMOs. The agreement is for the period beginning July 1, 2003 through June 30, 2004 based on a percentage of patient charges reimbursed not to exceed \$900,000 for the contract period. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

9. **UMMC** - Approved request to enter into an agreement with Ft. Worth M. R. S., Inc., doing business as Medical Receivables Specialist (“MRS”), to provide an accounts receivable management program for insurance follow-up on accounts with balances of \$1,000 and below. The agreement is for one year beginning July 1, 2003 through June 30, 2004 and will not exceed \$450,000. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
10. **UMMC** - Approved request to enter into an agreement with Nursing Innovations, Inc., to provide professional nursing services for the Blair E. Batson Children’s Hospital at times when the need to supplement its existing staff ensures efficient and quality functioning of the individual units. The contract begins July 1, 2003 through June 30, 2004 and should not exceed \$500,000 for the period. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
11. **UMMC** - Approved request to enter into an agreement with Mississippi Organ Recovery Agency, Inc., to furnish human organs for the purpose of transplantation. The agreement is for the period July 1, 2003 through June 30, 2004 based on estimated fees of \$1,021,000 for the period. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
12. **UMMC** - Approved request to enter into an agreement with Prime Care Nursing, Inc., to provide professional nursing services to the University Hospitals at times when the need to supplement its existing staff ensures efficient and quality functioning of the individual units. The contract begins July 1, 2003 through June 30, 2004 and should not exceed \$500,000 for the period. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
13. **UMMC** - Approved request to enter into an agreement with Azima Health Services, Inc., in an effort to collect for medical services from patients and third party payors at the University Hospitals and Clinics (all locations). The agreement is for the period beginning July 1, 2003 through June 30, 2004 and will not exceed \$350,000. Funds are available from patient revenue. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.
14. **UMMC** - Approved the Twenty Fourth Amendment to the Jackson Medical Mall Foundation to amend and restate the base rental for the UMMC’s Hospitals and Clinics’ outpatient dialysis facility. The Phase I lease space of 9,826 square feet remains at \$5.00 per square foot for an annual cost of \$49,130. Upon substantial completion of Phase II lease space of 2,320 square feet rent will increase to \$14.01 or \$32,503.20 annually. The common area maintenance fees will increase to \$2.99 for Phase I and Phase II at an annual cost of \$36,316.54. The total annual lease costs for Phase I and Phase II will be \$117,949.74 beginning October 2003 (or upon substantial completion).
15. **UMMC** - Approved request to escalate the UMMC budget for FY 2003, as follows:

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

	Revised 2002-2003 Budget	Revision #1	Revised 2002-2003 Budget
CONSOLIDATED			
Salaries, Wages & Fringe	\$303,870,606	\$12,450,000	\$316,320,606
Travel	\$535,268	\$0	\$535,268
Contractual Services	\$131,845,441	\$4,750,000	\$136,595,441
Commodities	\$88,894,509	\$6,800,000	\$95,694,509
Capital Outlay:			
Other than Equipment	\$4,641,507	\$16,500,000	\$21,141,507
Equipment	\$17,623,575	(\$3,900,000)	\$13,723,575
Subsidies, Loans & Grants			
Interest	\$7,161,919	\$0	\$7,161,919
Programs Sponsored by			
Other Agencies	<u>\$55,468,000</u>	<u>\$0</u>	<u>\$55,468,000</u>
TOTAL	<u>\$610,040,825</u>	<u>\$36,600,000</u>	<u>\$646,640,825</u>
CONSOLIDATED:			
Education Enhancement Fund	\$3,669,839	\$0	\$3,669,839
Budget Contingency	\$5,000,000	\$0	\$5,000,000
State Appropriation	\$104,969,150	\$0	\$104,969,150
Medical Transfer	\$20,069,000	\$0	\$20,069,000
Other Funds	<u>\$476,332,836</u>	<u>\$36,600,000</u>	<u>\$512,932,836</u>
TOTAL	<u>\$610,040,825</u>	<u>\$36,600,000</u>	<u>\$646,640,825</u>

A budget escalation is needed due to an increase in patient volume in the Adult Rehab Center, essential hospital technical market adjustments for nurses, radiation technicians, etc., budget exceeding actual vacancy rate, increased nursing overtime due to nursing shortage, and for construction costs of the Children's Hospital. Funds are available from hospital patient revenue.

16. **System Administration** - Approved the FY 2004 salary increase guidelines as recommended by the Commissioner and the Institutional Executive Officers. The guidelines are as follows:
State funds were not appropriated for salary increases for FY 2004. If the financial condition of the institution or agency permits, other funds may be used to award salary increases for meritorious performance, market adjustments, or equity adjustments at the discretion of the Executive Officer.

17. **System Administration** - Approved FY 2004 Operating Budgets which include: the FY 2004 Operating Budgets; the FY 2004 Athletic Operating Budgets, and the FY 2004 Scholarship and Fellowship Budgets. Budget materials are included in the *June 19, 2003 Board Working File*.

18. **System Administration** - Approved the FY 2005 budget priorities as follows:
 - a. Maintenance of prior funding levels;
 - b. Continued implementation of the *Ayers Settlement*;
 - c. Faculty and staff salary increases;
 - d. Funding to address cost increases in core institutional operations;
 - e. Built-ins;

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

- f. K-16 initiatives;
- g. Financial Aid; and
- h. Shared technology projects.

The FY 2005 budget request will be presented for action at the July Board meeting.

19. **System Administration**- Approved the FY 2003 Third Quarter Employment Report. This report covers employment activities for the period January 1, 2003 through March 31, 2003. A copy of the report is included in the *June 19, 2003 Board Working File*.
20. **System Administration** - The FY 2004 *Ayers* Budgets for Alcorn State University, Jackson State University, and Mississippi Valley State University. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
21. **System Administration (Information item.)** - Received the IHL System audited financial statements for the year ended June 30, 2002. A copy of the statements is included in the *June 19, 2003 Board Working File*.
22. **System Administration (Information item.)** - Received the ASU Independent Audit for Fiscal Year 2002. A copy of the audit is included in the *June 19, 2003 Board Working File*.
23. **System Administration (Information item.)** - Received the JSU Independent Audit for Fiscal Year 2002. A copy of the audit is included in the *June 19, 2003 Board Working File*.
24. **System Administration (Information item.)** - Received the IHL/UMMC Trust Funds' Quarterly Financial Reports. The reports are included in the bound *June 19, 2003 Board Working File*.
25. **System Administration (Information item.)** - Received the Trust Funds' Quarterly Financial Reports relating to the IHL Tort Plan, IHL Workers' Compensation Plan, and the IHL Unemployment Program. A copy of the reports is included in the bound *June 19, 2003 Board Working File*.
26. **MSU** - Initiation of a student-requested fee to enhance student services.
A motion was made by Mr. Nicholson, seconded by Mr. Ross, to approve the MSU student-requested fee for enhancing student services. **The motion failed on a 4 to 6 vote, with Ms. Newton absent and not voting and Dr. Neely abstaining.** Board members voting for the motion were: Dr. Davidson, Mr. Griffis, Mr. Nicholson, and Mr. Ross. **Board members voting against the motion were: Mr. Colbert, Mr. Crawford, Ms. Garrett, Mr. Klumb, Dr. Magee, and Ms. Whitten.**
27. **Other Business**
 - a. **DSU** - Approved request to enter into an agreement with Follett Higher Education Group for the management and operation of the Jimmy R. Williams Bookstore. The four year agreement

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

commences on or about July 1, 2003 through June 30, 2007, with an option to renew for additional successive one year renewal terms under the same terms and conditions prevailing at the end of the initial term. A copy of the agreement is included in the *June 19, 2003 Board Working Files*.

- b. **USM** - Approved request to execute a contract and statement of work with Pileum Corporation for technology resources consulting; information services and network engineering design; and network and software applications installation and implementation. This request constitutes Phase II of the University's strategic technology resources initiative, with Phase I completing a comprehensive technology resources audit. The contract is estimated to be \$1,282,000 plus customary and reasonable travel expenses. Funds are available from University funds. A copy of the contract and statement of work is included in the bound *June 19, 2003 Board Working File*.

LEGAL

Presented by Ms. Amy Whitten, Chair

Agenda item #2 was taken up in Executive Session. On motion by Ms. Whitten, seconded by Dr. Neely, with Ms. Newton absent and not voting, it was

RESOLVED, that the Board hereby approved agenda item #8 as submitted on the Legal agenda. Agenda items #9-11 were approved on a separate motion by Ms. Whitten, seconded by Dr. Magee, with Ms. Newton absent and not voting. **Agenda item #12a was pulled from the agenda for further study.**

- 1. **Discussion of Legal Committee Plans for the Year (Information item.)** - Ms. Whitten reported on the committee's plans for the year.
- 2. **UMMC - Settlement of Tort Claim No. 869 – Keith Harold Purvis. (THIS ITEM WAS TAKEN UP IN EXECUTIVE SESSION.)**
- 3. **System Administration (Information item.)** - Payment of legal fees to outside counsel in relation to litigation and other matters.

Payment of legal fees for professional services rendered by Lewis, Fisher, Henderson, Claxton and Mulroy (Statement dated 3/27/03) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Jamie Thompson* case.)

TOTAL DUE \$1,628.09

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

Payment of legal fees for professional services rendered by Forman Perry Watkins Krutz & Tardy (Statement dated 2/12/03) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Salter* case.)

TOTAL DUE \$8.02

Payment of legal fees for professional services rendered by Forman Perry Watkins Krutz & Tardy (Statement dated 4/10/03) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Williams* case.)

TOTAL DUE \$3,481.08

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (Statement dated 4/30/03) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the general advice.)

TOTAL DUE \$5,986.45

4. **System Administration (Information item.)** - Payment of legal fees to outside counsel in relation to patent matters.

Payment of legal fees for professional services rendered by Needle & Rosenberg (Statement dated 3/21/03) from the funds of Mississippi State University. (This statement represents services and expenses in connection with a patent application for “Hexavalent Chromium Detector Monitor”.)

TOTAL DUE \$580.08

Payment of legal fees for professional services rendered by Needle & Rosenberg (Statement dated 4/15/03) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with a patent application for a “Medical Gas Utility Stand”.)

TOTAL DUE \$75.25

Payment of legal fees for professional services rendered by Piper Rudnick (Statements dated 12/24/02, 12/24/02, 12/31/02, 12/24/02, 12/31/02, 12/31/02, 12/31/02, 12/31/02, 12/31/02, 12/31/02, 12/31/02, 12/31/02, 2/24/03, 3/11/03, 3/11/03, 3/11/03, 3/11/03, 3/11/03, 3/17/03, 12/31/02, and 3/11/03) from the funds of Mississippi State University. (These statements represent services and expenses in connection with patent applications for: “Self-Aligned Transistor and Diode Topologies in Silicon Carbide” - \$2,665.90; “A Micro-Particulate Micro-Bound Diet for the Culture of Larval Fish...” - \$1,446.29; “Silicon Carbide and Related Wide-Bandgap Transistors on Semi-Insulating Epitaxy...” -

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

\$891.59; “Positive Directed Movement of Termites by Radio Waves...” - \$3,598.20; “Optical-Reflectance-Based Mass-Flow Sensor” - \$3,564.92; “Multi-Component Process Analysis and Control” - \$1,454.99; “Multi-Component Process Analysis and Control” - \$6,580.93; “Application of Mechanical Stress to Improve Wood Treatability” - \$1,307.29; “Application of Mechanical Stress to Improve Wood Treatability” - \$6,668.35; “Application of Mechanical Stress to Improve Wood Treatability” - \$1,190.31; “Application of Mechanical Stress to Improve Wood Treatability” - \$1,411.06; “Optical-Reflectance-Based Mass-Flow Sensor” - \$1,394.18; Multi-Component Process Analysis and Control” - \$4,526.47; “Method for Transformation of Cotton and Organogenic Regeneration” - \$2,642.10; “Moisture and Density Detector” - \$2,413.00; “Insect Resistance Management in Agriculture Applications” - \$320.46; “A Genetically Distinct Strain of Channel Catfish Designated NQAC103...” - \$276.77; “Use of Novel Virulence-Specific Genes as Targets for Diagnosis and Potential Control...” - \$330.00; “Use of Novel Virulence-Specific Genes as Targets for Diagnosis and Potential Control...” - \$581.32; “Method and Apparatus for Elemental and Isotope measurements and Diagnostics...” - \$7,909.13; “Self-aligned Transistor and Diode Topologies in Silicon Carbide” - \$584.31; “Complementary Accumulation-Mode JFET Integrated Circuit Topology” - \$876.15; and “Ventilating Dehumidifying System” - \$2,009.21.)

TOTAL DUE \$54,642.00

5. **System Administration (Information item.)** - Received the Litigation Report referenced in committee agenda item #9 in the Board Book. The Office of the Attorney General has reviewed and approved the Litigation Report for June 1, 2003. A copy of the report is included in the bound *June 19, 2003 Board Working File*.
6. **System Administration (Information item.)** - Received the quarterly litigation expense reports relating to the IHL Tort Plan and IHL Workers’ Compensation Plan. A copy of the reports is included in the bound *June 19, 2003 Board Working File*.
7. **System Administration (Information item.)** - Received the quarterly litigation expense report relating to the UMMC Tort Plan. A copy of the report is included in the bound *June 19, 2003 Board Working File*.
8. **System Administration** - Approved amendment to the *Board Policies and Bylaws* to renumber Section 1101 as 1101.01 and add Section 1101.02, Service of Process—for first reading. The additional section reads as follows:

1101.02 Service of Process

A. State Court Actions

The Mississippi Rules of Civil Procedure provide that service of process on the State, its officers or institutions is made by delivering a Summons and Complaint to the Attorney General of the State of Mississippi by the sheriff or a process server. Delivery by mail is not authorized and delivery to any individual other than the

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

Attorney General (or a duly authorized Deputy Attorney General) will not suffice. Therefore, anyone attempting to deliver a Summons and Complaint in a state court action involving the Board of Trustees, an individual Trustee in his or her official capacity, the Commissioner in his official capacity, a university, or an IHL or university employee, in their official capacities, should be advised that service cannot be accepted by anyone other than the Attorney General (or a duly designated Deputy Attorney General) at the Office of the Attorney General.

B. Federal Court Actions

The Federal Rules of Civil Procedure provide that service upon a state or other governmental organization shall be effective by delivering a copy of the Summons and Complaint to the chief executive officer or by serving the Summons and Complaint in the manner prescribed by state law, i.e., delivery to the Attorney General (or a duly designated Deputy Attorney General).

C. Reporting

Any attempted or actual service of process on any IHL party should be immediately reported by telephone to the Universities Division of the Office of the Attorney General or the IHL Office of Risk Management and University Counsel. Original documents served on an IHL party should be date stamped showing date of receipt and the name of the person receiving same. These documents should be immediately forwarded to the Universities Division of the Office of the Attorney General or to the IHL Office of Risk Management.

IHL personnel should consult with the Universities Division of the Office of the Attorney General or University Counsel with regard to civil actions that are not described herein or in instances in which service of process is attempted by mail.

9. **MSU** - Approved request to renew a contract with the firm of Needle & Rosenberg, P.C., to provide services necessary for obtaining patents for designs, processes, products, and other patentable materials developed in connection with the University. The contractual agreement will be renewed for the period of April 1, 2003 through June 30, 2004, and will not exceed \$100,000 during the period. A copy of the agreement is on file with the Attorney General's Office at the IHL Board Office.
10. **MSU** - Approved request to renew a contract with the firm of Piper Rudnick, L.L.P., to provide services necessary for obtaining patents for designs, processes, products, and other patentable materials developed in connection with the University. The contractual agreement will be for the period July 1, 2003 through June 30, 2004, and will not exceed \$250,000 during FY 2004. A copy of the agreement, including a list of specific attorneys and associates, hourly fees for attorneys and associates, and fees for specific services, is on file in the Attorney General's Office at the IHL Board Office.
11. **MSU** - Approved request to renew a contract with the firm of Wenderoth, Lind & Ponack, L.L.P., to provide services necessary for obtaining trademarks. The contractual agreement will be renewed for the period July 1, 2003 through June 30, 2004, and will not exceed \$10,000 during FY 2004. A copy of the agreement is on file with the Attorney General's Office at the IHL Board Office.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

12. **Other Business**

- a. **System Administration** - Amendment to the *Board Policies and Bylaws*–Section 1102.01, Retention of Outside Counsel–for first reading. **(THIS ITEM WAS PULLED FROM THE AGENDA FOR FURTHER STUDY BY THE LEGAL COMMITTEE.)**

ADMINISTRATION/POLICY

Presented by Dr. David Potter, Commissioner

On motion by Mr. Klumb, seconded by Dr. Davidson, with Ms. Newton absent and not voting, it was

RESOLVED, That the Board hereby approves agenda item #1 as submitted on the Administration/Policy agenda. Agenda item #2 was approved on a separate motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting.

1. **System Administration** - Approved the following agenda item considered subsequent to the May 15, 2003 Board meeting:
- a. **UMMC** - Approved employment of George Crowley, Jr.

2. **System Administration** - Approved appointments to serve on the Mississippi University Research Authority (MURA) in accordance with the Mississippi University Research Authority Act, as follows:

Dr. Felix Okojie	Dr. Angeline Dvorak
Vice President for Research Development & Support & Federal Relations	Vice President for Research
Jackson State University	University of Southern Mississippi

Dr. Jonathon Pote	Dr. Alice M. Clark, Director
Interim Vice President for Research	National Center for the Dev't. of Natural Products
Mississippi State University	

President of Mississippi Education and Research Group (MERG)

By virtue of the Act, the following are Authority members by statute without Board appointments:

- ** Vice President of the Board of Trustees - Mr. Roy Klumb
 - ** Executive Director of Mississippi Development Authority - Mr. Robert L. Rohrlack or his designee -----
(Designated Previously by Mr. Rohrlack) - Mr. John Helms, Mississippi Development Authority
 - ** President of the Mississippi Resource Development Corporation - Dr. Phil Pepper, IHL
 - ** Commissioner of Higher Education - Dr. David Potter, Ex Officio, non-voting member
- Appointments are effective July 1, 2003 through June 30, 2004.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

PERSONNEL/FOREIGN TRAVEL
Presented by Dr. David Potter, Commissioner

On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, it was

RESOLVED, That the Board hereby approves the employment agenda items as submitted on the Personnel/Foreign Travel agenda. The change of status items were approved on a separate motion by Ms. Whitten, seconded by Mr. Klumb, with Ms. Newton absent and not voting. The termination items were approved on a separate motion by Mr. Colbert, seconded by Mr. Nicholson, with Ms. Newton absent and not voting. The leave of absence item was approved on a separate motion by Mr. Klumb, seconded by Ms. Garrett, with Ms. Newton absent and not voting. The contract extension item was approved on a separate motion by Mr. Nicholson, seconded by Ms. Garrett, with Ms. Newton absent and not voting. Agenda item #2 was approved on a separate motion by Mr. Klumb, seconded by Ms. Garrett, with Ms. Newton absent and not voting. Agenda item #3 was approved on a separate motion by Dr. Neely, seconded by Ms. Whitten, with Ms. Newton absent and not voting.

1. Personnel Report

EMPLOYMENT

Alcorn State University - Athletics
West, Samuel

Alcorn State University
Brooks, Arthur R.

Mississippi State University - Athletics
Curtis, Guy S.

Mississippi State University
Beatty, Alicia M.
Booker, Clinton J.
Reynolds, Dawn P.
Thomas, Gloria A.

University of Mississippi - Athletics
Aubrey, Erin
Hartwell, John H.
McGilberry, Jocelyn O.

University of Mississippi

Baumgartner, John
Fan, Guangbin
Forgette, Richard G.
Ganguly, Rahul
Oakley, Charlotte B.

University of Mississippi Medical Center

Eriator, Ike I.
Fulop, Tibor
Olivier, Jacob H.
Perry, Stephanie D.
Wiener, John S.

University of Southern Mississippi

Gandy, Rex F.
Poody, Elliott A.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

CHANGE OF STATUS

Jackson State University

Belton, Larry
Buchanan, Debra
Gardner, Dorris
Glover, Glenda
Leggette, Evelyn
Mack, Ally
Mills-Jones, Johnnie
Phillips, Ivory
Prater, Gwendolyn
Robinson, Dollye M.E.

Mississippi University for Women

Bryson, Nancy N.
Coates, Sue
Garrett, Michael

University of Mississippi Medical Center

Butkus, Donald Eugene
Conerly, A. Wallace
O'Carroll, Kevin M.

University of Southern Mississippi

Asper, Vernon L.
Boudreaux, Jane
Farrell, Marie
Gunther, William D.
Harper, Glenn T.
Hollandsworth, James G.
Lochhead, Robert Y.
Martin, James R.
Miller, Mark M.
Stringer, Mary Ann
Von Hermann, Denise

System Administration

Baxter, Milton
Harris, Debbie

Lind, Al
McHenry, Bill
Pepper, Phil
Potter, David*
Smith, Pam

*Amendment to extend the Commissioner of Higher Education's contract to June 30, 2007, thus placing it on a fiscal year basis.

TERMINATION

Delta State University

Bell, William
Clayton, Mark
Green, Mildred Flo
Grisby, Chundra D.
Hemphill, Gary
Higgins, Kimberly
Hilburn, Leslie
Jackson, James David
McKinley, Lee R.
Robbins, Kathleen Roberson
Stevens, Kevin
Williams, Rhonda

Jackson State University - Athletics

Lott, Jack

Jackson State University

Chan, Lai-Man
English, Thomas
Holloway, Ernestine
Pennington, Jesse
Walker, William

Mississippi State University - Athletics

Stump, Craig R.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

Mississippi State University

Habbash, Hani Issa Al
Henley, Tracy B.
Jamil, Hasan
Little, Robert R.
Lusk, Jayson L.
Mabry, Donald J.
Swoger, Peggy A.
Trevathan, Larry E.
Webb, Joe C.

Mississippi University for Women

Cockrell, Lonvojsier
Cooper, Elizabeth
Davis, Robyn
Druger, Hazel
French, Dawn
Hendrix, Linda
Hollis, Louis
Reed, Austin Eugene
Woodall, Jared

Mississippi Valley State University

Brooks, Mary
Evans, Clara
Hudson, Toland
Miller, Marilyn
Miller, Valesia
Roby, Charlene

University of Mississippi - Athletics

Abernethy, Jr., Horace D.
Spitler, Lori M.

University of Mississippi

Alexander, Charles C.
Barnett, Steven R.
Garner, Jack N.
Gilbert, Faye W.
Mooers, Gary R.

Rose, Gregory M.
Thomas, Lisa H.
Tosh, Jr., Dennis S.

University of Mississippi Medical Center

Applegate, Bradford
Cason, Zelma
Clark, Bobby
Dharmavarapu, Sunita
Dharmavarapu, Venkateswara
Fisher, Daisy
Fly, Mary
Haaland, Ardis
Halaris, Angelos
Jameson, Rebecca
King, W. Michael
Lewis, Edwin
Lodeiro, Jorge G.
McGraw, John J.
Noble, Ed Davis
North, Edward R.
Piletz, John Edward
Powers, Cynthia I.
Roby, Lisa
Shingleton, W. Bruce
Smith, Thomas J.
Tang, Bingfeng
Tyagi, Suresh
Vance, Jimmy Dale

University of Southern Mississippi - Athletics

Burchell, L. Charles
Hughes, Sam L.

University of Southern Mississippi

Anglin, Elizabeth M.
Ashton-Jones, Evelyn
Beal, Gloria
Bellipanni, Lawrence
Bertolino, Nancy

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

Bowman, Billy Sue
Boyd, Bettee G.
Buelow, George R.
Burr, Ronald L.
Cater, Barbara K.
Greiner, Joy M.
Hailey, Barbara Jo
Hall, James L.
Harris, Janie
Hill, Roger H.
Howell, J. Emory
Hughes, William E.
Jones, Gary E.
King, Roger T.
Langstraat, Lisa R.
Marquardt, Ronald G.
Martray, Carl R.
McConnell, Patricia Amacker
McKee, Jesse O.
Richmond, Mark G.
Sharp, Betty Sue

Sutherland, Andrew
Wales, Robert W.
Waltman, Jerold
Wolfe, Imgard

LEAVE OF ABSENCE

Delta State University
Barfitt, Laurel A.

CONTRACT EXTENSION

University of Mississippi - Athletics
Middleton, Ronald A.

NECROLOGY

**University of Mississippi Medical Center
(Information item.)**
Smith, Robert R.

2. **MUW** - Approved the creation of a new position, Special Assistant to the President for Planning and Institutional Effectiveness.
3. **Foreign Travel Report**

Delta State University

Barton, Alan	Montreal, Quebec
Green, John J.	Montreal, Quebec
Hales, Brent	Montreal, Quebec

Jackson State University

Hagelberg, Frank	Bonn, Germany
Kibler, Jeffrey	Walkoloa, Hawaii
Leszczynski, Jerzy	Cairns, Australia and Vancouver, British Columbia, Canada
Prater, Gwendolyn S.	Barbados, West Indies
Reddy, Remata Suseela	Tatranska Lomnica, Slovak Republic
Walters, Wilbur	Wroclaw, Poland
White, Loren	Mayaguez, Puerto Rico

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

Mississippi State University

Amann, Nicholas (Student)	Toronto, Canada
Blanchard, Troy	Montreal, Canada
Brewer, Wesley	Busan, Korea
Buddington, Randal K.	Copenhagen, Denmark
Burg, Clarence	Busan, Korea
Burgess, Shane C.	Edinburgh, United Kingdom
Cosby, Arthur G.	Montreal, Canada
Cossman, Jeralynn S.	Montreal, Canada
Cossman, Ronald	Montreal, Canada
Cummings, Tim S.	Canada
Devlin, Sandy	Belize, Central America
Dibble, Eric D.	Universidade Estadual de Maringá, Brazil
Dobson, Ted	Cambridge, England
Duvvuru-Narasimhulu, Vijaysimha (Student)	Toronto, Canada
Egerton, Victoria M. (Student)	San Salvador Island, Bahamas
Fazio, Michael	Lubeck, Germany
Fishbein, Mark	Morelia, Mexico
Fowler, James E.	Toulouse, France and Barcelona, Spain
Gong, Yanfeng (Student)	Toronto, Canada
Grebner, Donald L.	Quebec, Canada
Hansen, Eric	Acapulco, Mexico
Jackson, Donald C.	Quebec City, Quebec, Canada
Jacquin, Krisitne	Toronto, Canada
Kanduri, Venkata R. (Student)	Toronto, Canada
Kim, Seong-Gon	Montreal, Canada
Koshka, Yaroslav	Aarhus, Denmark
LeJeune, B. J.	Toronto, Canada
Love, Joseph (Student)	Manaus, Brazil
Miller, Len	Alberta, Canada
Miller, Vivien	Albert, Canada
Minnis, Richard B.	San Juan, Puerto Rico
Molen, Marshall	The Arctic via the Northwest Passage
Neumann, Michael	Edmonton, Canada
O'Hara, Charles	Toulouse, France
Potirniche, Gabriel P. (Student)	Greece and Romania
Ramnath, Vinod K. (Student)	Toulouse, France
Ritchie, Jarryl B.	Montreal, Canada
Rodgers, III, John C.	San Salvador Island, Bahamas
Shephard, Samuel (Student)	Quebec City, Quebec, Canada

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

June 19, 2003

Uzoigwe, Godfrey N.
Wagner, Madelyn S.
Whetstone, Andrew G.
Zhou, Rong (Student)
Ziegeler, Sean

Owerri, Nigeria
Montreal, Canada
Glasgow, Scotland
Acapulco, Mexico
Honolulu, Hawaii

University of Mississippi

Beyers, Mark

Amsterdam, Castricum, Leeuwenbergh, Heerhugowaard, Holland
and Essen, Germany

Bray, Elizabeth

Honolulu, Hawaii

Caldwell, Lloyd

Edinburgh, London

Cheng, Alexander

Braunschweig, Germany

Clancy, Thomas

Honolulu, Hawaii

Denley, Tristan

Cambridge, England

Flesher, Dale

Honolulu, Hawaii

Flesher, Tonya

Honolulu, Hawaii

Gabrynowicz, Joanne

Honolulu, Hawaii

Gochfeld, Deborah

Puerto Rico

Johansson, Michael

Costa Rica

Kranz, Przem

Poland, Poznan

Kuhl, Jeremy (Student)

Cambridge, England

Marsh, Kristen Eric (Student)

Puerto Rico

Marting, Diane

Joao Pessoa, Brazil

McCartney, William

Vancouver, British Columbia, Canada

McLaughlin, Richard

Honolulu, Hawaii

O'Sullivan, Dan

Paris, France

Roy, Lisa

Honolulu, Hawaii

Schaefer, Don

Helsinki, St. Petersburg, Oslo, Stockholm

Shaw, J.

Honolulu, Hawaii

Stocks, Morris

Honolulu, Hawaii

Uddin, Waheed

Guimaraes, Portugal

Ukeiley, Lawrence

Honolulu, Hawaii

Wilder, Mark

Honolulu, Hawaii

University of Mississippi Medical Center

Aru, Giorgio M.

Milan, Italy

Davidson, Victor

Plymouth, United Kingdom

Geissler, William B.

Kobe, Japan

Golanov, Eugene

Stockholm, Sweden and Calgary, Alberta, Canada

Haines, Duane E.

Heathrow, London

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

Haynie, Lisa	St. Thomas, Virgin Islands
Henderson, Dawn	Quebec, Canada
Hughson, Michael D.	Quebec, Canada
Kemp, Stephen F.	Vancouver, Canada
Kolar, Kathy	St. Thomas, Virgin Islands
Mangum, Carl	St. Thomas, Virgin Islands
Northington, Ladonna	Hamilton, Bermuda
Ragab, Ashraf A.	Quebec, Canada
Regunathan, Soundar	Bangalore, Italy

University of Southern Mississippi

Butko, Peter	Greece
Connell, Carol	Canada
Contreras, Jose	Hawaii
Copeland, Vicki	Canada
Dean, Jack	Mexico
Froysland, Hayley	Chile
Jestice, Phyllis	Germany
Luo, Juan	Malaysia
McNabb, Sylvia	England
Smith, Darrell	The Netherlands and Singapore
Urban, Mark	Portugal
Vincent, Amanda (Student)	Nova Scotia
Whitehead, Joe	Canada
Williams, Larry	England

System Administration - Emergency approval of foreign travel was granted by Commissioner David Potter per *Board Policy 705.0103* for the following:

Alcorn State University

Spinks, Delores	Grant Langua, Honduras, C. A.
-----------------	-------------------------------

Jackson State University

Gorb, Leonid	Nancy, France
--------------	---------------

Mississippi State University

Choe, Song Yue	Seoul, Korea and Tokyo, Japan
Cunningham, Phillip T.	Warsaw, Poland
Forrester, Sheila	San Jose, Costa Rica
McGuire, Neil	Edinburgh, Scotland

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

June 19, 2003

Sebba, Rosangela Yazbec
Stansbury, Richard L.

San Jose, Costa Rica
Warsaw, Poland

University of Mississippi

Alabi, Adeyayo
Buchanan, Luanne
Coleman, Leonidas (Student)
Cooper, Alice
Cremaldi, Lucien
Delozier, Scott (Student)
Gochfeld, Deborah
Hadden, Richard
Husni, Samir
Maron, Ruth (Student)
Marshall, Thomas
Quinney, Anne
Rholes, Julia M.
Sanders, David
Shadle, Bert
Stolzenburg, Maribeth

Nigeria
Oaxaca, Mexico
Versailles, France
Bonn, Berlin, Germany
Geneva, Switzerland
Belize City, Belize
Alaska and Hawaii
Lyon, France
Finland
San Jose, Costa Rica
Versailles, France
Paris, France
Toronto, Canada
Geneva, Switzerland
Kenya
Versailles, France

University of Southern Mississippi

Butko, Peter
Butler, David
Cameron, Amy
Heard, Richard
Hollandsworth, James G.
Jensen, R. Geoffrey
Maloney, Kevin (Student)
Mathias, Lon
Mauritz, Kenneth
Nelson, Eric
Redruello, Laura
Sanchez, Rafael
Santangelo, George
Sisson, William

Canada
France
Scotland
Mexico
Cuba
Spain and North Africa
France
England
Korea
France
Spain
Spain
Canada
France

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

OTHER BUSINESS

Presented by Dr. David Potter, Commissioner

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

RESOLVED, That the Board hereby approves the employment agenda item #1 as submitted on the Other Business agenda. Agenda item #3 was approved on a separate motion by Mr. Klumb, seconded by Ms. Whitten, with Ms. Newton absent and not voting. Agenda item #4 was approved on a separate motion by Mr. Klumb, seconded by Ms. Whitten, with Ms. Newton absent and not voting. Agenda item #5 was approved on a separate motion by Mr. Klumb, seconded by Ms. Whitten, with Ms. Newton absent and not voting. Agenda item #6 was approved on a separate motion by Mr. Klumb, seconded by Dr. Magee, with Ms. Newton absent and not voting.

1. **JSU** - Approved request to award an honorary degree, Doctor of Humane Letters, to Dr. John Brooks Slaughter during Summer Commencement on Saturday, August 2, 2003.
2. **UM** - Approved the request to change the name of The Institute for Racial Reconciliation to The William Winter Institute of Racial Reconciliation. This change will make the program more visible and reflects the importance of the Institute, which is enhancing from an identity/recognition standpoint.
3. **UM** - Approved the Traffic Rules and Regulations for the Oxford campus. A copy of the rules and regulations is included in the bound *June 19, 2003 Board Working File*.
4. **UMMC** - Approved degrees to be awarded on June 30, 2003, as follows:
Doctor of Medicine 11
5. **USM** - Approved the Traffic Rules and Regulations for 2003-2004. A copy of the rules and regulations is included in the bound *June 19, 2003 Board Working File*.
6. **System Administration** - Approved continued accreditation for Mississippi Nursing Degree Programs, 2002-2003, based on submission and evaluation of annual reports documenting compliance with state accreditation standards, Miss. Code Ann. § 37-129-1. A copy of the programs is included in the bound *June 19, 2003 Board Working File*.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

UNANIMOUS CONSENT

Presented by Dr. David Potter, Commissioner

On motion by Dr. Davidson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, it was

RESOLVED, That the Board approved agenda items #3-5 as submitted on the Unanimous Consent agenda. Agenda items #7-8 were approved on a separate motion by Mr. Klumb, seconded by Dr. Davidson, with Ms. Newton absent and not voting. Agenda item #9 was approved on a separate motion by Mr. Klumb, seconded by Dr. Davidson, with Ms. Newton absent and not voting. Agenda item #12 was approved on a separate motion by Mr. Klumb, seconded by Dr. Davidson, with Ms. Newton absent and not voting. **Agenda item #13 was pulled from the agenda.**

1. **DSU** - Request to enter into an agreement with Follett Higher Education Group for the management and operation of the Jimmy R. Williams Bookstore. **(THIS ITEM WAS TAKEN UP ON THE BUDGET & FINANCIAL AFFAIRS/AUDIT AGENDA.)**
2. **MSU** - Bids and award of contract in the amount of \$6,437,000 to the lowest bidder, West Brother Construction Company, Inc., for **GS #105-293 Hand Chemical Laboratory Renovations**, and request approval by the Bureau of Buildings. Funds are available from SB #3158, Laws of 2001, in the amount of \$6 million and from SB#3315, Laws of 2000, in the amount of \$1,230,408, for a total project budget of \$7,230,408. **(THIS ITEM WAS TAKEN UP ON THE BUILDING FACILITIES AGENDA.)**
3. **MUW** - Approved employment of Janice Unruh Davidson and Angela S. Raines.
4. **MUW** - Approved the change of status for the following personnel: Sheila V. Adams, Jessica Alexander, Suzanne Bean, Mary Jo Kirkpatrick, and Barbara Moore.
5. **MUW** - Approved termination of Vagn K. Hansen.
6. **MUW** - Bids and award of contract in the amount of \$4,309,000 to the lowest bidder, Conn Construction Company, Inc., for **GS #104-128 South Callaway Renovation**, and request approval by the Bureau of Buildings. Funds are available in the project budget. **(THIS ITEM WAS TAKEN UP ON THE BUILDING FACILITIES AGENDA.)**
7. **MVSU** - Approved employment of Gwendolyn Catchings-Castello.
8. **MVSU** - Approved change of status for the following personnel: Doris Brightharp-Blount, Lula Collier, and Cassie Osborne.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

9. **UM** - Approved contract extension for athletic personnel James T. Boone.
10. **UM** - Bids and award of contract in the amount of \$134,656 to the lowest bidder, Eubanks Construction Company, Inc., for **IHL #207-227 Drainage Ditch Around Waste Treatment Plant**. Funds are available from university self-generated sources. **(THIS ITEM WAS TAKEN UP ON THE BUILDING FACILITIES AGENDA.)**
11. **USM** - Request to execute a contract and statement of work with Pileum Corporation for technology resources consulting; information services and network engineering design; and network and software applications installation and implementation. **(THIS ITEM WAS TAKEN UP ON THE BUDGET & FINANCIAL AFFAIRS/AUDIT AGENDA.)**
12. **System Administration**- Approved termination of the following personnel: Milton Baxter; Paul Davis; James B. Draughn, Jr.; Neil J. Honan; Myrna W. Lea; and Di Ann Lewis.

Ms. Garrett made special note of the retiring IHL personnel who have worked with the Board for the past eleven years. She encouraged the other Board members to attend the Retirement Reception on June 30, 2003 from 9:00 a.m. - 10:30 a.m. in the Board Room.

Ms. Whitten noted that this is the last Board meeting that Debbie Harris, Administrative Associate to the Board, will be supporting the Board. Ms. Harris is leaving to take another opportunity. Ms. Whitten thanked Ms. Harris for everything she has done in support of the Board and to Ms. Whitten personally. Ms. Whitten commended Ms. Harris for her excellent work. Mr. Colbert added his appreciation for Ms. Harris' support.

13. **System Administration**- Retention of Outside counsel. **(THIS ITEM WAS PULLED FROM THE AGENDA FOR FURTHER STUDY BY THE LEGAL COMMITTEE.)**

1102 RETENTION AND PAYMENT OF OUTSIDE COUNSEL*

1102.01 RETENTION OF OUTSIDE COUNSEL

- A. **Request for Outside Counsel.** A request for outside counsel may be submitted by the University to the Attorney General through the Attorney General's Universities Division. The request should include (1) the name and address of the attorney requested, (2) a brief description of the services to be provided, (3) the maximum hourly rate to be paid, and (4) the maximum amount budgeted for payment by the University in the current and succeeding fiscal years.
- B. **Approval by the Attorney General.** Upon receipt of the request, a determination will be made as to whether the matters at issue should be handled by the Attorney General's staff, University Counsel, or outside counsel. If it is determined that the matter should be handled by outside counsel, the Attorney General may approve the outside counsel requested or may approve other outside counsel.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

- C. **Approval by the Commissioner/IHL Board of Trustees.** Following approval by the Attorney General, the University should prepare and submit an agenda item to the IHL Board of Trustees for approval.
- D. **Contract for Legal Services.** Following approval by the Attorney General and the IHL Board of Trustees, a contract for legal services will be forwarded by the Attorney General's Universities Division to the Institutional Executive Officer, outside counsel, and the Attorney General for execution. Following execution, fully executed originals will be returned to the Institutional Executive Officer, outside counsel, and the Attorney General. The agreement will be used to review and approve legal fees and expenses payable thereunder.

~~*Please note that these procedures do not apply to matters falling exclusively within the Mississippi Tort Claims Act. Assignments under the Mississippi Tort Claims Act are made by the IHL Risk Manager from the list of approved attorneys. Tort claims invoices are submitted directly to the third party claims administrator and are paid in accordance with the IHL Tort Claims Plan.~~

~~Please note that these procedures do not apply to workers' compensation matters. Assignments for workers' compensation matters are made by the Attorney General by way of request from the IHL Risk Manager and the third-party claims administrator. Workers' Compensation invoices are submitted directly to the third party claims administrator. The invoices are paid in accordance with the IHL Workers' Compensation Plan.~~

~~Please note that these procedures do not apply to Ayers-related legal fees. Ayers-related legal fees will continue to be submitted for Board approval following approval by the Attorney General.~~

14. **Other Business** - Mr. Colbert noted that this is Dr. Wallace Conerly's, Vice Chancellor for Health Affairs and Dean, School of Medicine, last meeting with the Board. Mr. Colbert expressed his appreciation of Dr. Conerly's support and asked for his continued support.

PRESIDENTS' COUNCIL

Dr. Ronald Mason, President

CALL TO ORDER - The meeting was called to order by President Mason.

COMMISSIONER'S REPORT - Dr. Potter is working with each President and Board Member Mr. Bill Crawford on Mission Statements. Presidents were encouraged to proceed with any further on-campus reviews.

MCCOY INITIATIVE - Dr. Potter will schedule a meeting of presidents and vice presidents of research to share ideas about process and subject matter initiatives. Chancellor Khayat will visit with Chairman McCoy to seek further clarification of intent and funding mechanisms.

FEDERAL RELATIONS PROJECT - Dr. Potter indicated some interest on the part of the federal delegation in providing more overall infrastructure support for research. The group concurred that Dr. Potter should further explore possible options.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

K-16 INITIATIVE - Drs. Potter, Stonecypher, and Johnson have been discussing the value of a more comprehensive approach to preparation for college. The group endorsed Dr. Potter's involvement, while expressing some concern about the expanding overlap between the role of the community colleges.

TUITION AND FEE POLICY - The group discussed the merits of having some opportunity to propose designated fees for special circumstances, but agreed that in general, a composite tuition approach provides more flexibility at the institutional level.

MASCO - A proposal for granting academic waivers to employees' dependants at IHL institutions other than where the employee is employed was referred to the CFOs for an analysis of financial impact.

BOARD MEETINGS - The Council discussed the Board President's proposal to alter Board meeting schedules. President Mason has been named to a Board Committee to evaluate the proposal. The President's Council is in favor of reducing the frequency of meetings.

The meeting adjourned about 11:45 a.m.

**Delta State University
Presidential Search Committee
Mr. Bryce Griffis and Dr. Stacy Davidson, Co-Chairs**

Mr. Griffis announced that the committee would meet at the Delta State University campus on Monday, June 23, 2003. There are four finalists that have been announced: Dr. Bruce W. Bergland, Chancellor of Indiana University Northwest in Gary, Indiana; Dr. Kendall A. Blanchard, past President of Fort Lewis College in Durango, Colorado; Dr. John M. Hilpert, President of Northern State University in Aberdeen, South Dakota; and Dr. Judith S. Prince, Interim Executive Vice Chancellor of the University of South Carolina, Spartanburg.

ANNOUNCEMENTS

On motion by Mr. Crawford, seconded by Mr. Griffis, with Ms. Newton absent and not voting, the Board approved three new committees and the appointment of the Board members to serve on the committees as proposed by Mr. Colbert. The committees are as follows:

Legislative Committee

Amy Whitten, Chair
Bettye Henderson Neely
Carl Nicholson
Scott Ross

IEO Search Process Committee

Bryce Griffis, Chair
Roy Klumb
Virginia Shanteau Newton
Amy Whitten

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

Bimonthly Meeting Evaluation Committee

D. E. Magee, Chair
Stacy Davidson
Ron Mason
Scott Ross

A press conference was held immediately after the Board meeting concerning the new committees. Mr. Colbert asked that the committee chairs be available to introduce the committees and make statements concerning the committee's charge. (See Exhibits 3-5.)

COMMITTEE REPORTS

Planning Committee

Wednesday, June 18, 2003

The Planning Committee, which was scheduled to discuss the management report and the mission statements, did not meet.

Building/Facilities Committee

Wednesday, June 18, 2003

The meeting was called to order by Mr. Ross, Chair. The following items were discussed:

1. **Initiation of Projects**
On motion by Mr. Ross, seconded by Dr. Davidson, with Mr. Klumb absent and not voting, the committee recommended that the Board approve the initiation of project items as referenced by committee agenda items #1-5 in the Board Book.
2. **Construction Documents and MSU Timber Sale**
On motion by Mr. Ross, seconded by Ms. Garrett, with Mr. Klumb absent and not voting, the committee recommended that the Board approve the construction documents on various projects and the MSU timber sale as referenced in committee agenda items #6-9 in the Board Book.
3. **Award of Contracts**
On motion by Mr. Ross, seconded by Dr. Davidson, with Mr. Klumb absent and not voting, the committee recommended that the Board approve the award of contracts items as referenced by committee agenda items #10-15 in the Board Book.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

4. **Various Agenda Items**

On motion by Mr. Ross, seconded by Ms. Garrett, with Mr. Klumb absent and not voting, the committee recommended that the Board approve the MSU change order, DSU Bonds, UM land exchange, UM hangar lease, the USM fire protection agreement, MSU BellSouth easement, and DSU renaming of buildings as referenced in committee agenda items #16, 17, 19, 20, 22-24 in the Board Book.

5. **Committee agenda item #18 Purchase of House by JSU as a president's home was pulled from the agenda.**

6. **Committee agenda item #21 UM Fire Protection Contract was pulled from the agenda.**

7. **Proposed Amendment to Board Policies**

The committee discussed the proposed amendment to section 901.01 - Approval of Construction, Repair & Renovation, and Capital Outlay - for first reading as referenced by committee agenda item #25 in the Board Book.

8. **Facilities Summary Item**

The committee discussed the facilities summary item as referenced by committee agenda item #26 in the Board Book.

9. **Unanimous Consent Items**

On motion by Mr. Ross, seconded by Dr. Davidson, with Mr. Klumb absent and not voting, the committee recommended that the Board approve the award of contracts at MSU and UM as referenced by Unanimous Consent agenda items #4b, 4f, 4j in the Board Book.

10. **Other Business** - Mr. Ross noted that the committee met at lunch today with Dr. Ronald Mason, President of Jackson State University, a developer, and a financier about a facilities plan to be funded by the JSU EBC. If the funding can be arranged, then the committee will endorse the plan.

Committee members attending the meeting were: Mr. Ross (Chair), Dr. Davidson, and Ms. Garrett. Mr. Klumb was absent. Other Board members attending the meeting were: Mr. Colbert, Mr. Griffis, Dr. Magee, and Mr. Nicholson.

Budget & Financial Affairs

/Audit Committee

Wednesday, June 18, 2003

The committee was brought to order by Mr. Nicholson, Chair. The following items were discussed:

1. **IHL System Audited Financial Statements**

Mr. Norman McCloud with the State Department of Audit presented the audited financial statements for the IHL System. Mr. Barry LaGrone presented the audited financial statements for ASU. On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee voted to accept the IHL System Audited Financial Statements for the year ended June 30, 2002; ASU Independent Audit for Fiscal Year 2002; and JSU Independent Audit for Fiscal Year 2002, as referenced by committee agenda item #21-23 in the Board Book.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

2. **Contract Renewal for ASU**
On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the renewal of a food service contract with Campus Chef as referenced by committee agenda item #1 in the Board Book.
3. **New Agreements and Amendments to Agreement for UMMC**
On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve UMMC entering into the listed agreements as referenced by committee agenda items #2-14 in the Board Book.
4. **UMMC Escalate FY 2003 Budget**
On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the budget escalation for FY 2003 at UMMC as referenced by committee agenda item #15 in the Board Book.
5. **FY 2004 Salary Increase Guidelines**
On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the FY 2004 salary increase guidelines as referenced by committee agenda item #16 in the Board Book.
6. **FY 2004 Operating Budgets**
On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the FY 2004 operating budgets; athletic operating budgets; and the scholarship and fellowship budgets for the eight universities and separately budgeted units as referenced by committee agenda item #17 in the Board Book.
7. **FY 2005 Budget Priorities**
On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the eight components of the FY 2005 budget priorities as referenced by committee agenda item #18 in the Board Book.
8. **FY 2003 Employment Report**
The committee received the FY 2003 Third Quarter Employment Report for the period January 1, 2003 through March 31, 2003 as referenced by committee agenda item #19 in the Board Book.
9. **Committee agenda item #20 FY 2004 Ayers Budget was pulled from the agenda.**
10. **IHL/UMMC Trust Funds' Quarterly Financial Reports and Trust Funds' Quarterly Financial Reports**
The committee received the IHL/UMMC Trust Funds' Quarterly Financial Reports relating to the Tort Plan and the Trust Funds' Quarterly Financial Reports relating to the IHL Tort Plan, IHL Workers' Compensation Plan, and the IHL Unemployment Program as referenced by committee agenda items #24-25 in the Board Book.
11. **MSU Initiation of Student Fee**
On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the MSU student-requested fee for enhancing campus activities, improving Colvard Union, and improving shuttle service and student parking as referenced by committee agenda item #26 in the Board Book.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

12. **DSU Management Agreement**

On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the DSU management agreement as referenced in Unanimous Consent agenda item #4a in the Board Book.

13. **USM Technology Resources Consulting Contract**

A motion was made by Mr. Nicholson to recommend the contract to the Board. **This motion died for a lack of a second.** On motion by Mr. Nicholson, seconded by Mr. Klumb, with Ms. Newton absent and not voting, the committee recommended that the Board approve the USM Technology Resources Consulting Contract as referenced in Unanimous Consent agenda item #4k in the Board Book.

14. **Other Business** - Mr. Nicholson announced that Dr. Ronald Mason, President of Jackson State University, and Mr. Ross, Chair of the Building/Facilities Committee, will be bringing the proposed campus improvements to this committee next month to determine JSU's ability to fund this project.

Committee members attending the meeting were: Mr. Nicholson (Chair), Mr. Klumb, Dr. Neely, and Ms. Whitten. Ms. Newton was absent. Other Board members attending the meeting were: Mr. Colbert, Dr. Davidson, Ms. Garrett, Mr. Griffis, Dr. Magee, and Mr. Ross.

Legal Committee

Wednesday, June 18, 2003

The committee was brought to order by Ms. Whitten, Chair. The following items were discussed:

1. **Discussion of Legal Committee Plans for the Year**

- a. The committee will develop a longer view of matters instead a month to month view.
- b. The committee will develop closer relationships between our counsel and the university counsel. Ms. Whitten suggested having a meeting once a year with all the counsel.
- c. The committee will develop consistency in personnel matters

2. **MSU Contracts for Legal Services**

On motion by Ms. Whitten, seconded by Mr. Ross, and unanimously passed by those present, the committee recommended that the Board approve the renewal of contractual agreements for legal services with Needle & Rosenberg, P.C.; Piper Rudnick, L.L.P.; and Wenderoth, Lind & Ponack, L.L.P. as referenced by committee agenda items #2-4 in the Board Book.

3. **Amendment to Board Policies**

On motion by Ms. Whitten, seconded by Dr. Magee, and unanimously passed by those present, the committee recommended that the Board approve for first reading the amendment to the *Board Policies* by renumbering Section 1101 Lawsuits to 1101.01 and adding Section 1101.02 Service of Process as referenced by committee agenda item #6 in the Board Book.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

4. **Legal Fees and Litigation Report**

The Board received the reports concerning legal fees paid to outside counsel in relation to litigation and other matters and in relation to patent matters and the current litigation report as referenced by committee agenda items #7-9 in the Board Book.

5. **Quarterly Litigation Expense Reports**

The committee received the Quarterly Litigation Expense Reports relating to the IHL Tort Plan, IHL Workers' Compensation Plan, and UMMC Tort Plan as referenced by committee agenda items #10-11 in the Board Book.

6. **Retention of Outside Counsel**

On motion by Ms. Whitten, seconded by Mr. Ross, and unanimously passed by those present, the committee voted to hold the amendment to *Board Policy* Section 1102.01 Retention of Outside Counsel as referenced in the Unanimous Consent agenda item #4m in the Board Book. This matter will be brought back to the Board next month.

7. **UMMC Settlement of Tort Claim**

The UMMC tort claim settlement, as referenced by committee agenda item #5 in the Board Book, requires an Executive Session and will be brought before the full Board.

Committee members attending the meeting were: Ms. Whitten (Chair), Dr. Davidson, Dr. Magee, and Mr. Ross. Other Board members attending the meeting were: Mr. Colbert, Ms. Garrett, Mr. Griffis, Mr. Klumb, Dr. Neely, and Mr. Nicholson.

EXECUTIVE SESSION

On motion by Ms. Whitten, seconded by Mr. Nicholson, with Ms. Newton absent and not voting, the Board voted to close the meeting to enter into an Executive Session. On motion by Ms. Whitten, seconded by Mr. Crawford, with Ms. Newton absent and not voting, the Board **voted to go into Executive Session** for the reason later reported by the President in Open Session and stated in these minutes, as follows:

Discussion of the settlement of a UMMC tort claim.

On motion by Mr. Crawford, seconded by Ms. Whitten, with Ms. Newton absent and not voting, the Board voted to return to Open Session.

On motion by Ms. Whitten, seconded by Mr. Nicholson, with Ms. Newton absent and not voting, the Board approved settlement of the UMMC tort claim case styled *Keith Harold Purvis v. UMMC*.

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

ADJOURNMENT

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

President, Board of Trustees of State Institutions of Higher Learning

Commissioner, Board of Trustees of State Institutions of Higher Learning

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
June 19, 2003**

EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | Informal Attorney General's Opinion concerning facilities. |
| Exhibit 2 | Facilities summary items. |
| Exhibit 3 | Memo concerning the charge of the new Legislative Committee. |
| Exhibit 4 | Memo concerning the charge of the new IEO Search Process Committee. |
| Exhibit 5 | Memo concerning the charge of the new Bimonthly Meeting Evaluation Committee. |

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

June 19, 2003

DRAFT

DRAFT

EXHIBITS

- | | |
|-----------|---|
| Exhibit 1 | Informal Attorney General's Opinion concerning facilities. |
| Exhibit 2 | Facilities summary items. |
| Exhibit 3 | Memo concerning the charge of the new Legislative Committee. |
| Exhibit 4 | Memo concerning the charge of the new IEO Search Process Committee. |
| Exhibit 5 | Memo concerning the charge of the new Bimonthly Meeting Evaluation Committee. |

EXHIBIT 1

STATE OF MISSISSIPPI



OFFICE OF THE ATTORNEY GENERAL

MIKE MOORE
ATTORNEY GENERAL

CHUCK RUBISOFF
SPECIAL ASSISTANT ATTORNEY GENERAL

MEMORANDUM

**ATTORNEY-CLIENT COMMUNICATION
ATTORNEY WORK PRODUCT
PRIVILEGED AND CONFIDENTIAL**

TO: Frank Alley

FROM: Chuck Rubisoff

DATE: June 13, 2003

RE: GS# 113-097, Renovation Pace Seed Technology Building -
Mississippi State University

Your office recently inquired as to whether the failure of a bidder to include a power of attorney with the bidder's bid bond constitutes an immaterial defect which can be waived by the owner or a material defect which cannot be waived. You indicated in your communication to me that the bidder submitted a power of attorney within a day of the bid opening.

According to information provided to me, the bidder in question is the apparent low bidder on the above-referenced project and the bid proposal, except for the bidder's failure to submit a power of attorney with the bid bond, is otherwise in compliance with the requirements of the instructions to bidders and the specifications.

A bid bond, for a project such as this one, is not required by State law. The requirement for the bid bond is found in Section 2.08 of the "Instructions to Bidders," which is contained in the project specifications and reads as follows:

BID SECURITY: The Bid Security shall be in the form of a Bid Bond, or a Certified Check.

- A. **Bid Bond:** The Bidder may submit a Bid Bond by a Surety licensed in Mississippi in the amount of five percent (5%) of the base bid. The Bid Bond shall be duly executed by the Bidder, the Surety and a Mississippi resident agent. (No standard form is required for the Bid Bond.)
- B. **Certified Check:** The Bidder may submit a certified check made out to the *Bureau of Building, Grounds and Real Property Management* in the amount of five percent (5%) of the base bid. All checks received from Bidders will be returned upon request, unless a Bidder is one (1) of the three (3) apparent low Bidders. The three (3) apparent low Bidder's checks will be held for forty-five (45) days, unless a Contract is awarded and executed in less time.

POWER OF ATTORNEY: Each bid security must be accompanied by an appropriate Power of Attorney. No Power of Attorney is necessary with a certified check.

It is widely acknowledged that the purpose of a bid bond is to insure that the bidder executes a formal contract and provides the requisite performance and payment bonds. *Smith and Johnson Construction Co. v. Ohio Department of Transportation*, 134 Ohio App. 3d 521, 731 N.E.2d 720 (1998). Public officials may exercise discretion in determining the sufficiency of bid bonds and may reject bids when a satisfactory bid bond is not tendered. 64 AmJur 2d. Public Works and Contracts § 59.

Formal defects not affecting the competitive character of a bid may generally be disregarded. A public board may waive compliance with its own requirements as to the form of bids or as to information to be supplied by bidders if mandatory statutory provisions are not violated. While public boards may waive irregularities or requirements as to the form of bids, they do not have authority to waive defects that affect competitive bidding. 64 AmJur 2d. Public Works and Contracts §61.

The Attorney General has opined that bidding irregularities may be waived provided that (1) mandatory and statutory provisions are not violated; (2) the irregularity does not

Frank Alley
June 13, 2003
Page 3

in any way destroy the competitive character of the bid; (3) the irregularity has no effect as to the amount of the bid; and (4) the irregularity does not give one bidder an advantage or benefit over the other bidders. MS AG Op. Smith (December 6, 1982); MS AG Op. Ellis (September 17, 1981).

The Attorney General has previously opined that it is permissible to consider a bid bond submitted prior to bid opening but not contained within the sealed bid package, MS AG Op., Kilpatrick (December 19, 2997); it is permissible to waive the failure to provide a HUD form required by the owner's specifications, MS AG Op., Ellis (September 9, 1981); it is permissible to permit a bid bond to be supplemented with a check delivered after bids were opened, MS AG Op., Gore (August 16, 1996); and, it is permissible to consider and accept a bid in an instance in which the bid bond was not countersigned by a resident agent, MS AG Op., Tabb (August 3, 1978).

I checked with the Mississippi Department of Insurance and was advised by telephone that St. Paul Guardian Insurance Company is qualified to do business in Mississippi and James C. Galloway, Jr. is a licensed resident agent. After the bid opening, St. Paul, in a letter to Colonel Paul Barlow of the Bureau of Building, confirmed that the project had been bid by Sneed Construction Company with its approval and that the power of attorney had been inadvertently omitted.

It appears, then, that the bid bond submitted by Sneed Construction Company is a valid bid bond, having been written by a company authorized to do business in Mississippi and signed by a duly licensed and authorized resident agent. The failure to attach the power of attorney (1) does not violate any statutory provision, (2) does not destroy the competitive character of the bid, (3) has no effect on the amount of the bid, and (4) does not give one bidder an advantage over other bidders.

Under these circumstances, it is my opinion that the owner has the discretion to make the determination that the bid bond is sufficient and to consider the bid of Sneed Construction Company.

EXHIBIT 2

FACILITIES SUMMARY JUNE 2003

MISSISSIPPI VALLEY STATE UNIVERSITY

Approve the appointment of Susan Clopton Case Landscape Architect of Jackson, MS as the project professional for Campus Drainage, GS #106-185. The Board also approved Option III (Storm and Sanitary Sewer Evaluation, Recommendations and Construction Estimates) in the amount of \$443,656 and request approval by the Bureau of Buildings. Funds in the amount of \$500,000 for the project are available from Senate Bill 3197, Laws of 2002.

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

Approve the schematic documents prepared by Simmons Associates/A.I.A., Architect for X022 Renovations, IHL#209-474. Funds are available from Patient Revenue in the amount of \$475,000.

Approve Change Order #14 for IHL # 209-433, Orthopedic Renovations in the amount of \$13,799 with an increase in contract time of 215 calendar days. Funds are available from Interest Income.

Approve the initiation and appointment of Dean and Dean/Associates Architects, as project professional for Medical School Lobby Renovations '03, IHL#209-476. Funds are available from Interest Income in the amount of \$98,000.

Approve the initiation and appointment of Mark S. Vaughan, Architects, as project professional for Revisions to Pneumatic Tube System, IHL#209-475. Funds are available from Patient Revenue in the amount of \$95,000.

Approve the Contract Documents and advertising for receipt of bids for E055 X-Ray Renovations '03, IHL #209-473 prepared by Simmons Associates/A.I.A. Funds are available from Patient Revenue in the amount of \$95,000.00.

Approve the Schematic Documents prepared by Simmons Associates/A.I.A. for Suite "A" Renovations '03, IHL #209-472. Funds are available from Medicine Professional Fees in the amount of \$98,000.00.

Approve Change Order #1 in the amount of \$9,994 with an increase of 40 calendar days to the contract time for E107-ENT Renovations, IHL #209-465. Funds in the amount of \$90,000.00 are available from Hospital Patient Revenue.

JACKSON STATE UNIVERSITY

Approve Change Order #1 in the amount of \$15,584 for Ayer Hall Fourth Floor Restoration, IHL #203-141. Funds are available from university sources. This project proposes to eliminate current deterioration and restore damaged interior walls. The project will also include waterproofing the exterior finish, and complete the addition of the fourth floor, in accordance with the National Registry of Historic Places.

MISSISSIPPI STATE UNIVERSITY

Approve schematic documents for North Entrance Bicycle and Pedestrian Facility, IHL #205-193. Funds are available from the Department of Transportation (\$1,095,838) and from the University Capital Improvement Fund (\$273,959) for a total project budget of \$1,369,797.

UNIVERSITY OF MISSISSIPPI

Approve the bids and award of contract to the lowest of eight bidders, Endevido, Inc., in the amount of \$741,681 (base bid & alternate #1). The projected budget is approximately \$600,000 and is available from University self-generated. Funds for the project are available from university self-generated sources.

UNIVERSITY OF SOUTHERN MISSISSIPPI

Approve the Schematic Design Documents for Marine Sciences Hydrographic Facilities/Stennis Center (Phase 2)GS #108-183 and request approval by the Bureau of Buildings. Funds are available in the amount of \$4,998,175.11 from SB#3158, Laws of 2001, SB#3197, Laws of 2002.

Approve the Schematic Design Documents for Gulf Park Campus Electrical/Communications Service, GS#108-204and request approval by the Bureau of Buildings. Funds are available in the amount of \$500,000 from SB#3315, Laws of 2000. Project estimate is over budgeted amount, but will be revised during the Design Development Phase.

Approve the Schematic Design Documents for Preplanning for Nursing/Allied Health/Science Lab Facility, Gulf Park Campus, GS#108-217 and request approval by the Bureau of Buildings. Funds are available in the amount of \$350,000 from SB#3197, Laws of 2002.

ALCORN STATE UNIVERSITY

Approve the request from the university for the removal of the toxic mold, repair to the doors and locks, repair of the elevator which serves Demby Men's Tower. The "*Declaration of Emergency*"was forwarded to the Bureau of Building.

EXHIBIT 3

MEMORANDUM

To: Members of the Board
From: Thomas Colbert
Date: June 17, 2003
Subject: Charge to the Board Legislative Committee

It is the consensus of the Board that a Board Legislative Committee should be formed to assure that Board goals and priorities are adequately reflected in the legislative lobbying process. I am charging the Committee as follows:

1. The Board Legislative Committee will create a proactive agenda for the entire system that will gain the allegiance of all of the lobbyists for the individual IHL institutions;
2. The Board Legislative Committee will see that Board goals and priorities are effectively and efficiently communicated to all IHL lobbyists;
3. The Board Legislative Committee will work in conjunction with the lobbyists of the various schools in meeting with legislative committees and individual legislators in pursuit of the Board's goals;
4. The Board Legislative Committee will stay informed of potential problems at the legislature so that preventive measures can be taken at the earliest possible moment;
5. The Board Legislative Committee will investigate the possibility of legislation or other alternative methods for creating public/private partnerships for the construction of new facilities; and
6. The Board Legislative Committee will work as an intermediary to reconcile conflicting interests of the various schools.

EXHIBIT 4

MEMORANDUM

To: Members of the Board

From: Thomas Colbert

Date: June 17, 2003

Subject: Charge to the Institutional Executive Officer (IEO) Search Process Committee

In the interests of enhancing efficiency, I am creating an IEO Search Process Committee to review the IEO search process and make suggestions for improvement.

I am charging the Committee as follows:

1. Consider methods to abbreviate the time line for the search process.
2. Consider ways to reduce the cost of IEO searches.
3. Consider ways to increase the efficiency of searches.
4. Consider the possibility of reducing the number of search committee meetings.
5. Consider revisions or amendments of the current Board Policy 201.0610 "Institutional Executive Officer Search Process."

EXHIBIT 5

MEMORANDUM

To: Members of the Board

From: Thomas Colbert

Date: June 17, 2003

Subject: Charge to the Bimonthly Meeting Evaluation Committee

In the interests of enhancing efficiency, I am creating a Bimonthly Meeting Evaluation Committee to review the Board Meeting process and make suggestions for improvement.

I am charging the Committee as follows:

1. Make sure that all viewpoints are heard on controversial issues.
2. Consider, in lieu of an executive committee, having all committees meet one month, and the full board the next month, alternating this sequence.
3. Consider creating an executive committee which would meet every other month, alternating with meetings of the full Board.
4. In considering an executive committee, discuss powers usually reserved for the Board.
5. In considering an executive committee, discuss executive committee responsibilities.
6. Consider cost factors.
7. If the evaluation committee determines that an executive committee should be formed, the evaluation committee will determine who should be on the committee in consultation with the commissioner and the president of the board.