

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
October 18-19, 2006**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Norman C. Nelson Student Union at the University of Mississippi Medical Center campus in Jackson, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on August 21, 2006, to each and every member of said Board, said date being at least five days prior to this October 18-19, 2006 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Dr. Stacy Davidson, Mr. Roy Estess, Dr. D. E. Magee, Jr., Dr. Bettye Henderson Neely, Ms. Virginia Shanteau Newton, Mr. Bob Owens, Mr. Aubrey B. Patterson, Ms. Robin J. Robinson, Mr. Scott Ross and Ms. Amy Whitten. Mr. Thomas W. Colbert was absent. The meeting was called to order by Dr. D. E. Magee, President, and opened with prayer by Dr. Neely.

APPROVAL OF THE MINUTES

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

RESOLVED, That the Minutes of the regular Board meeting held on September 20, 2006, the Board Retreat held on September 21-22, 2006 and the Alcorn State University Presidential Search Committee meeting held on October 2, 2006, stand approved.

PRESENTATION

Dr. Meredith introduced Dr. David S. Spence, President of the Southern Regional Educational Board. Dr. Spence gave a brief presentation on "College Readiness".

EDUCATIONAL POLICIES & PROGRAMS AGENDA

Presented by Dr. Bettye Neely, Chair

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

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the following Educational Policies & Programs Agenda. **AGENDA ITEM #2 WAS PARTIALLY APPROVED AS SHOWN BELOW**. Agenda item #3 was approved on a separate motion by Dr. Neely, seconded by Dr. Davidson, with Mr. Colbert absent and not voting.

1. **System Administration** - Approved modifications of existing academic programs, as follows:
 - a. **MSU** - suspend enrollment to the Bachelor of Science in Forest Products degree program (CIP 03.0509) due to continued low enrollment.

2. **System Administration** - New academic units, as follows:
 - a. **USM** - create the Thad Cochran Marine Aquaculture Center. This extensive scope and outreach center will serve to develop a marine aquaculture enterprise using technologies for large-scale culture of key coastal marine fish species. The \$63,000,000 center will be funded through state and federal sources including the use of some \$40,000,000 in bonding authority made available to the Mississippi Department of Marine Resources during the 2006 Legislative Session.

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- b. **USM (Information item.)** - Establish the Center for Spectator Sport Security. This limited scope and outreach center will focus on research, education, and outreach efforts in sports event security. The Center will be funded through state and federal grants.

A motion was made by Dr. Neely, seconded by Ms. Robinson, to approve agenda item #2a above which creates the Thad Cochran Marine Aquaculture Center. This would formally name the center and define the relationships between the separate operations that have been ongoing since 1998. **Dr. Neely withdrew the motion.**

On motion by Ms. Whitten, seconded by Ms. Robinson, with Mr. Colbert absent and not voting, the Board approved the naming of the Thad Cochran Marine Aquaculture Center deferring any decisions concerning the scope, spending levels and further planning until the next regular Board meeting.

3. **System Administration** - Approved the modifications to existing academic units, as follows:
 - a. **MVSU** - change the name of the Department of Mass Communication to the Department of Communication. This name change will better reflect the characteristics of the concentrations within the department. The change will require minimal resources.
 - b. **UM** - change the name of the National Remote Sensing and Space Law Center to the National Center for Remotes Sensing, Air and Space Law. Established in 2000, the NASA supported center has received no other federal or state funding. As the Center has expanded its impact into the entire spectrum of aerospace law, including aviation law, there is a desire to seek expanded federal funding from other federal agencies such as the Department of Defense and the Federal Aviation Administration. This name change will better reflect the expertise of the Center and represent the institution as a whole. The change will require no state resources.
4. **System Administration (Information item.)** - The Board received the Annual Report on Tenure and Post-Tenure Review. The report is included in the bound *October 18-19, 2006 Board Working File*.
5. **Other Business**
 - a. Ms. Whitten thanked Dr. House for the quality and content of the presentation. Ms. Whitten also thanked the Chief Academic Officers who have one of the hardest jobs.
 - b. Dr. Neely expressed her appreciation for having Dr. House as the Assistant Commissioner for Academic and Student Affairs.
 - c. Dr. Meredith announced that Dr. House is involved in a new initiative called the Blue Ribbon Commission for the Redesign of Teacher Education. This project was initiated in the Board Office and is a partnership with the Mississippi Department of Education. There is a 36-member task force and co-chaired by Mr. Charles McClelland, a member of the Mississippi State Board of Education, and Dr. Bettye Neely. The first meeting will be November 9 - 10, 2006. The task force plans to have a report ready by May 2007.

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CONSENT AGENDA

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

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

PERSONNEL REPORT

EMPLOYMENT

Mississippi State University

Butler, Gary D.
Cogle, Jennifer A.
Rousseau, Randall J.

University of Mississippi Medical Center

Wright, Maude A.

CHANGE OF STATUS

Alcorn State University

Lee, Donzell
Rowan, Theodora

University of Mississippi

Stocks, Morris H.

University of Mississippi Medical Center

Burleson, William D.
Harisdangkul, Valee
Ho, Ing K.

TERMINATION

Delta State University

Broadwater, Kimberly
Gentry, Crystal D.
Harden, Latita
House, Lynn J.

Neal, Bertha

Mississippi State University

Hayes, C. Ray

Mississippi Valley State University

Bell, Torres
Bryant, Jearline
Craft, Walter
Florence, Enoch
McMullen, Jeffrey
Roberts, Tamara
Thohira, Mariyam
Witaya, Jangsombatsiri

University of Mississippi

Jeyashekar, Nigilsatish

University of Mississippi Medical Center

Sutton, Monica J.
Withers, James J.

System Administration

Sharpe, Suzanne

EMERITA/EMERITUS STATUS

University of Southern Mississippi

Otvos, Ervin
Walker, Sharon

BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Aubrey Patterson, Chair

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

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RESOLVED, That the Board hereby approved agenda item #1 as submitted on the following Budget, Finance & Audit Agenda.

1. **System Administration** - Approved the purchase of coverage for Workers' Compensation claims in excess of \$1,000,000 from Safety National Casualty Corporation at the estimated annual premium of \$333,195. The effective date of coverage is November 1, 2006. The IHL Office of Risk Management received three quotes. One quote did not provide the coverage as required. The two acceptable quotes were AIG at \$.0538 per \$100 of payroll (estimated annual premium of \$475,566) and Safety National Casualty Corporation at \$.0377 per \$100 of payroll (estimated annual premium of \$333,195).
2. **System Administration (Information item.)** - The *Ayers* Endowment Trust Investment Committee met on September 19, 2006 at 10:00 a.m. There was a brief overview of the June 30, 2006 investment reports which were previously distributed to the committee at the August Board meeting. Mr. Jeff Wilson, the endowment investment manager, responded to questions from the committee. The committee voted to maintain the current investment manager for funds under the control of the committee and to authorize the extension of the current investment period up to 36 months. The committee also discussed options for the Board to raise private foundation funds.
3. **Other Business** - Mr. Brent Ballard, IHL Internal Auditor, announced the employment of an additional internal auditor, Ms. Shonda DeVerteuil. Ms. DeVerteuil comes to us from the internal audit department at SAKS Inc.
4. **System Administration (Information item.)** - The Board received the internal audit report presented by Mr. Ballard. A copy of the report is included in the bound *October 18-19, 2006 Board Working File*.
5. **Other Business** - Dr. Magee thanked Mr. Patterson for his leadership.

REAL ESTATE & FACILITIES AGENDA

Presented by Mr. Ed Blakeslee, Chair

On motion by Mr. Blakeslee, seconded by Mr. Estess, with Mr. Colbert absent and not voting, it was

RESOLVED, That the Board hereby approved agenda items #1 - #5 as submitted on the following Real Estate & Facilities Agenda. Agenda items #6 - #8 were approved on a separate motion by Mr. Blakeslee, seconded by Mr. Owens, with Mr. Colbert and Ms. Whitten absent and not voting. Agenda items #9 and #10 were approved on a separate motion by Mr. Blakeslee, seconded by Mr. Owens, with Mr. Colbert and Ms. Whitten absent and not voting. Agenda item #11 was approved on a separate motion by Mr. Blakeslee, seconded by Dr. Davidson, with Mr. Colbert and Ms. Whitten absent and not voting. **AGENDA ITEM #12 WAS MOVED TO THE LEGAL AGENDA.** Agenda item #13 was approved on a separate motion by Mr. Blakeslee, seconded by Ms. Robinson, with Mr. Colbert absent and not voting.

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1. **MSU** - Approved the appointment of Belinda Stewart Architects, P.A., as the project professional for **GS 113-115, Lloyd Ricks Renovation**, and request approval by the Bureau of Building, Grounds and Real Property Management. The project budget is approximately \$13,000,000. Funds are available through grants from the Department of Housing and Urban Development in the amount of \$2.85 million. The additional funds will come from unexpended funds in GS 113-097, Renovation of Pace Seed Technology Building (S.B. 3197, Laws of 2002) and future requests for Repair and Renovation Funds.
2. **UM** - Approved the initiation of **IHL 207-288, Garland Hall Renovation**, and the appointment of Corbett Legge and Associates of Tupelo, MS as the Design Professionals. The project budget is approximately \$350,000 and will be funded by self-generated funds.
3. **UM** - Approved the initiation of **IHL 207-289, Former Mall Re-Roofing**, and the appointment of McCarty Company of Tupelo, MS as Design Professional. The project budget is approximately \$850,000 and will be funded by a federal grant.
4. **USM** - Approved the initiation of **IHL 210-237, Aquaculture Demonstration Laboratory, Cedar Point**, and the appointment of Allred-McNabb Architects of Pascagoula as the project professionals. This project will expand the research and demonstration facilities at the Cedar Point campus of the Gulf Coast Research Laboratory in Ocean Springs. The cost of this project is estimated to be \$850,000 and will be funded by university sources.
5. **USM** - Approved the initiation of **IHL 210-238, Aquaculture Visitor's Center, Phase III, Cedar Point**, and appointment of Allred-McNabb Architects of Pascagoula as the project professionals. This project will construct a public interactive marine aquaculture education and training facility at the Cedar Point campus of the Gulf Coast Research Laboratory in Ocean Springs. The cost of this project is estimated to be \$950,000 and will be funded by university sources.
6. **MVSU** - Approved the Construction Documents prepared by Watkins O'Gwyne Electrical Engineers and authorize advertising for the receipt of bids for **IHL 206-022, Campus Security, Phase II**. Funds are available from the university's Plant Fund in the amount of \$450,000.
7. **UM** - Approved the Construction Documents prepared by Cooke Douglas Farr Lemons, Ltd. and authorize advertising for the receipt of bids for **IHL 207-263, Cochran Natural Products Center Auditorium**. The budget for this project is \$2,600,000 and will be funded by a HRSA Grant
8. **USM** - Approved the Construction Documents prepared by Walter Bolton and authorize advertising for the receipt of bids for **IHL 210-235, Infrastructure Project, Cedar Point**. The cost of this project is estimated to be \$1,400,000 and will be funded by university sources.
9. **UM** - Approved the bids and the award of a contract in the amount of \$2,654,700 (base bid of \$2,988,000 minus deductive alternate #1 of \$333,300) to the lowest of five bidders, Panola Construction Co., Inc. for **GS 107-279, Bishop Hall Renovation**, and request approval by the Bureau of Building. The budget for this project is \$3,000,000 and will be funded by SB 2010, Laws of 2004.

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10. **UMMC** - Approved the bids and the award of a contract in the amount of \$403,000 to the lowest of three bidders, Flagstar Construction, for **IHL 209-381, C Adult Tower Landscaping 2006**. Funds are available in the project budget from Hospital Patient Revenue.
11. **ASU** - Approved a request to increase the budget from \$5,100,000 to \$6,100,000 for **GS 101-255, Fine Arts Building Renovation, Lorman Campus**. Funds in the amount of \$9,000,000 were made available as part of the *Ayers* Settlement for development of a Fine Arts Facility on the Natchez campus. The Board previously approved using \$5,100,000 of these funds on the Lorman Campus to address accreditation issues in the Fine Arts Building. The Natchez project has been put on hold until additional funds can be found.
12. **MSU** - Retention of Butler, Snow, O'Mara, Stevens & Cannada, PLLC as Bond Counsel in connection with the issuance of bonds in the amount of \$7,000,000 for **IHL 205-212, Colvard Student Union**. The fees will be \$20,000, plus any out-of-pocket expenses, not to exceed \$4,000. The above fees apply to bonds issued by the MSU Educational Building Corporation (EBC) which bear interest at fixed rates; if the MSU EBC were to issue bonds bearing interest with an interest rate structure other than fixed rates, then the fees for services as bond counsel for the MSU EBC would be \$40,000, plus any out-of-pocket expenses, not to exceed \$4,000. **(THIS ITEM WAS TAKEN UP ON THE LEGAL AGENDA.)**
13. **USM** - Approved the purchase of property at 513 and 515 North 25th Avenue in Hattiesburg, MS. The purchase price of \$109,250 is the average of two appraisals on the property. University funds will be used for the purchase.
14. **System Administration (Information item.)** - The Board received the Real Estate & Facilities items that were approved by the Board staff subsequent to the September 20, 2006 Board meeting in accordance with Board Policy 901.03 Facilities Staff Responsibilities. **(See Exhibit 1.)**

LEGAL AGENDA

Presented by Mr. Bob Owens, Chair

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

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the following Legal Agenda. Agenda items #2 and #3 were approved on a separate motion by Mr. Owens, seconded by Ms. Robinson, with Mr. Colbert absent and not voting. On motion by Mr. Owens, seconded by Dr. Davidson, with Mr. Colbert absent and not voting, the Board approved moving agenda item #4 to the list of items to be taken up in executive session. **AGENDA ITEM #4 WAS TAKEN UP IN EXECUTIVE SESSION LATER IN THE MEETING.**

1. **DSU** - Approved the request to retain Stites & Harbison, PLLC to provide intellectual property services for the university. These services will be paid from self-generated funds and recovered indirects from grants and contracts, not to exceed \$25,000. Intellectual protocol services may be provided on either

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an hourly basis or a flat fee basis. Proposed flat fee charges are: Provisional Patent Application – preliminary background preparation - not to exceed \$2,100; Utility Patent Application – preparation and filing (small entity) – not to exceed \$8,600; Utility Patent Prosecution – varies based on unforeseen events; and PCT/Foreign Patent Applications – not to exceed \$3,000. Proposed hourly rates are: Richard Myers \$255/hour; David Nagle \$245/hour; Steven Weyer \$275/hour and Francine VanAelst \$110/hour. The Attorney General’s Office has reviewed and approved this request.

2. **MSU** - Approved the request for the MSU Educational Building Corporation (EBC) to retain Butler, Snow, O'Mara, Stevens & Cannada, PLLC as Bond Counsel in connection with the issuance of bonds for the renovation of the Colvard Student Union, in the approximate amount of \$7,000,000. The fees will be \$20,000, plus any out-of-pocket expenses, not to exceed \$4,000. The above fees apply to bonds issued by the EBC which bear interest at fixed rates; if the EBC were to issue bonds bearing interest with an interest rate structure other than fixed rates, then the fees for services as bond counsel for the EBC would be \$40,000, plus any out-of-pocket expenses, not to exceed \$4,000. A copy of the proposed contract which has been reviewed and approved by the Attorney General’s Office, is on file at the Board Office.

3. **MSU** - Approved the request to enter into a contract with the firm of Rogers Towers, P.A., located at 1301 Riverplace Blvd., Suite 1500, Jacksonville, FL 32207, to provide services necessary in obtaining patents for designs, processes, products and other patentable materials developed in connection with the university, specifically relating to a patent application identified by title as “Method and System for Processing Muscadine Grape Pomace,” bearing Patent Attorney Docket No: M1072.10.P. The terms of the contractual agreement will be for one year, at an hourly rate of \$310 for a maximum amount payable of \$2,000 during the contract term. A copy of the proposed contract which has been reviewed and approved by the Attorney General’s Office, is on file at the Board Office.

4. **USM** - Dr. Thelma Roberson has requested that the Board consider granting a review of USM’s decision to deny the award of tenure, pursuant to Board Policy 403.0105 Appeals. **(THIS ITEM WAS TAKEN UP IN EXECUTIVE SESSION.)**

5. **System Administration (Information item.)** - Payment of legal fees to outside counsel, as follows:
 - a. In relation to litigation and other matters:
 Payment of legal fees for professional services rendered by Page, Mannino, Peresich & McDermott (Statements dated 6/30/06) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$4,644.55; \$1,167.59 and \$8,526.00, represent services and expenses in connection with the *McGarry*, *Blake* and *Krokos* cases, respectively.)

TOTAL DUE \$14,338.14

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (Statements dated 7/10/06 and 8/9/06) from the funds of The University of Mississippi. (These statements, in the amounts of \$1,302.00 and \$1,433.00, respectively, represent services and expenses in connection with the *Durham v. MSCI* case.)

TOTAL DUE \$2,735.00

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Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (Statements dated 7/31/06, 7/31/06, 7/27/06, 8/14/06, 4/13/06 and 8/14/06) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$11,827.00; \$8,428.00; \$22,215.46; \$17,661.52; \$12,897.44 and \$5,617.50, respectively, represent services and expenses in connection with general advice, general representation of the Medical School and Facility Practice Plan, general representation of the Medical School and Facility Practice Plan, general representation of the Medical School and Facility Practice Plan, general representation of the Medical School and Facility Practice Plan and general advice, respectively.)

TOTAL DUE \$78,646.92

Payment of legal fees for professional services rendered by Lewis Fisher Henderson Claxton & Mulroy (Statement dated 8/15/06) from the funds of the University of Mississippi Medical Center. (This statement, in the amount of \$744.00, represents services and expenses in connection with the *Sterling* case.)

TOTAL DUE \$744.00

Payment of legal fees for professional services rendered by Page, Kruger & Holland (Statements dated 8/21/06, 8/11/06 and 3/16/06) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$3,006.07; \$28.28 and \$387.30, represent services and expenses in connection with the *Williams*, *Bowles* and *Smith* cases, respectively.)

TOTAL DUE \$3,421.65

Payment of legal fees for professional services rendered by Scott, Sullivan, Streetman & Fox (Statement dated 7/24/06) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Teer* case.)

TOTAL DUE \$6,309.41

Payment of legal fees for professional services rendered by Phelps Dunbar (Statements dated 7/31/06, 7/12/06 and 8/31/06) from the funds of the University of Mississippi Medical Center. (These statements, in the amounts of \$251.49, \$830.26 and \$268.30, respectively, represent services and expenses in connection with the *DSH Litigation*.)

TOTAL DUE \$1,350.05

Payment of legal fees for professional services rendered by Adams & Reese (Statement dated 8/15/06) from the funds of The University of Southern Mississippi. (This statement represents services and expenses in connection with the *Servedio* case.)

TOTAL DUE \$315.00

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- b. In relation to patent and other matters:
Payment of legal fees for professional services rendered by Needle & Rosenberg (Statement dated 6/21/06) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with a patent application for “A New Bifurcated Double-Lumen Tube”.)

TOTAL DUE \$1,545.00

Payment of legal fees for professional services rendered by Piper Rudnick (Statements dated 5/8/06, 5/8/06, 5/8/06, 5/11/06, 5/12/06, 5/12/06, 5/12/06, 5/16/06, 5/24/06, 5/24/06, 5/24/06, 5/31/06, 5/24/06, 5/25/06, 5/26/06, 6/9/06, 6/22/06, 6/22/06, 6/28/06, 6/26/06, 6/28/06, 6/29/06, 6/30/06, 6/30/06, 7/12/06, 7/14/06, 7/14/06, 7/14/06, 7/24/06, 7/25/06, 7/25/06 and 7/28/06) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patent applications: “Moisture and Density Detector (MDD)” - \$798.00; “Moisture and Density Detector (MDD)” - \$2,010.51; “Fiber Optic Laser-Induced Breakdown Spectroscopy Sensor” - \$1,375.00; “IN – Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$2,144.20; “Preparation of Live Attenuated Bacterial Vaccines” - \$837.50; “Delivery System for Supplemental Wood Preservative/Metal Corrosion Inhibition Treatment” - \$995.00; “Elemental and Isotope Measurements and Diagnostics – Microwave Induced Plasma-Cavity Ring Down Spectroscopy” – \$186.95; “BR – Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$4,481.71; “NZ – Through-Log Density Detector” - \$399.40; “KR - Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$5,822.45; “Silicon Carbide and Related Wide Bandgap Transistors on Semi-Insulating Expitaxy for High-Speed, High-Power Applications” - \$1,302.10; “Through-Log Density Detector” - \$268.77; “Substituted Phenylheterocyclic Herbicides” - \$240.69; “Infections in Humans and Vertebrates by Dietary Fibers” - \$2,400.00; “Method for Constructing Viral Bacterial Artificial Chromosomes (BAC) and Channel Catfish Herpesvirus...” - \$430.00; “Method for Early Evaluation in Micropipeline Processors” - \$200.00; “Moisture Sensor Based on Evanescent Wave Light” - \$200.60; “Elemental and Isotope Measurements and Diagnostics – Microwave Induced Plasma-Cavity Ring Down Spectroscopy” - \$200.00; “Determination and Potential Control of Pathogenic Bacteria or Bacterial Strains” - \$1,007.10; “Delivery System for Supplemental Wood Preservative/Metal Corrosion Inhibition Treatment” - \$720.90; “Optical Fiber Sensor Having a Sol-Gel Fiber Core and Method of Making...” - \$200.00; “Through-Log Density Detector” - \$342.58; “Through-Log Density Detector” - \$207.20; “Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$8,334.47; “A Fiber Optic Sensor for NO2” - \$2,403.31; “Moisture and Density Detector (MDD)” - \$200.30; “Determination and Potential Control of Pathogenic Bacteria or Bacterial Strains” - \$153.40; “Renewable Fuel/Lubricant Mixture for Use in a Two-Stroke Internal Combustion Engine” - \$139.50; “Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$316.35; “Improved Soiless Sod” - \$191.50; “Renewable Fuel/Lubricant Mixture for Use in a Two-Stroke Internal Combustion Engine” - \$609.95 and “Temporal Mapping and Analysis Package” - \$595.00.)

TOTAL DUE \$39,714.44

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Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (Statement dated 8/15/06) from the funds of The University of Mississippi. (This statement represents services and expenses in connection with a patent application for “Hydraulic Conductivity Interpretation.”)

TOTAL DUE \$2,837.50

Payment of legal fees for professional services rendered by Wenderoth, Lind & Ponack (Statement dated 8/2/06) from the funds of Mississippi State University. (This statement represents services and expenses in connection with the following trademark registration: “TM: M State & Design – Classes 21, 25.”)

TOTAL DUE \$1,684.00

Payment of legal fees for professional services rendered by Stites & Harbison (Statements dated 6/22/06, 6/22/06, 6/22/06, 7/13/06, 8/23/06, 8/23/06 and 8/23/06) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with the following patent applications: “Medical Gas Utility Stand” - \$603.36; “Saliva-Based Protein Profiling” - \$1,625.70; “Temporary Mucosal Gastric Electrical Stimulation Device and Method for Treating Gastroparesis” - \$2,491.50; “Temporary Mucosal Gastric Electrical Stimulation Device, Method for Treating Gastroparesis” - \$235.62; “Saliva-Based Protein Profiling” - \$766.92; “Temporary Mucosal Gastric Electrical Stimulation Device and Method for Treating Gastroparesis” - \$962.50 and “Method for Localizing Enteric Nervous System” - \$969.50.)

TOTAL DUE \$6,258.00

Payment of legal fees for professional services rendered by Stites & Harbison (Statements dated 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06, 6/22/06 and 6/22/06) from the funds of The University of Mississippi. (These statements represent services and expenses in connection with the following patent applications: “Amphotericin BHP” - \$121.76, “Novel Antigiardial Agents” - \$120.50, “Immunostimulatory Agents in Enchinacea” - \$991.12, “Process for Disposal & Solubilization of Radioactive Scale & Sludge from Oil & Gas Production” - \$44.42, “Corrugated and Ported Prism Engine Nozzel for Reduction of Supersonic Jet Exhaust Noise” - \$382.70, “Antifungal Cyclopentenediones” - \$663.00, “Plastic Grocery Bag Transporter” - \$258.72, “Diterpenes as Selective Kappa Oploid Receptor Agonist” - \$600.16, “In-Furnace Reduction of Nitrogen Oxide by Mixed Fuels Involving a Biomass Derivative” - \$33.74, “Acoustic Instruments for Use in Aquaculture” - \$77.62, “Methods for Detecting Vibrations and Sounds Signatures of Human Footsteps” - \$22.00, “High-Speed Data Compression Algorithms Based on Set-Associative” - \$143.06 and “Cooperative Learning Computer Program” - \$2,799.20.)

TOTAL DUE \$7,655.10

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6. **System Administration (Information item.)** - The Board received the Quarterly Expense Report relating to the IHL Tort Plan. A copy of the report is included in the bound *October 18-19, 2006 Board Working File*.
7. **System Administration (Information item.)** - The Board received the Quarterly Expense Report relating to the IHL Workers' Compensation Plan. A copy of the report is included in the bound *October 18-19, 2006 Board Working File*.
8. **Other Business** - Mr. Van Gillespie, Special Assistant Attorney General, introduced Ms. Jamie Christian as the third attorney on staff. He thanked the Board and Dr. Meredith for employing Ms. Christian.

GOVERNANCE AGENDA

Presented by Dr. Stacy Davidson, Chair

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

RESOLVED, That the Board hereby approved agenda item #1 as submitted on the following Governance Agenda.

1. **System Administration** - Approved, for first reading, the request to renumber and amend Board Policy 901.0706 Disaster Preparedness Plan to 711.08 Incident Preparedness Plan. This change is recommended in order to comply with the Presidential Directive to implement the National Incident Management System (NIMS) and protect the IHL System and its universities' access to federal mitigation grant funds. The proposed change is as follows:

~~901.0706~~ 711.08 DISASTER INCIDENT PREPAREDNESS PLAN

Each institution shall prepare a ~~disaster~~ an Incident pPreparedness pPlan which will be updated annually, reviewed by the Board staff, and on file at the Board office. Said plan should be designed to manage all emergency incidents in accordance with the Incident Command System (ICS) as defined in the National Incident Management System (NIMS).

Dr. Meredith noted that the IHL System is the first and only system in the country that has a system-wide emergency management plan. He thanked Mr. Cliff Tucker, IHL Director of Insurance and Risk Management, and Mr. Andy Taylor, IHL Safety and Loss Control Director, for creating this plan.

ADMINISTRATION/POLICY AGENDA

Presented by Dr. Thomas Meredith, Commissioner

1. **System Administration (Information item.)** - In compliance with Board policy, the following items have been approved by the Commissioner on behalf of the Board.

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- a. **MVSU** - Request for emergency approval to hire Curtis Baham, as professor of Education/Interim Vice President for Academic Affairs, at \$50,000 per annum, effective October 1, 2006.
 - b. **UMMC** - Request for emergency approval to hire George Denson Farr, Sr. as Interim Executive Director for the Batson Children's Hospital at the University Hospitals and Clinics at \$360,000 per annum, prorata, full-time effective October 2, 2006.
 - c. Budget Revisions. The total budget did not increase. It was a reallocation among funds.
 - i. **ASU Ayers** Program Budget Revisions;
 - ii. **JSU Ayers** Program Budget Revisions; and
 - iii. **MVSU Ayers** Program Budget Revisions.
2. **Other Business** - Dr. Meredith introduced Dr. Curtis Baham, the newest employee at Mississippi Valley State University.

COMMISSIONER'S REPORT

Presented by Dr. Thomas Meredith, Commissioner

1. Thank you to the hosts of this month's Board meeting Dr. Dan Jones, Vice Chancellor for Health Affairs and Dean, School of Medicine, The University of Mississippi Medical Center, and Dr. Robert Khayat, Chancellor of The University of Mississippi.
2. As we discussed earlier, an advisory committee for the University of Mississippi Medical Center has been established. This is moving forward nicely. There will be another advisory committee regarding Ole Miss operation. Chancellor Khayat and Dr. Jones will make the appointments shortly. The appointments will include some Board members and other knowledgeable people. Reports will be brought to the Board on a quarterly basis.
3. Long-time employee Ms. Suzanne Sharpe, who is the IHL Assistant Commissioner for Governmental Relations and Legal Affairs, recently announced her retirement, effective October 31, 2006. Suzanne will continue to help us with her lobbying skills through this fiscal year. We appreciate her 16 years of service. Thank you for your commitment to higher education in Mississippi.
4. I would like to formally introduce you to IHL's newest member. Dr. Reginald Sykes comes to us from the Mississippi Gulf Coast Community College, where he served as the head of the Jefferson Davis Campus. Dr. Sykes is our new Assistant Commissioner for Community and Junior College Relations and will be responsible for working with the community and junior college system to increase the number of students who transfer to a four-year college or university. Welcome aboard.
5. Our regional meetings have been very well received. We are thankful to the many business sponsors who have served as luncheon hosts, as well as the good coordinating efforts of our institutions. We are at the half-way point; we have held 6 and have 6 remaining. There is one next Wednesday, October 25th at Bonne Terre Country Inn and Restaurant in Nesbit in DeSoto County facilitated by Ole Miss. Ms. Robinson will represent the Board there. The next luncheon is on October 31st at the Jackson State Walter Payton Recreation and Wellness Center.
6. The U.S. Secretary of Education Margaret Spellings' Commission on the Future of Higher Education completed its year-long effort and released "A Test of Leadership: Charting the Future of US Higher Education." The report has garnered a lot of response from around the country. As you know, I am the head of NASH, the National Association of System Heads. We are preparing a response to the report.

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I will be in Washington, D.C. on November 1, 2006 to work on the response. Generally, there is not much disagreement with the report from among the higher education associations across the country.

7. After 37 years, our campus is starting to show its age. This Friday we are holding our first-ever coordinated campus clean-up day! Thanks goes to the good work of co-organizers Mr. Frank Alley, IHL Assistant Commissioner for Construction and Physical Affairs, and Dr. Linda McFall, IHL Assistant Commissioner for Finance and Administration. Our volunteers will meet first thing Friday morning, receive their “cleaning assignments,” and spend the day using a little “elbow grease” to improve our facility. At noon, everyone in the entire complex will take a break for lunch, sponsored by Atmos Energy. This will be a great day as we all work together to bring this great old facility back into shape and make it something this state can be proud of.
8. In good news from around the IHL System, the prestigious Milken Institute recently ranked The University of Southern Mississippi #86 in the world for Biotech Patents, the only Mississippi university to make the top 100—ahead of Northwestern, LSU, Tufts and Case Western.
9. A University of Mississippi pharmacology professor—Rae Matsumoto—has been awarded a prestigious National Institutes of Health grant to establish an \$11 million natural products neuroscience research center.
10. Also at Ole Miss, the Center of Research Excellence in Natural Products Neuroscience is a newly funded research and training program funded by the National Institute of Health as one of its Centers of Biomedical Research Excellence. The five-year grant, the first of its kind ever made to the Oxford campus, will allow investigators to conduct state-of-the-art research.
11. In other news, Mississippi State will develop an alternative energy system for residential, agricultural and small commercial buildings using a \$1 million Department of Energy grant which was announced in September, 2006. The research will be directed by MSU’s Micro Cooling, Heating and Power, and Bio-Fuel Center.
12. Finally, *The Washington Monthly College Rankings* ranked Jackson State University #46 in a list of 245 institutions of higher learning across the country based on community service, research and a commitment to educating lower-income students.
13. The Board’s hard work in the search for a President at Alcorn State University and The University of Southern Mississippi continues. Alcorn State’s Board Search Committee chaired by Dr. Magee met on October 2nd with Alcorn’s various constituency groups to hear what they want in their next president. This information is used to build a profile and job description, which is in its final stages. The Search Advisory Committee will be appointed shortly. The Board Search Committee for The University of Southern Mississippi chaired by Ms. Robinson will meet on Thursday, November 9th, for its all-day listening session. I want to introduce Ms. Annie Mitchell, the IHL Director of Media Relations, Communications and Marketing Department. Ms. Mitchell will give you a brief tour of the Board Search Committees’ website.

Ms. Mitchell noted that Mr. Henry Anderson, IHL Website Administrator, created and maintains IHL’s website. She then introduced a new staff member, Ms. Jennifer Rodgers, IHL Communications Marketing Associate. Ms. Rodgers is the editor of the e-news letter, entitled *System Review*. The newsletter was designed by Mr. Anderson. Ms. Robinson thanked Ms. Mitchell and her staff for disseminating information on the transparent search process through the IHL website. Ms. Newton also commended Ms. Mitchell and her staff for their excellent work.

14. We have received the Phase I report regarding the Education Research Center grounds from Dr. Vance Watson, Vice President for Agriculture, Forestry and Veterinary Medicine and Dean, College of

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- Agriculture and Life Sciences at MSU. In the report, the faculty, staff and students in the MSU Division of Agriculture, Forestry and Veterinary Medicine have outlined several recommendations for improving our campus. They have given us some excellent ideas for improving. We will start work on this soon.
15. Next month will be a one-day business meeting on November 15th in the IHL Board Room. The next morning the Board will travel as a group to the Gulf Coast for a tour and also to see Gulf Park and the Garden Park hospital where classes are being held. A visit will also be made to the Biloxi Sun Herald for a presentation on the progress made on the Coast since Katrina. Mr. Robert Bass, IHL Project Director— Gulf Coast operations, is coordinating this trip.

**EXECUTIVE SESSION
Wednesday, October 18, 2006**

On motion by Dr. Magee, with Mr. Colbert and Mr. Owens absent and not voting, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Ms. Whitten, seconded by Ms. Robinson, with Mr. Colbert 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 two personnel matters at The University of Southern Mississippi.
Discussion of a personnel matter at Mississippi University for Women.

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

On motion by Dr. Magee, seconded by Dr. Davidson, with Mr. Colbert absent and not voting, the Board expressed the following:

1. its full support for President Claudia Limbert at Mississippi University for Women;
2. that an affiliation agreement is required between the IHL institutions and any group desiring to affiliate with these institutions; and
3. that the affiliation agreement proposed by the Mississippi University for Women to the institution's alumni board has the full support of the Board of Trustees.

Due to time constraints, discussion of the two personnel items at The University of Southern Mississippi was postponed until the following morning.

OTHER BUSINESS

On motion by Dr. Neely, seconded by Ms. Robinson, with Mr. Colbert absent and not voting, the Board approved the request to name the new student cafeteria at Alcorn State University in honor of its beloved President, the late Dr. Clinton Bristow, Jr. The new student cafeteria is currently under construction and is expected to be completed in late 2007.

THE BOARD RECESSED AT 5:00 P.M. ON WEDNESDAY, OCTOBER 18, 2006.

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THE BOARD RECONVENED AT 8:30 A.M. ON THURSDAY, OCTOBER 19, 2006. There were present the following members to wit: Mr. H. Ed Blakeslee, Mr. Thomas W. Colbert, Dr. Stacy Davidson, Mr. Roy Estess, Dr. D. E. Magee, Jr., Dr. Bettye Henderson Neely, Ms. Virginia Shanteau Newton, Mr. Aubrey B. Patterson, Ms. Robin J. Robinson, Mr. Scott Ross and Ms. Amy Whitten. Mr. Bob Owens was absent.

**EXECUTIVE SESSION
Thursday, October 19, 2006**

On motion by Dr. Magee, with Mr. Owens absent and not voting, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Ms. Newton, seconded by Ms. Robinson, with Mr. Owens 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 two personnel matters at The University of Southern Mississippi.

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

On motion by Ms. Whitten, seconded by Ms. Robinson, with Mr. Owens absent and not voting, the Board voted to deny Dr. Thelma Roberson's request for the Board to review The University of Southern Mississippi's denial of tenure to Dr. Roberson.

On motion by Mr. Blakeslee, seconded by Mr. Estess, with Mr. Owens absent and not voting, the Board voted to have Commissioner Meredith send a letter of reprimand to Dr. Shelby Thames, President of The University of Southern Mississippi, for specific university personnel's failure to obtain the permission of the Mississippi Department of Archives and History prior to demolishing Weathersby Hall and the ROTC building on the Hattiesburg campus. The Board also approved the development of a policy instructing the universities that the Mississippi Department of Archives and History must give approval prior to the demolition of any university buildings.

PRESENTATIONS

1. Ms. Marsha Kelly, Executive Director of the Mississippi Commission for Volunteer Service (MCVS), was scheduled to give a presentation about MCVS. This item was postponed.
2. Dr. Dan Jones, Vice Chancellor for Health Affairs and Dean, School of Medicine, The University of Mississippi Medical Center, gave a brief overview of the university's strengths and weaknesses.

ANNOUNCEMENTS

1. Dr. Magee thanked Dr. Jones for hosting this month's dinner and Board meeting.
2. Dr. Robert Khayat, Chancellor of The University of Mississippi, thanked Dr. Jones for his leadership of UMMC.

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3. The Board attended the dedication of the University of Mississippi Medical Center's new University Hospital, the fourth and final hospital in UMMC's replacement of the original teaching hospital that opened in 1955.

ADJOURNMENT

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



President, Board of Trustees of State Institutions of Higher Learning



Commissioner, Board of Trustees of State Institutions of Higher Learning

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EXHIBITS

Exhibit 1

Real Estate & Facilities items that were approved by the IHL Board staff subsequent to the September 20, 2006 Board meeting.

EXHIBIT 1

October 18 - 19, 2006

Real Estate & Facilities items that were approved by the IHL Board staff subsequent to the September 20, 2006 Board meeting in accordance with Board Policy 901.03 Facilities Staff Responsibilities.

JACKSON STATE UNIVERSITY

The Board Staff approved Change Order 1 with an increase of 150 days to the contract time and no change to the contract amount for GS 103-223, ADA Compliance (Elevators), and requested approval by the Bureau of Building, Grounds and Real Property Management.

The Board Staff approved Change Order 1 in the amount of \$7,973.44 with an additional 21 days to the contract of Wilkinson Construction for GS 103-228, New Laundry Facilities, and requested approval by the Bureau of Building. Funds are available in the project budget.

MISSISSIPPI STATE UNIVERSITY

The Board Staff approved Change Orders 5 through 13 in the amount of \$152,485 with no additional time to the contract of JESCO, Inc. for IHL 205-204, Cullis Wade Center. The project budget will be increased to \$8,836,551. Funds are available from institutional monies.

The Board Staff approved Change Order 3 for GS 105-304, North MS R/E Center Expansion, which adds no dollars and 84 additional days to the contract of Sanderson Construction Company and requested approval by the Bureau of Building.

The Board Staff approved Change Order 1 in the amount of \$15,964 with no additional time to the contract of Frazier and Williams Construction, Inc., for IHL 205-163, New Music Facility. Funds are available in the project budget from university funds.

The Board Staff approved Change Order 4 in the amount of \$220,830 with 59 additional days to the contract time of Sneed Construction Company for GS 105-278, Lee Hall Renovation, Phase II and requested approval by the Bureau of Building. Funds are available in the project budget from SB 3254, Laws of 1998; HB 1675, Laws of 1999; SB 3158, Laws of 2001; SB 3197, Laws of 2002 and university funds for a total budget of \$4,391,088.44.

The Board Staff approved Change Order 2 in the amount of \$5,172.50 with an additional 21 calendar days to the contract of Triangle Maintenance Service, LLC, for GS 105-303, 2003 ADA Program, and requested approval by the Bureau of Building. The contract sum will be increased to \$365,374.10. Funds are available in the project budget from SB 3197, Laws of 2002.

The Board Staff approved Change Orders 2 and 3 in the amount of \$34,650 with an additional 8 calendar days to the contract of West Brothers Construction, Inc. for GS 105-309, Colvard Student Union. Change Order 2 adds the removal and abatement of asbestos containing materials on the first, second and third floors. Change Order 3 includes the demolition and removal of approximately 100 cubic feet of existing concrete foundation and existing storm drainage structures found under the new addition. The contract sum will be increased to \$18,562,602. The project budget is \$22,600,000 with funds to be provided from SB 3197, Laws of 2002, in the amount of \$14,600,000; SB 2010, Laws of 2004, in the amount of \$2,000,000 and Educational Building Corporation Bond proceeds in the amount of \$6,000,000.

UNIVERSITY OF MISSISSIPPI

The Board Staff approved Change Order 1 in the amount of \$51,794.46 with an additional 24 days to the contract time for GS 107-266, Farley Hall Renovation, and requested approval by the Bureau of Building. Funds are available from SB 3197, Laws of 1999.

The Board Staff approved Change Order 1 in the deductive amount of \$7,912 for GS 107-268, Bryant Hall, Phase II and requested approval by the Bureau of Building. Funds are available in the project budget.

The Board Staff approved the design development documents for IHL 207-262, Rowan Oak Renovation, as presented by Landscape Studio. Funds are available from a HUD grant in the amount of \$498,000.

UNIVERSITY OF MISSISSIPPI MEDICAL CENTER

The Board Staff approved the design development documents prepared by Dean & Dean Associates, Architects for IHL 209-497, Pavilion MRI Additions. Funds are available from university sources in the amount of \$1,179,105.

The Board Staff approved the schematic documents prepared by Simmons Associates for GS 109-186, New Teaching Facility, and requested approval by the Bureau of Building. Funds are available in the project budget in the amount of \$4,000,000 from SB 2988, Laws of 2003.

The Board Staff approved Change Order 2 in the amount of \$1,566 with an increase in contract time of 61 calendar days for GS 109-187, Acute Services Re-Roofing 2004, and requested approval by the Bureau of Building. Funds are available from HB 1675, Laws of 1999.