

**MINUTES OF THE BOARD OF TRUSTEES OF
STATE INSTITUTIONS OF HIGHER LEARNING
January 17, 2007**

BE IT REMEMBERED, That the Board of Trustees of State Institutions of Higher Learning of the State of Mississippi met in a regular session at the Board Office in Jackson, Mississippi, at 8:30 a.m., and pursuant to notice in writing mailed by certified letter with return receipt requested on August 21, 2006, to each and every member of said Board, said date being at least five days prior to this January 17, 2007 meeting. At the above-named place there were present the following members to wit: Mr. H. Ed Blakeslee, Mr. Thomas W. Colbert, Dr. Stacy Davidson, Mr. Roy Estess, Dr. D. E. Magee, Jr., Dr. Bettye Henderson Neely, Ms. Virginia Shanteau Newton, Mr. Bob Owens, Mr. Aubrey B. Patterson, Ms. Robin J. Robinson, Mr. Scott Ross and Ms. Amy Whitten. The meeting was called to order by Dr. D. E. Magee, President, and opened with prayer by Ms. Robinson.

APPROVAL OF THE MINUTES

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

RESOLVED, That the Minutes of the Board meeting held on November 15, 2006, stand approved.

CONSENT AGENDA

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

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

EDUCATIONAL POLICIES AND PROGRAMS

1. **UMMC** - Approved the request to award three Doctor of Philosophy degrees on Friday, February 16, 2007.

BUDGET FINANCE AND AUDIT

1. **UMMC** - Approved the request to enter into a contract with 3M Health Information systems. This agreement is for 3M DRG Assurance Program. The implementation is for an integrated model with follow-up, monitoring education and ongoing program management. The contract is necessary to improve margins and prepare for the new Medicaid APR-DRG. Contract dates are January 1, 2007 – December 31, 2007. The 12-month contract is not to exceed \$687,500. A copy of the contract is included in the *January 17, 2007 Board Working File*.
2. **UMMC** - Approved the request to enter into a contract with Revenue Cycle, Inc. This agreement provides on-site technical management consulting for Radiation/Oncology and will encompass areas related to clinical operations, and the implementation of policies, procedures and processes. Dates of the contract are January 1, 2007 – December 31, 2007. The contract is not to exceed \$272,000. A copy of the contract is included in the *January 17, 2007 Board Working File*.
3. **UMMC** - Approved the request to enter into a contract with Olympus America Inc. Medical Systems Group (“Olympus”) for an Endo-Therapy Advantage Loan Agreement in the Adult GI Lab to provide certain Olympus capital equipment in exchange for the customer’s agreement to purchase from Olympus

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during the term of the contract those accessories at the prices and in the quantities specified as the minimum commitments for the term of the agreement. Contract dates are January 1, 2007 – December 31, 2009. The total contract is not to exceed \$799,092. A copy of the contract is included in the *January 17, 2007 Board Working File*.

4. **UMMC** - Approved the request to enter into a contract with Olympus America Inc.-Medical Systems Group (“Olympus”) for the provision of a house-wide service agreement on flexible scopes, video laparoscope and camera heads. During the term of this agreement Olympus will directly, or through an affiliated Olympus company, perform the following services for the equipment: preventative maintenance, repairs & non-preventative maintenance, and will provide loaner units while the corresponding equipment is being repaired. Dates of the contract are January 1, 2007 – December 31, 2009. The total contract is not to exceed \$439,093. A copy of the contract is included in the *January 17, 2007 Board Working File*.

PERSONNEL REPORT

EMPLOYMENT

Mississippi State University - Athletics
Pollard, Bentley C.

Mississippi State University
Khoo, Lester H.
Woods, Earl G.

Mississippi Valley State University
Wang, Lidong

University of Mississippi
Adams, Priscilla G.
Lott, Johnny W.

University of Mississippi Medical Center
Graeber, Lonnie C.
Harmon, Edwin P.

CHANGE OF STATUS

Mississippi State University
Abraham, Jimmy W.
Burgess, Shane C.
Jack, Sherman W.
Olinzock, Anthony A.

Scanes, Colin
Schulz, Kirk H.

Mississippi University for Women
Jenkins, Hal

University of Mississippi Medical Center
Askew, Rebecca W.

TERMINATION

Mississippi State University - Athletics
Nowell, Jr., James H.

Mississippi State University
Armstrong, Charles R.
Capella, Louis M.
Prescott, Dennis A.

Mississippi Valley State University - Athletics
Moore, Arthur
Washington, Sam

NECROLOGY

University of Mississippi Medical Center
Wiser, Winfred L.

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EDUCATIONAL POLICIES & PROGRAMS AGENDA

Presented by Dr. Bettye Neely, Chair

On motion by Dr. Neely, seconded by Dr. Davidson, with Mr. Ross 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 PULLED FROM THE AGENDA AS SHOWN BELOW.**

1. **System Administration** - Approved for first reading an amendment to the *Board Policies and Bylaws*, section 601.02 Freshman Admission Requirements for University System Institutions. (See **Exhibit 1.**)
2. **System Administration** - Request approval of new degree programs.
 - a. **MSU** requests permission to establish the *Bachelor of Science in Building Construction Science* degree program (CIP 52.2001) within the College of Architecture, Art, and Design.
 - b. **UM** requests permission to establish the *Master of Criminal Justice* degree program (CIP 43.0103) within the Department of Legal Studies in the School of Applied Sciences.
 - c. **UM** requests permission to establish the *Master of Social Work* degree program (CIP 44.0701) within the Department of Social Work in the School of Applied Sciences.

A motion was made by Dr. Neely, seconded by Dr. Davidson, to approve agenda item #2a. Dr. Neely withdrew her motion. AGENDA ITEM #2 WAS PULLED FROM THE AGENDA FOR FURTHER REVIEW.

3. **System Administration (Information item.)** - The following new academic units have been established.
 - a. **MSU** has established the *Franklin Furniture Institute*. This limited scope research center will focus on university research and intellectual strengths in order to provide technical assistance, applied research, and business expertise to the Mississippi and the national furniture industry. Specifically, the Institute will serve as a conduit through which university resources can be used to assist furniture manufacturers and assemblers component suppliers, and retail outlets in their efforts to compete more effectively in the national and international marketplace. The Institute will be funded through external resources.
 - b. **MUW** has established the *Women's Center for Entrepreneurship*. This limited scope and outreach center will serve as an economic development resource center to support entrepreneurship, especially for women, in northeast Mississippi. Although there will be opportunities for faculty and students to be involved in the programming for the Center, the Center will not offer courses for academic credit. The Center is initially funded by a congressional earmark grant of \$987,228 from the United States Small Business Administration over two years. The Center staff will pursue external funding to operate the Center beyond the initial grant period.

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BUDGET, FINANCE & AUDIT AGENDA

Presented by Mr. Aubrey Patterson, Chair

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

RESOLVED, That the Board hereby approved agenda items #1 and #2 as submitted on the following Budget, Finance & Audit Agenda. Agenda item #3 was approved on a separate motion by Mr. Patterson, seconded by Ms. Robinson, with Ms. Whitten absent and not voting. Agenda items #4 and #5 were approved on a separate motion by Mr. Patterson, seconded by Ms. Robinson, with Ms. Whitten absent and not voting. Agenda item #8 was approved on a separate motion by Mr. Patterson, seconded by Ms. Robinson, with Ms. Whitten absent and not voting.

1. **ASU** - Approved a budget escalation in the Education and General On-Campus Budget in the following categories:
 - a. Contractual Services for \$100,000 for settlement with the U.S. Department of Education resulting from the Title IV Final Audit Determination, \$62,000 for repairs and maintenance of the swimming pool and tennis courts and \$30,000 for replacement of a boiler in the athletic facility.
 - b. Transfers in the amount of \$342,857 as cash match to the National Park Service grant awarded for renovation of two historical buildings on the ASU main campus at Lorman, MS.

Source of funding will be from E & G fund balance.

On Campus Budget Object of Expenditure	Current Budget FY 2006-2007	Increase/ Decrease	Revised Budget FY 2006-2007
Personal Services			
Salaries	\$ 14,056,660	\$ 0	\$ 14,056,660
Wages	1,489,662	0	1,489,662
Fringe Benefits	4,322,290	0	4,322,290
Travel & Subsistence	1,011,736	0	1,011,736
Contractual Services	10,217,099	192,000	10,409,099
Commodities	1,697,016	0	1,697,016
Capital Outlay			
Non-Equipment	560,177	0	560,177
Equipment	200,740	0	200,740
Transfers	155,979	342,857	498,836
TOTAL	\$ 33,711,359	\$ 534,857	\$ 34,246,216

2. **ASU** - Approved a budget escalation in the Auxiliary Budget in the amount of \$605,000 in the category of Contractual Services. This amount is to be used to replace 4 dormitory elevators, to rework the elevator shafts, and to replace a boiler and pipes in the campus laundry. Source of funding will be from the Auxiliary fund balance.

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Auxiliary Budget Object of Expenditure	Current Budget FY 2006-2007	Increase/ Decrease	Revised Budget FY 2006-2007
Personal Services			
Salaries	\$ 1,063,823	\$ 0	\$ 1,063,823
Wages	1,447,512	0	1,447,512
Fringe Benefits	707,771	0	707,771
Travel & Subsistence	103,874	0	103,874
Contractual Services	3,030,949	605,000	3,635,949
Commodities	769,125	0	769,125
Capital Outlay			
Non-Equipment	182,913	0	182,913
Equipment	44,198	0	44,198
Transfers	158,635	0	158,635
TOTAL	\$ 7,508,800	\$ 605,000	\$ 8,113,800

3. **UM** - Approved the request to enter a five-year merchandising contract with Sports Avenue to provide merchandising and concessionaire services to the Department of Intercollegiate Athletics. Sports Avenue will invest a minimum of \$150,000 in university facilities. Revenue is based on a percentage of annual gross sales with an annual guaranteed minimum of \$150,000. This contract is from Board approval through June 30, 2012. A copy of the contract is included in the *January 17, 2007 Board Working File*.
4. **UMMC** - Approved the request to enter into a contract with The Ramey Agency, LLC for marketing services. The contract dates are January 18, 2007 - June 30, 2009. The contract is not to exceed \$5 million for the period of the contract dates. A copy of the contract is included in the *January 17, 2007 Board Working File*.
5. **UMMC** - Approved the request to enter into a contract with Hospital Housekeeping Systems, Ltd. (HHS) for housekeeping services for the hospital system. The contract will not exceed \$4,810,851 annually or \$18 million for the term of the contract. The contract dates are from February 1, 2007 to January 31, 2010. A copy of the contract is included in the *January 17, 2007 Board Working File*.
6. **System Administration (Information item.)** - The Board received the Audit Plan for Calendar Year 2006 - Progress as of December 31, 2006. A copy of the report is included in the bound *January 17, 2007 Board Working File*.
7. **System Administration (Information item.)** - The Board received a list of the audit reports issued for October 1, 2006 - December 31, 2006. A copy of the list is included in the bound *January 17, 2007 Board Working File*.
8. **System Administration** - Approved the Audit Plan for Calendar Year 2007. A copy of the plan is included in the bound *January 17, 2007 Board Working File*.

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9. **Other Business**

- a. Dr. Linda McFall, IHL Assistant Commissioner for Finance and Administration, gave a PowerPoint presentation on House Bill 241 which is the IHL appropriation bill for the 2007 Legislative Session. A copy of the presentation and bill are included in the bound *January 17, 2007 Board Working File*.
- b. Dr. Meredith noted that the Board's capital requests list was approved by the Mississippi Legislature as it was submitted.

PRESENTATION BY MS. LANDER MEDLIN

Mr. Frank Alley, IHL Assistant Commissioner for Construction and Physical Affairs, introduced Ms. Lander Medlin, Executive Vice President of the Association of Physical Plant Administrators (APPA), and her colleague Mr. Jack Hug, President of the Hug Consulting Services in Colorado Springs, Colorado and a past APPA President. Ms. Medlin and Mr. Hug gave a presentation on the APPA Facilities Management Evaluation Program. The IHL staff and the Institutional Executive Officers will review the APPA program and present a recommendation to the Board at its February meeting. A copy of APPA's brochure is included in the *January 17, 2007 Board Working File*.

REAL ESTATE & FACILITIES AGENDA

Presented by Mr. Ed Blakeslee, Chair

On motion by Mr. Blakeslee, seconded by Ms. Robinson, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approved agenda items #2 and #10, as submitted on the following Real Estate & Facilities Agenda, and **PULLED AGENDA ITEMS #3 - #9 AND #11** until a recommendation for a design professional is submitted to the Board. Agenda item #12 was approved on a separate motion by Mr. Blakeslee, seconded by Ms. Robinson, with Ms. Whitten absent and not voting. Agenda item #13 was approved on a separate motion by Mr. Blakeslee, seconded by Dr. Neely, with Ms. Whitten absent and not voting. Agenda item #14 was approved on a separate motion by Mr. Blakeslee, seconded by Ms. Robinson, with Ms. Whitten absent and not voting. **AGENDA ITEM #15 WAS APPROVED AS SHOWN BELOW.**

1. **Other Business -**

- a. Mr. Blakeslee requested a report and recommendation be presented to the Board in the next few months. The report should indicate whether or not the Board should set minimum efficiency standards on new construction relative to energy.
- b. Mr. Blakeslee noted that privatization legislation has been submitted to the Mississippi Legislature. At the appropriate time, this legislation will be brought to the Board for discussion along with a tutorial on the benefits to the university system.
- c. Mr. Blakeslee reported that he, Mr. Bob Owens, Mr. Scott Ross, Dr. Linda McFall, Dr. Phil Pepper, Mr. Robert Bass and Mr. Frank Alley met with a contingent from the University System of Georgia on November 29, 2006. The following issues were discussed: Capital improvement requests, repair and renovation funding, building inventory and asset management, public/private ventures and charge to universities for public/private ventures. Mr. Alley created and

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distributed to the Board a report that included several recommendations about these issues. Mr. Blakeslee requested that within the next three months the recommendations be submitted to the Board with projected completion dates.

- d. Mr. Blakeslee thanked Mr. Alley and Mr. Van Gillespie, Special Assistant Attorney General, for the hard work they have done over the past several months on the *Board Policies and Bylaws*, Section 900 Facilities.
2. **DSU - Approved the request to initiate GS 102-216, Kethley Roof Project**, to replace the shingle roof and add alternate window painting, re-glazing and sealant work at stone banding and to hire Burris/Wagnon, Architects, P.A. of Jackson, Mississippi, as the project professionals. Funding is available from the Bureau of Building, Grounds and Real Property Management in the amount of \$217,565.
3. **MSU - Initiation of IHL 205-233, Resurface B.S. Hood Boulevard and Stone Street**, and appointment of the design professionals to resurface B.S. Hood Boulevard and Stone Street including an expansion of Stone Street to three lanes and paving gravel parking on the east side. Funding is available through the university in the amount of \$457,000. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
4. **MSU - Initiation of GS 105-320, Lee and Barr Pavement Resurface**, appointment of the project professionals, and request approval by the Bureau of Building. Funding is available from HB 1634, Laws of 2006, in the amount of \$226,000. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
5. **MSU - Initiation of GS 105-321, Lee Hall HVAC Upgrades**, appointment of the project professionals, and request approval by the Bureau of Building. Funding is available from HB 1634, Laws of 2006, in the amount of \$300,000. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
6. **MSU - Initiation of GS 105-321, Sidewalk Improvements**, throughout the campus, appointment of the project professionals, and request approval by the Bureau of Building. Funding is available from HB 1634, Laws of 2006, in the amount of \$196,341. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
7. **MSU - Initiation of GS 105-322, 2007 Roof Replacement**, appointment of the project professionals, and request approval by the Bureau of Building. The project will replace existing roofs on Patterson and Hand Labs, Giles Hall, 1972 the addition to the Mitchell Memorial Library and Roberts Building. Funding is available from HB 1634, Laws of 2006, in the amount of \$1,350,000. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
8. **MSU - Initiation of GS 105-324, McComas Hall Lobby Finishes**, appointment of the project professionals, and request approval by the Bureau of Building. The project will replace the finishes in the lobby of McComas Hall. Funding is available from HB 1634, Laws of 2006, in the amount of \$350,000. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
9. **UM - Initiation of IHL 207-293, Honors College Renovation**, and appointment of the design professionals. Funding is available from self-generated funds in the amount of \$300,000. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**

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10. **UM** - Approved the initiation of **IHL 207-294, Residential Colleges**, and the request to begin the process of selecting a design professional. Funding is available from self-generated funds in the amount of \$20,000,000.
11. **UM** - Initiation of **IHL 207-295, Comprehensive Master Plan**, and appointment of the design professionals. Funding is available from self-generated funds in the amount of \$300,000. **(THIS ITEM WAS PULLED FROM THE AGENDA.)**
12. **MSU** - Approved the Contract Documents prepared by Shafer & Associates, authorized advertising for the receipt of bids, and request approval by the Bureau of Building for **GS 113-114, Pace Warehouse Storm Repairs**. Funding is available from HB 1634, Laws of 2006, in the amount of \$750,000.
13. **USM** - Approved the request to retire Series 1988, Dormitory Revenue Bonds. The principle due on these bonds on April 1, 2007, is \$1,220,000; interest-\$18,300; and call feature-\$12,200. The resolution will be forwarded by bond counsel for the university.
14. **USM** – Approved the request to purchase property at 109 North 34th Avenue in Hattiesburg, MS. The purchase price of \$680,000 is the average of two appraisals. The property appraisals and Environmental Impact statement is 32on file with the IHL Construction and Physical Affairs department. University funds will be used for the purchase.
15. **System Administration** - Request approval for the proposed amendments to the *Board Policies and Bylaws*, section 900 Facilities – for first reading. The proposed amendments renumber and reorganize the entire section. Existing policies have either been moved or re-worded for incorporation. Board actions taken on each policy are recorded below. See **Exhibit 2** for Policy Section 900 which includes the proposed amendments and the Board’s proposed changes to those amendments as requested during the meeting. A color copy of Exhibit 2 is included in the *January 17, 2007 Board Working File*.

A motion was made by Mr. Blakeslee, seconded by Mr. Patterson, to approve for first reading the proposed policy sections 901 Board Charge and 902 Initiation of Construction Projects as submitted.

An amended motion was made by Mr. Ross, seconded by Mr. Owens, to approve for first reading the proposed policy sections 901 Board Charge as submitted and 902 Initiation of Construction Projects as amended. (See Exhibit 2.) The motion passed on an 8 to 4 vote. Board members voting for the motion were: Dr. Stacy Davidson, Mr. Roy Estess, Dr. D. E. Magee, Dr. Bettye Neely, Mr. Bob Owens, Ms. Robin Robinson, Mr. Scott Ross and Ms. Amy Whitten. **Board members voting against the motion were: Mr. Ed Blakeslee, Mr. Thomas Colbert, Ms. Virginia Shanteau Newton and Mr. Aubrey Patterson.**

On motion by Mr. Blakeslee, seconded by Ms. Robinson, and unanimously passed by those present, the Board approved for first reading the proposed policy section 903 Planning and Funding Requests as submitted.

On motion by Mr. Blakeslee, seconded by Mr. Owens, and unanimously passed by those present, the Board approved for first reading the proposed policy section 904 Board Approval as amended. **(See Exhibit 2.)**

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On motion by Mr. Ross, seconded by Mr. Patterson, and unanimously passed by those present, the Board approved the amendment to the proposed policy section 905 Real Estate Management and amending policy section 707.01 Land, Property, and Service Contracts to make it consistent with section 905. Section 707.01 will be presented for first reading to the Board at its February meeting.

On motion by Ms. Robinson, seconded by Dr. Neely, and unanimously passed by those present, the Board approved for first reading the proposed policy section 905 Real Estate Management as amended above. **(See Exhibit 2.)**

On motion by Mr. Blakeslee, seconded by Ms. Robinson, and unanimously passed by those present, the Board approved for first reading the proposed policy section 906 Educational Building Corporations as submitted.

On motion by Mr. Blakeslee, seconded by Ms. Robinson, and unanimously passed by those present, the Board approved for first reading the proposed policy section 907 Private Financing of Auxiliary Facilities as submitted.

On motion by Mr. Patterson, seconded by Mr. Owens, and unanimously passed by those present, the Board approved for first reading the proposed policy sections 908 Maintenance Plans as submitted and 909 Design Professional Selection as amended. **(See Exhibit 2.)**

On motion by Ms. Whitten, seconded by Mr. Owens, and unanimously passed by those present, the Board approved amending the proposed policy section 910 Debarment.

On motion by Ms. Robinson, seconded by Dr. Neely, and unanimously passed by those present, the Board approved for first reading the proposed policy section 910 Debarment as amended above. **(See Exhibit 2.)**

NOTE: The proposed policy section 911 Building Aesthetics was incorporated into proposed policy section 904 Board Approval as recorded above.

On motion by Mr. Blakeslee, seconded by Ms. Robinson, and unanimously passed by those present, the Board approved for first reading the following proposed policy sections as submitted:

- ▶ 912 Construction Procedures Manual;
- ▶ 913 Use of Real Property and Facilities;
- ▶ 914 Health Care;
- ▶ 915 Homes of the Institutional Executive Officers;
- ▶ 916 Energy Performance Contracts;
- ▶ 917 Co-Ed Dormitories;
- ▶ 918 Naming Buildings and Facilities;
- ▶ 919 Building Plaque; and
- ▶ 920 Prerequisites for Building Modification or Demolition.

NOTE: Due to the incorporation of the proposed policy section 911 Building Aesthetics into section 904 Board Approval, the proposed policy sections 912 through 920 will be renumbered accordingly.

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16. **System Administration (Information item.)** - The Board received the Real Estate & Facilities items that were approved by the Board staff subsequent to the November 15, 2006 Board meeting in accordance with Board Policy 901.03 Facilities Staff Responsibilities. **(See Exhibit 3.)**

THE BOARD RECESSED FOR LUNCH AT 12:48 P.M. AND RECONVENED THE MEETING AT 1:49 P.M.

LEGAL AGENDA

Presented by Mr. Bob Owens, Chair

On motion by Mr. Owens, seconded by Ms. Whitten, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approved agenda items #1 and #2 as submitted on the following Legal Agenda. **AGENDA ITEM #3 WAS REFERRED TO THE LEGAL COMMITTEE AS SHOWN BELOW.** Agenda item #4 was approved on a separate motion by Mr. Owens, seconded by Ms. Robinson, and unanimously passed by those present. On motion by Mr. Owens, seconded by Ms. Newton, and unanimously passed by those present, the Board approved moving agenda item #5 to the list of items to be taken up in executive session. **AGENDA ITEM #5 WAS TAKEN UP IN EXECUTIVE SESSION LATER IN THE MEETING.**

1. **MSU** - Approved the request to renew a contract with the firm of Butler Snow O'Mara Stevens & Cannada located at AmSouth Plaza, 17th Floor, 210 East Capitol Street, Jackson, MS 39201, to provide services necessary in obtaining patents for designs, processes, products, and other patentable materials developed in connection with the university. The term of the contractual agreement will be for one (1) year, at blended hourly rates of \$225.00 for intellectual property services, \$215.00 for commercial services, and \$85.00 for legal assistants. The contract has been reviewed and approved by the Attorney General's Office.
2. **UM** - Approved the request to amend Article 4, Section 4.01 of the University of Mississippi Educational Building Corporation (EBC) Bylaws to provide that the Controller shall, by virtue of his or her office, be a member of the EBC in place of the Assistant Vice Chancellor for Finance effective upon Board approval. Recently, the position of Assistant Vice Chancellor for Finance was eliminated, but many of that position's former duties will be performed by the university Controller.
3. **MSU** - Request approval of an operational agreement with The Bulldog Foundation, Inc., a Mississippi non-profit corporation, recognized as tax exempt under Section 501(c)(3) of the Internal Revenue Code. The purpose of this foundation is to support athletics at MSU by providing sports programming, publications and corporate marketing. This agreement is required by Board Policy 301.0806 University Foundation/Affiliated Entity Activities and has been reviewed and approved by the Attorney General's Office. A copy of the agreement is included in the bound *January 17, 2007 Board Working File*. **(THIS ITEM WAS REFERRED TO THE LEGAL COMMITTEE FOR FURTHER REVIEW.)**

A motion was made by Mr. Owens, seconded by Ms. Whitten, to approve agenda item #3 as submitted. Mr. Owens withdrew the motion.

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On motion by Mr. Colbert, seconded by Mr. Patterson, and unanimously passed by those present, the Board referred agenda item #3 for further review by the Legal Committee and the IHL staff with a recommendation to be submitted to the Board at its February meeting.

4. **UM** - Approved the request to convey approximately 391 acres of real property in Hancock County to the Nature Conservancy. Two appraisals of the property were obtained. One appraisal indicated a value of approximately \$379 per acre and the other a value of approximately \$450 per acre. The sale price will be the average of the two appraisals or approximately \$414 per acre. A detailed description of the property is included in the bound *January 17, 2007 Board Working File*.

5. **UMMC** - Settlement of Tort Claim No. 965. **(THIS ITEM WAS TAKEN UP IN EXECUTIVE SESSION.)**

6. **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 Scott, Sullivan, Streetman & Fox (Statement dated 10/18/06) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *Teer* case.)

TOTAL DUE \$6,675.29

Payment of legal fees for professional services rendered by Watkins Ludlam Winter & Stennis (Statement dated 10/25/06) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with a financial swap.)

TOTAL DUE \$1,725.40

Payment of legal fees for professional services rendered by Butler, Snow, O'Mara, Stevens & Cannada (Statements dated 10/30/06, 10/31/06 and 10/31/06) from the funds of the University of Mississippi Medical Center. (These statements represent services and expenses in connection with General Advice - \$945.00, General Advice - \$10,570.00 and General Representation of the Medical School and Facility Practice Plan - \$5,418.00, respectively.)

TOTAL DUE \$16,933.00

Payment of legal fees for professional services rendered by Phelps Dunbar (Statement dated 10/31/06) from the funds of the University of Mississippi Medical Center. (This statement represents services and expenses in connection with the *DSH* Litigation.)

TOTAL DUE \$2,009.72

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Gastroparesis” - \$165.00, “Cell Culture Model for Demyelination/Remyelination” - \$328.00 and “Method for the Treatment and Prevention of Brain Damage” - \$76.50.)

TOTAL DUE \$569.50

Payment of legal fees for professional services rendered by Piper Rudnick (Statements dated 9/15/06, 9/15/06, 9/15/06, 9/26/06, 9/26/06, 9/28/06, 9/27/06, 9/27/06, 9/30/06, 10/18/06, 10/18/06, 10/20/06, 10/20/06, 10/24/06, 10/24/06, 10/24/06, 10/24/06, 10/27/06, 10/27/06, 10/30/06 and 10/31/06) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following patent applications: “MOS Charge Pump” - \$320.08, “Termite Control Methods and Apparatus” - \$2,811.10, “Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$822.51, “Remote Sensing Imagery Accuracy Analysis Method and Apparatus” - \$152.10, “Substituted Phenylheterocyclic Herbicides” - \$173.90, “Self-Aligned Transistor and Diode Topologies” - \$290.15, “Preparation of Live Attenuated Bacterial Vaccines” - \$405.00, “A Novel Method for Estimating Correction Coefficients of LIDAR Flight Lines” - \$420.60, “Linear Correspondence Assessment Tool Kit (LCAT)” - \$1,261.45, “Production of Biodiesel and Other Valuable Chemicals from Wastewater Treatment Plant Sludges” - \$717.22, “Methods for Detecting and Managing Nematode Populations” - \$612.25, “Hybrid Change Analysis Toolkit (HCAT)” - \$330.90, “Mapping Architecture for Providing Spatial-Information Technology Enhancement Resources” - \$347.85, “Use of Novel Virulence Genes as Targets for Diagnosis and Potential Control of Virulent Strains” - \$1,346.65, “Preparation of Live Attenuated Bacterial Vaccines” - \$600.00, “Linear Correspondence Assessment Tool Kit (LCAT)” - \$578.20, “Infections in Humans and Vertebrates by Dietary Fibers” - \$6,811.25, “Determination and Potential Control of Pathogenic Bacteria or Bacterial Strains” - \$425.00, “Fiber Ringdown Pressure/Force Sensor” - \$3,666.60, “Fiber Optic Laser-Induced Breakdown Spectroscopy Sensor” - \$551.50 and “Temporal Mapping and Analysis Package (TMAP)” - \$481.00.)

TOTAL DUE \$23,125.31

Payment of legal fees for professional services rendered by Rogers Towers (Statements dated 7/24/06) from the funds of Mississippi State University. (These statements, in the amounts of \$314.35 and \$1,309.75, respectively, represent services and expenses in connection with the patent application for “Method and System for Processing Muscadine Grape Pomace”.)

TOTAL DUE \$1,624.10

Payment of legal fees for professional services rendered by Butler, Snow, O’Mara, Stevens & Cannada (Statement dated 9/20/06) from the funds of The University of Mississippi. (This statement represents services and expenses in connection with Photochemical Services, Inc.)

TOTAL DUE \$43.00

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Payment of legal fees for professional services rendered by Hunton & Williams (Statements dated 10/6/06) from the funds of The University of Mississippi. (These statements represent services and expenses in connection with the following patent applications: “General IP Matters” - \$180.42, “8-Aminoquinolines – EPO” - \$828.11, “Stable Suppository Formulations Effecting Bioavailability of 9-THC – JP” - \$2,115.50, “Method of Preparing Delta-9-Tetrahydrocannabinol Esters – AT” - \$30.00, “Dihydroartemisinin and Dihydroartemisitene Dimers as Anti-Cancer and Anti-Infective Agents” - \$30.00, “Method of Preparing Delta-9-Tetrahydrocannabinol Esters – AU” - \$168.73, “Method of Preparing Delta-9-Tetrahydrocannabinol Esters – NZ” - \$306.63 and “Potent Immunostimulatory Component in Microalgae Extract” - \$100.00)

TOTAL DUE \$3,758.99

Payment of legal fees for professional services rendered by the Office of the Attorney General – Larry Schemmel - (Statements dated 10/6/06, 9/28/06 and 10/6/06) from the funds of Mississippi State University. (These statements represent services and expenses in connection with the following trademark and/or patent applications: “Replica Diplomas/Transcript” Trademark - \$1,320.00, “MSU Windspeed Utility” Patent Application - \$3,245.00 and “Greenmobile” Trademark - \$440.00.)

TOTAL DUE \$5,005.00

7. **System Administration (Information item.)** - The Board received the Quarterly Litigation Expense Report relating to the IHL Tort Plan. A copy of the report is included in the bound *January 17, 2007 Board Working File*.
8. **System Administration (Information item.)** - The Board received the Quarterly Litigation Expense Report relating to the IHL Workers’ Compensation Plan. A copy of the report is included in the bound *January 17, 2007 Board Working File*.
9. **System Administration (Information item.)** - At the September, 2006 Board meeting, the Board authorized The University of Mississippi to convey 0.0303 acres of land to land developer Stuart Brown, for \$95,000.00, in order for the developer to construct a hotel in Oxford near the university’s campus. The intent at the time, of both UM and the purchaser, was for UM to convey the entire tract of land owned by UM that lies north of Jackson Avenue and east of the old railroad bed. Because of mutual mistake of fact, only the 0.303 acre portion of the full 0.71 acre tract was conveyed. The parties were in need of correcting this mutual mistake prior to the January, 2007 Board meeting, therefore, Commissioner Meredith approved as an interim item the conveyance of the full 0.71 acre for a total sum of \$191,000.00. The Commissioner had the legal authority to approve this interim item on behalf of the Board. A recent appraisal valued the tract at \$191,000.00.
10. **Other Business** - Dr. Meredith noted that the IHL staff is still collecting information from the universities regarding the alcohol policies. A policy recommendation will be submitted to the Board at its February meeting.

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ADMINISTRATION/POLICY AGENDA

Presented by Dr. Thomas Meredith, Commissioner

AGENDA ITEM #1 WAS APPROVED AS SHOWN BELOW. On motion by Ms. Newton, seconded by Dr. Neely, and unanimously passed by those present, it was

RESOLVED, That the Board hereby approved agenda item #2 as submitted on the following Administration/Policy Agenda. Agenda item #3 was approved on a separate motion by Mr. Colbert, seconded by Dr. Neely, and unanimously passed by those present. Agenda item #4 was approved on a separate motion by Ms. Whitten, seconded by Dr. Neely, and unanimously passed by those present. Agenda items #5a - #5c were approved on a separate motion by Dr. Neely, seconded by Ms. Robinson, and unanimously passed by those present. Agenda item #5d was approved on a separate motion by Mr. Colbert, seconded by Dr. Neely, and unanimously passed by those present.

1. **System Administration - Board Policy 301.02** Election of Officers provides that the Board shall elect its officers at the January meeting of the Board to take office on the 8th day of May each year.

Dr. Magee opened the floor for nominations for the office of President of the Board. Ms. Whitten nominated Dr. Stacy Davidson, the motion was seconded by Mr. Patterson, and unanimously passed by those present. There being no further nominations, the nominations were closed. It was

RESOLVED, that Dr. Stacy Davidson was elected as President of the Board for a one year term, beginning May 8, 2007.

Dr. Magee opened the floor for nominations for the office of Vice President of the Board. Dr. Neely nominated Ms. Amy Whitten, the motion was seconded by Mr. Ross, and unanimously passed by those present. There being no further nominations, the nominations were closed. It was

RESOLVED, that Ms. Amy Whitten was elected as Vice President of the Board for a one year term, beginning May 8, 2007.

2. **System Administration** - Approved the term appointment of Dr. Ronald Mason, President of Jackson State University, to serve the unexpired term of Dr. Dennis Watts, Director of Education and Academic Programs, as representative to the Mississippi Authority for Educational Television with an appointment date of January 1, 2007, and ending June 30, 2008.
3. **System Administration** - Approved the request to participate in the Initiative of Access and Success proposed by the National Association of System Heads (NASH). The NASH Executive Committee proposes the creation of a new NASH initiative focused on expanding access and success in participating systems, especially for low-income students and students of color. This voluntary initiative, conducted in partnership with the Education Trust, will bring participating system heads together to learn from each other and from outside experts on critical action steps, including setting goals, talking with the public, identifying and mounting powerful action strategies, and reporting progress. More information about the initiative is available in the bound *January 17, 2007 Board*

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Working File. The Board members were given a handout entitled, “Selected Undergraduate Academic Information by Parental Adjusted Gross Income, Fall 2003 through Fall 2005.” A copy of this document is included in the *January 17, 2007 Board Working File.*

4. **System Administration** - Approved the request for permission to request Legislative action to convey ownership and responsibility of the Greenville Higher Education Center (GHEC) property to the Mississippi Delta Community College (MDCC). Also, approved the request to ask the Legislature to grant DSU and MVSU the first right of refusal to offer any upper level or graduate courses to be offered at the GHEC in the future, and in the event DSU and MVSU refuse any such opportunities, that the other Mississippi state universities would then be granted the next right of first refusal, prior to offering the opportunity to any other educational entities.

5. **System Administration** - Approved the agenda items that were approved by the Commissioner subsequent to the November 15, 2006 Board meeting.

a. **Educational Policies & Programs**

1. **UM** - Approved the request to award degrees in December 2006, as follows:

Institution	Degree to be Conferred	Number	Subtotal	Total
University of Mississippi				
	<i>College of Liberal Arts</i>			
	Bachelor of Arts	154		
	Bachelor of Science	14		
	Bachelor of Fine Arts	3		
	Bachelor of Music	4		
			175	
	<i>School of Engineering</i>			
	Bachelor of Science in Chemical Engineering	3		
	Bachelor of Science in Civil Engineering	5		
	Bachelor of Science in Computer Science	2		
	Bachelor of Science in Electrical Engineering	6		
	Bachelor of Science in Mechanical Engineering	0		
	Bachelor of Science in Geological Engineering	1		
	Bachelor of Engineering	0		
			17	
	<i>School of Education</i>			
	Bachelor of Arts in Education	18		
			18	
	<i>School of Pharmacy</i>			
	Doctor of Pharmacy	0		
	Pharmaceutical Sciences	0		
			0	
	<i>School of Business</i>			
	Bachelor of Business Administration	199		
	Bachelor of Science in Journalism	0		
			199	
	<i>School of Accountancy</i>			
	Bachelor of Accountancy	35		
			35	
	<i>School of Applied Sciences</i>			
	Bachelor of Arts	7		

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Institution	Degree to be Conferred	Number	Subtotal	Total
	Bachelor of Science	27		
	Bachelor of Science in Exercise Science	16		
	Bachelor of Social Work	4		
	Bachelor of Arts in Leisure Management	0		
	Bachelor of Court Reporting	1		
	Bachelor of Science in Family and Consumer Sciences	0		
	Bachelor of Arts in Parks and Recreation Management	8		
	Bachelor of Paralegal Studies	8		
			71	
	<i>Graduate School</i>			
	Master of Arts	13		
	Master of Science	29		
	Master of Fine Arts	1		
	Master of Accountancy	7		
	Master of Business Administration	3		
	Master of Taxation	0		
	Master of Education	67		
	Master of Music	0		
	Master of Social Science	0		
	Specialist in Education	14		
	Doctor of Arts	1		
	Doctor of Education	0		
	Doctor of Philosophy	27		
			162	
	<i>Law School</i>			
	Juris Doctor	14		
			14	
				691

b. **Real Estate & Facilities**

1. **DSU** - Approved the request to initiate **IHL 202-131, School of Nursing Classroom Expansion**, at the School of Nursing and the appointment of Mills and Mills, Architects, PC, of Greenville, MS as the project professionals. The scope of the project includes expanding two classrooms to accommodate the growth of the nursing education program at DSU in accordance with a US HHS HRSA Grant. Funds in the amount of \$395,000 are self-generated. Approval by the Mississippi Department of Archives and History of the renovations in this project is pending.
2. **JSU** - Approved the request to initiate **GS 103-236, Renovate Publications Building**, (per HB 1440, Laws of 2006) to house the Office of Marketing and Recruitment, and request approval by the Bureau of Building, Grounds and Real Property Management. The project will provide space to relocate the office to a more central area for access to visitors to campus. Funds are available in the amount of \$120,000 from HB 1634, Laws of 2006.
3. **JSU** - Approved the request to initiate **GS 103-237, Renovation of Sampson and Jones Hall**, (per HB 1440, Laws of 2006) to house the offices of Publications, Human Resources and Athletics Compliance staff, and request approval by the Bureau of Building. The project will upgrade and provide space in an unused residence hall. Funds are available in the amount of \$230,000 from HB 1634, Laws of 2006.

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4. **JSU** - Approved the request to initiate **GS 103-238, Renovate Old Sheppard Warehouse**, (per HB1440, Laws of 2006) and request approval by the Bureau of Building. The project will provide space in the old warehouse for the relocation of the Procurement Office from its current location in the Administration Tower. Funds are available in the amount of \$250,000 from HB 1634, Laws of 2006.
5. **USM** - Approved the request to initiate a project for paving repairs to streets and parking lots as part of the ongoing paving maintenance program for the Hattiesburg campus and the appointment of Andrews-Ford Engineering Services of Hattiesburg, MS, as the project engineer. The project budget is approximately \$600,000 with funds available from SB 2010, Laws of 2004.
6. **USM** - Approved the Construction Documents and authorized the advertisement for the receipt of bids for **IHL 208-258, M.M. Roberts Stadium Expansion, Hattiesburg Campus**. The project will be funded by university sources with a budget of approximately \$28,000,000. Plans will be forwarded by the professional.
7. **DSU** - DSU began planning its Sculpture Garden project in 2005 with an estimated budget of \$200,000. Accordingly, the scope and estimated budget was below the thresholds requiring Board approval. Due to the price increases following Hurricane Katrina, the budget was adjusted upward to \$240,000. The project was bid during the summer of 2006. Bids were almost twice the estimated budget. The scope was modified in an attempt to make budget remain below \$250,000. Because the project was expected to be below \$250,000, the university followed appropriate Board policies in selecting a professional, developing construction documents, and bidding the project. Bids were opened again on November 14, 2006. The lowest bid received was from Roy Collins Construction in the amount of \$358,000 which includes the base bid of \$340,000 and the first additional alternate of \$18,000.

Approved the requests to formally establish project **IHL 202-130, Sculpture Garden Project**, select Case and Associates, a minority firm, as the professional, and award the contract to Roy Collins Construction, the low bidder. Funds in the amount of \$375,000 are available through a private gift to the DSU Foundation.

8. **JSU** - Approved the request to award a contract to Mac-Gray Corporation for the rental of a MicroFridge, a combination refrigerator/freezer/microwave unit, in the campus residence facilities. The term of the rental agreement is for 60 months for 1,245 units with five annual payments of \$118,275. The total cost for five years is \$591,375.
9. **MSU** - Approved the request to award a contract to the lower of two bidders, Frazier & Williams Construction Company, in the amount of \$662,000 for **GS 105-314, Middleton Hall Waterproofing**, and request approval by the Bureau of Building. Funds are available from SB 2010, Laws of 2004, in the amount of \$750,000.
10. **UM** - Approved the request to award a contract to the lower of two bidders, Tombigbee Contractors, LLC of Aberdeen, MS in the amount of \$198,000 for **IHL 207-262, Rowan Oak Phase III**. Funds are available from a HUD grant in the amount of \$498,000.
11. **UM** - Approved the request to award a contract for **IHL 207-263, NPC Auditorium**, to the lowest of four bidders, Panola Construction, Inc. of Batesville, MS in the amount of \$2,378,900, with a negotiated amount of \$469,000 for a base bid of \$2,378,900. Funds are available from a HRSA grant.

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12. **UMMC** – Approved the request to accept a proposal from Johnson Controls, Inc., for **IHL 209-435, Guyton Building Expansion, Contract II**, which provides the controls system. Purchase is in accordance with established Premier Purchasing procedures. Funds are available in the amount of \$2,119,400 from grants, contracts and federal funds.
 13. **USM** - Approved the request to award a contract to the lowest bidder, Utility Constructors, Inc., of Jackson, MS, in the amount of \$1,249,999 for **IHL 208-258, M.M. Roberts Stadium Expansion, Hattiesburg Campus**. This is the underground utilities relocation portion of the stadium expansion project. Funds are available from university sources.
 14. **DSU** - Approved the request to rent the Delta and Pine Land Theater of the Bologna Performing Arts Center to the Mid-Delta Baptist Association on Sunday, February 25, 2007. The Association will pay full rental price for the space and all costs associated with production and technical requirements.
 15. **USM** - Approved the request to grant a road right-of-way to the City of Hattiesburg for the upgrade/construction of a roadway on the university's property. The upgraded infrastructure will support the university's initiative for the establishment of an Innovation and Commercialization Park. This right-of-way request is an addition to the rights-of-way and utility easements approved by the Board in July of 2005.
- c. **DSU** - Approved the request to bestow honorary degrees on Dr. Patricia Thrash and Dr. James Rogers at the May 2007 commencement events.
- d. **Personnel**

EMPLOYMENT

University of Mississippi - Athletics

Bianco, Michael F.

University of Mississippi

Banahan, Leslie A.

University of Mississippi Medical Center

Blewett, Christopher J.

Franklin, Sherri

Harris, Janet Y.

Kennedy, William L.

Pratt, Mary E.

Thompson, William F.

CHANGE OF STATUS

Mississippi State University

Alexander, Mary L.

Belli, Keith L.

Cornelious, Linda F.

Leightley, Liam

McGee, Marvin M.

Pote, Jonathan W.

Artunc, Sadik C.

University of Mississippi

Sparks, Larry D.

TERMINATION

Mississippi State University

Cook, Jr., Carson C.

Lenarduzzi, Thomas A.

Mississippi Valley State University

Clanton, James

Gipson, Rex

Morgan, Felecia

Reese, Delphine

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RESCIND TERMINATION

University of Mississippi Medical Center
Islam, Mirza Saleem U.

EMERITA/EMERITUS STATUS

University of Southern Mississippi
Black, H. Tyrone

COMMISSIONER'S REPORT

Presented by Dr. Thomas Meredith, Commissioner

The Commissioner presented his January report. The highlights include:

1. You will see a few changes in the Board Room this month. Primarily, you will see that your Board photos are now where they should be, in your Board room. There is no symbolism by having the pictures over the shoulders of the IEO's! You will see the photos are next to the framed Mutual Commitments you wrote during last year's Board Retreat. You all also have a copy of the Mutual Commitments at your seats.
2. I'd like to introduce, although unfortunately they had to leave, the student body presidents with us today: JR Love (MSU); Roun McNeal (UM); and Jamal Jackson (JSU).
3. 2006 was a good year in higher education. Last year, we produced about 14,000 quality graduates into the state's economy, paying taxes and making Mississippi better. We also passed more general higher education legislation in 2006 than in any previous year for the past 20 years.
4. Also this past year, as a Board, you collectively decided to focus your efforts on three main points: first, to generate more, quality university graduates; second, to use our universities to promote economic development, and finally, to increase the effectiveness and number of teachers and administrators. To that end, last year, we made positive steps toward progress.
5. In partnership with the Mississippi Department of Education, you established a Blue Ribbon Committee for the Redesign of Teacher Education—Dr. Neely is chair; Dr. House is leading; focused on the relationship between Mississippi's two- and four-year schools and on increasing the number of transfer students—Dr. Sykes is working on that; and worked with business leaders and your institutions to host legislators and other key constituencies across the state in a series of 12 regional meetings to spread the message of the importance of higher education.
6. However, for all the positive steps you took in 2006, we have even more to take in 2007. There is no task more important than helping our state and her citizens reach their full potential, and I believe this can be accomplished through higher education.
7. As we remember 2006, it is with great respect that we remember two of our own. In November, the University of Mississippi Medical Center—and the state—lost one of its giants—Dr. Winfred Wisner, chairman of the Department of Obstetrics and Gynecology at UMMC from 1976 to 1996. A native of Tennessee and a World War II veteran, Dr. Wisner was one of the first to voice Mississippi's need for a comprehensive tertiary hospital for women and infants. During the mid-1960's and early 70's, more than 4,000 babies were born every year in an area designed for a maximum of 2,500 deliveries. Because of the bed shortage, expectant mothers were frequently put in the hospital's hallways. By 1978, Dr. Wisner convinced then vice-chancellor for health affairs Dr. Norman Nelson that a comprehensive

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hospital for women and infants should be the Medical Center's number one priority. As you know, today the hospital bears Dr. Wisner's name as a lasting testament to his dedication and commitment to women's health. Dr. Wisner is survived by his wife, Alabel, their two children and their three grandchildren.

8. In December, Jackson State University and Mississippi sports fans mourned the loss of David Chambers, also known as Jackson State mascot "Wavee Dave." A true crowd pleaser who donned the Tiger suit for more than 20 years, Chambers passed away in December after a lengthy battle with kidney failure. Known for his charisma, Chambers encouraged many Jackson youth to become "Baby Tigers," performing with Chambers during football and basketball games, instilling in them the importance of education. Our world is a better place because these two gentlemen were here. We thank them for their gifts.
9. I would also like to take this opportunity to let you know that Dr. Bill Smith has announced his retirement, effective at the end of this month. Bill's first day at IHL was November 1, 1982, and he has served in a variety of capacities for the past 25 years. Over the years, Bill worked closely with the legislature and the institutional legislative liaisons; served as the IHL liaison to the State Board for Community and Junior Colleges; and served as Assistant Chief of Staff and Interim Assistant Commissioner for Academic and Student Affairs. Bill, on behalf of the Board, we appreciate your service and wish you well in retirement.
10. The 2007 legislative session is in full swing. Last week, the House passed House Bill 241. Earlier, Dr. McFall gave a presentation on HB 241.
11. In his years working with the legislature as the head of the Jeff Davis campus of the Mississippi Gulf Coast Community College, current Assistant Commissioner of Community and Junior College Relations Dr. Reggie Sykes gained much valuable experience. We are now drawing on that experience. Dr. Sykes has agreed to serve as your legislative liaison during this session, and for that we are grateful.
12. We have already begun our various communications to the legislature, including our weekly "*News from the System's*," hand-delivered to the desks of the legislators, as well as Friday's "*System Review*" e-newsletter, containing pertinent System-specific information. You should have and will continue to receive these publications via email and fax.
13. Your IEO's are also working to identify key alumni throughout the state on whom we can call to help spread our message via grassroots efforts throughout the session.
14. As you have also been made aware, the Senate will hold its Appropriation Committee Hearing on Monday, January 29th from 2 p.m. until 3 p.m. I am grateful many of you are coming to this meeting, and we have called on some of you to make comments on behalf of the Board. UMMC had their hearing today. MSU Division of Agriculture, Forestry and Veterinary Medicine has their hearing on the 25th.
15. Now that the holidays are over, both the presidential searches at Alcorn and Southern Miss are again in full swing. The ASU Search Advisory Committee yesterday narrowed its list. The list was sent on to Dr. Jan Greenwood for review. The Southern Miss Search Advisory Committee is still receiving names and will meet around February 1st to narrow their list. Members of the public are encouraged to visit the Search portion of IHL's website, www.mississippi.edu, for the most up-to-date snapshot of the Search time line. As you know, the goal is to have both presidents named by the end of March.
16. The State of Mississippi observed Dr. Martin Luther King, Jr. day last Monday, and at your February meeting, you will recognize key African Americans who do great things in our university communities during Black History month. Dr. Magee has asked Trustee Bob Owens to chair this year's Black History Month Committee along with Trustees Newton, Whitten and Neely, and IHL staff member Pearl Pennington.

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17. There is much to celebrate in good news throughout the System. You should receive a lot of it in the weekly “*System Review*” newsletter. However, in the interest of time—or lack thereof this morning—let me at least take this opportunity to congratulate the Southern Miss Golden Eagles, who won the GMAC Bowl earlier this month by beating the Ohio State Bobcats with a 28-7 victory.
18. I encourage all Board members to let your local legislators know that higher education should not be forgotten this year. Raises are a critical issue. We need to make sure that higher education funding gets back on track.
19. And with that, Mr. President, I conclude my Commissioner’s report. Thank you.

EXECUTIVE SESSION

On motion by Dr. Magee, and unanimously passed by those present, the Board voted to close the meeting to determine whether or not it should declare an Executive Session. On motion by Mr. Colbert, seconded by Ms. Newton, and unanimously passed by those present, 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 a litigation matter at the University of Mississippi Medical Center.
Discussion of a prospective litigation matter at Mississippi Valley State University.
Discussion of two prospective land purchases for The University of Southern Mississippi.
Discussion of a prospective litigation matter at the University of Mississippi Medical Center.
Discussion of a personnel matter at the Board Office.

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

On motion by Mr. Owens, seconded by Ms. Whitten, and unanimously passed by those present, the Board approved the settlement of the Tort Claim No. 965, styled as *McCormack vs. UMMC*.

On motion by Mr. Owens, seconded by Mr. Blakeslee, and unanimously passed by those present, the Board approved UMMC’s request for approval of a change order in the amount of \$2,500,000 for **IHL 209-381, Adult Tower**, to the contract of W.G. Yates and Sons Construction Company. Changes were to correct deficiencies found during construction to include mechanical changes, flooring changes and changes to the exterior of the building. Funds are available in the amount of \$2,500,000 from self-generated funds.

On motion by Mr. Estess, seconded by Ms. Whitten, with Mr. Ross abstaining, the Board approved the award of a contract in the amount of \$11,836,000 to the low bidder, Frazier Construction Company, for IHL 106-198, Science & Technology Center at Mississippi Valley State University.

On motion by Ms. Whitten, seconded by Dr. Neely, with Mr. Patterson absent and not voting, the Board approved the IEO physical exam contract addendum. A copy of the addendum is included in the *January 17, 2007 Board Working File*.

The Board discussed two prospective land purchases for The University of Southern Mississippi.

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On motion by Ms. Robinson, seconded by Dr. Davidson, and unanimously passed by those present, the Board voted to return to Open Session.

ADJOURNMENT

There being no further business to come before the Board, on motion by Dr. Neely, seconded by Ms. Whitten, and unanimously passed by those present, 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 Amendment to the *Board Policies and Bylaws*, section 601.02
Freshman Admission Requirements for University System
Institutions – for first reading.
- Exhibit 2 Amendments to the *Board Policies and Bylaws*, section 900
Facilities – for first reading.
- Exhibit 3 Real Estate & Facilities items that were approved by the IHL
Board staff subsequent to the November 15, 2006 Board meeting.

EXHIBIT 1

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601.02 FRESHMAN ADMISSION REQUIREMENTS FOR UNIVERSITY SYSTEM INSTITUTIONS

The high school course requirements set forth below are applicable to students graduating from high school and entering a public institution of higher learning beginning in the summer of ~~2010~~ 2012. Institutions will develop equivalent standards for out-of-state applicants, earlier high school graduates and other applicants not covered by this policy.

Any student who was not eligible for regular admission and who has not successfully completed the Summer Developmental Program must attend an accredited institution of higher learning other than those under the governance of the Board of Trustees and must attain a "C" average (2.0 GPA on a 4.0 scale) in the following 24 transferable semester credit hours to be eligible to transfer to an IHL institution:

6 semester hours	English Composition
3 semester hours	College Algebra or above
6 semester hours	Laboratory Science
9 semester hours	Transferable Electives

All other transfer students are subject to the following requirements:

A. HIGH SCHOOL COURSE REQUIREMENTS (College Preparatory Curriculum)

<u>Subject</u>	<u>Carnegie Units</u>	<u>Contents and Remarks</u>
English	4	Compensatory Reading and Compensatory Writing may not be included.
Mathematics	4	Includes Algebra I, Geometry, Algebra II, and any one Carnegie Unit of comparable rigor and content. (e.g., Advanced Algebra, Trigonometry, Pre-Calculus, Calculus, AP Calculus AB, AP Calculus BC, Discrete Mathematics, Probability and Statistics, or AP Statistics.)
Science	4	Includes Biology I, Chemistry I, and any two Carnegie Units of comparable rigor and content. (e.g., Physics, Physical Science, Biology II, Chemistry II, AP Chemistry, Physics II, AP Physics B, AP Physics C – Electricity and Magnetism, AP Physics C – Mechanics, Botany, Microbiology, or Human Anatomy and Physiology.)
Social Studies	4	Includes World History, U.S. History, Introduction to World Geography, U.S. Government, Economics, and Mississippi Studies. (Credit earned for a State/Local Government course in any other state may stand in lieu of Mississippi Studies.)
Arts	1	Includes any one Carnegie Unit of visual and performing arts course(s) meeting the requirements for high school graduation.

Advanced Electives	2	Includes any two Carnegie Units of Foreign Language (I and II), Advanced World Geography, and a Foreign Language (I) or any combination of English, mathematics, or lab-based science courses of comparable rigor and content to those required above.
Computer Applications	½	Course should emphasize the computer as a productivity tool. Instruction should include the use of application packages, such as word processing and spreadsheets. The course should also include basic computer terminology and hardware operation.
Pre-High School Unites		Algebra I, first year Foreign Language, or Mississippi Studies taken prior to high school will be accepted for admission provided the course content is the same as the high school course.

B. FULL ADMISSION

Full admission will be granted to the following:

- (1) All students completing the College Preparatory Curriculum (CPC) with a minimum of a 3.20 high school grade point average (GPA) on the CPC; or
- (2) All students completing the College Preparatory Curriculum (CPC) with (a) a minimum of a 2.50 high school GPA on the CPC or a class rank in the top 50%, and (b) a score of 16 or higher on the ACT (Composite); or
- (3) All students completing the College Preparatory Curriculum (CPC) with (a) a minimum of a 2.00 high school GPA on the CPC and (b) a score of 18 or higher on the ACT (Composite); or
- (4) NCAA Division I standards for student athletes who are "full-qualifiers" are accepted as equivalent to the admission standards established by the Board.

In lieu of ACT scores, students may submit equivalent SAT scores. Students scoring below 16 on the ACT (Composite) or the equivalent SAT are encouraged to participate in the Year-Long Academic Support Program during their freshman year.

C. ACADEMIC PLACEMENT RESULTING FROM VARIOUS DEFICIENCIES

Those Mississippi residents who applied and failed to meet Full Admission Standards along with any Mississippi high school graduate regardless of academic performance may, as a result of review, be admitted to the summer or fall semester.* The ACT is not a requirement in this category. The review shall involve a consideration of high school performance, ACT scores (if available), placement testing, special interests and skills as well as other noncognitive factors. The review shall result in placement in one of the following categories:

1. Full Admission

As a result of the review, students in this category may be placed as if admitted under Section B. In addition, students may be required to enroll in selected college level courses in science and social science equivalent to high school courses in which their background is inadequate. These courses will yield institutional credit.** Other students in this category may be required to participate in the Year-Long Academic Support Program.

2. Full Admission with Academic Deficiencies

Students who have not demonstrated adequate readiness in English or Reading or Mathematics will be granted Full Admission with Academic Deficiencies to the Summer Developmental Program. This is an intensive program that concentrates on those high school subject areas (English, Reading, and Mathematics) that are applicable to success in first-year college courses. These courses carry institutional credit.** Students who successfully complete the summer program, by passing developmental English, developmental Mathematics, developmental Reading and the Learning Skills Laboratory courses, will receive admission to the fall term with mandatory participation in the Year-Long Academic Support Program. Students who fail to successfully complete the Summer Developmental Program are not eligible for enrollment in the regular academic year and will be counseled to explore other post-secondary opportunities, including those offered by community colleges.

D. YEAR-LONG ACADEMIC SUPPORT PROGRAM

This program is designed to assist those students admitted with academic deficiencies, as well as other volunteer students, with their freshman courses. The Year-Long Academic Support Program will consist of classroom, individual, and computer-assisted instruction along with career counseling in a laboratory setting. The Program carries institutional credit.**

***Non-resident students who do not qualify for Full Admission may be considered for admission under this category through special requirements set by the Board of Trustees and available from each institution.**

****Institutional credit courses do not count toward graduation but carry all other academic requirements.**

EXHIBIT 2

PROPOSED CHANGES TO SECTION 900 OF THE BOARD POLICIES AND BYLAWS

Please note that the red font indicates new language and the yellow font indicates changes made by the Board at its January 17, 2007 meeting.

SECTION 900 – **REAL ESTATE AND FACILITIES**

~~901~~ ~~FACILITIES~~

901 BOARD CHARGE

The Mississippi Board of Trustees of State Institutions of Higher Learning is charged with the responsibility of buildings, facilities, land and real property of each institution.

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

902 INITIATION OF CONSTRUCTION PROJECTS

The Board ~~or the Commissioner shall~~ **must** approve **the initiation of a project for the construction of new facilities, repairs and renovations to an existing facility facilities and requests for a capital outlay with a total budget from of \$250,000 to \$1,000,000 or more** regardless of ~~financing source~~ **how these projects are financed**. It is the intent of the Board that its appropriate staff under the direction of the Commissioner shall be involved in all phases of building projects **requiring approval by the Board or the Commissioner**. ~~However, a~~ **All construction, repairs and renovation projects with a total budget under \$250,000 which are not Bureau of Building projects may be approved by the Institutional Executive Officer and do not require Board action. Projects with a total budget from \$250,000 to \$1,000,000 may be approved by the Commissioner. All projects with a total budget over \$1,000,000 must be approved by the Board.**

~~The Board shall approve and furnish to the Legislature each year a priority list of the capital improvements for all institutions under its control. [Moved to New Section 903(B)]~~

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

~~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. [Moved to New Section 903(B)]~~

901.02 — FACILITY PLANNING

903 PLANNING AND FUNDING REQUESTS

A. Master Plan

~~There shall be developed a~~ **A master facilities plan must be developed** for each campus, ~~which must be continuously revised and approved by the Board and shall be revised periodically. The Board's staff shall review plans annually and master plans must be approved by the Board every five (5) years. The master plan shall include the proposed location and estimated cost for new facilities to be added to the campus and any plans for major renovations. Prior to the initiation of any project for the construction of a new facility, the Institutional e Executive e Officer of each institution shall recommend to the for Board approval, the location for any the proposed facility in keeping with the Board approved master plan.~~

~~Unless otherwise approved by the Board, plans and specifications for new construction or repair and renovation costing in excess of \$100,000 are to be prepared by a professional architect and/or engineer. The documents shall be developed for the purpose of advertising for and receiving bids. A staff representative of the Board shall be present when bids are opened. (Incorporated into New Section 909)~~

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

B. Legislative Funding Requests

The Commissioner, after consultation with the Institutional Executive Officers, shall prepare and submit an annual request for capital improvements **and repair and renovation** for approval by the Board prior to its submission to the Legislature. **These requests shall be submitted for Board approval in May of each year.** ~~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 list of requests**, the Commissioner shall consider ~~state, system and institutional~~ priorities, ~~institutional~~ missions, ~~institutional performance~~, **enrollment, campus square footage, building conditions**, comparative funding, and other appropriate criteria. The Board shall **then** approve and furnish to the Legislature each year a priority list of the capital improvements **and repair and renovation projects** for all institutions under its control. **Projects which are not approved by the Board shall not be submitted to the Legislature by any institution.** In addition, priorities and requests of the individual institutions may not be presented or communicated to any individual legislators without the prior approval of the Board. (Old Section 901.01)

The Board approved priority lists of capital improvement and repair and renovation projects will be submitted to the Governor's Office of General Services and the Bureau of Building, Grounds and Real Property Management through the Board's Real Estate and Facilities Office.

904 BOARD APPROVAL

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

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

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

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

If the above four conditions have been met, the Board's Real Estate and Facilities staff, through the Commissioner, shall have the authority to approve any and all necessary documents related to the completion of the subject construction project, including the approval of construction documents, the advertisement and receipt of bids, the approval of a bid, the award of a contract and any change orders. [Incorporates Old Section 901.03(B & C)]

Prior to the commencement of construction, the Board must approve the exterior design of the major buildings that have an aesthetic impact on the overall campus, regardless of the cost of the project. This requirement applies to all buildings and facilities on an institution's property even if the land is leased to an institution's affiliated entity or a private developer. (Incorporates the deleted Section 911 Building Aesthetics.)

- B. ~~A member of the Board appointed by the President and the Board staff~~ **The Board member acting as Chair of the Real Estate and Facilities Committee or the Commissioner, if the chair is not available, the President of the Board** has the authority to act for the Board between meetings on items pertaining to the building programs needing immediate attention prior to the next Board meeting. **Any such action approved by the Chair of the Real Estate and Facilities Committee or the Commissioner** ~~President of the Board~~ shall be

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

reported to the Board at the following Board meeting. [Old Section 901.03(D)]

~~901.03~~ ~~FACILITIES STAFF RESPONSIBILITIES~~

- ~~A. It is the responsibility of the Facilities professional staff to report items relating to building construction and planning to the Board for their information and approval. The Board staff shall develop a manual of specific procedures for dealing with building programs. This manual shall be approved by the Board and distributed to the institutions for their use and be on file in the Commissioner's office. (Moved to New Section 911)~~
- ~~B. Once the Board has initiation of a facilities project, the Commissioner, upon recommendation of the Board's facilities professional staff, may approve all subsequent Schematic Design and Design Development documents for construction projects provided the integrity of the design is maintained and the budget is not exceeded. If the design is substantially modified or the budget is exceeded, the project will be submitted to the Board for approval prior to any further action being taken. [Incorporated into New Section 904(A)]~~
- ~~C. The Commissioner, upon recommendation of the Board's facilities professional staff, is authorized to act for the Board on facilities matters involving expenditures of \$100,000 or less. [Incorporated into New Section 904(A)]~~
- ~~D. A member of the Board appointed by the President and the Board staff has the authority to act for the Board between meetings on items pertaining to the building programs needing immediate attention prior to the next Board meeting. [Moved to New Section 904(B)]~~
- ~~E. The Institutional Executive Officers shall instruct the heads of Physical Plant Departments to notify the Board staff in the event problems or delays occur on any construction projects on the respective campus.~~

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

901.04 ~~FACILITIES MAINTENANCE~~

- A. ~~Each institution shall prepare a facilities maintenance plan to be submitted with the annual budget request. Plans may be modified during the year with Board prior approval. Plans must describe how ongoing maintenance needs will be addressed in the budget year and will include, but not necessarily be limited to, schedules for general maintenance, painting, grounds maintenance and schedules for service contracts for the inspection of mechanical systems. An emergency fund should be included in each physical plant budget to be used for unexpected occurrences. [Moved to New Section 908(A)]~~
- B. ~~Expenditures for facilities maintenance will be included in required periodic uniform institutional financial reports submitted to the Board. Funds earmarked for facilities maintenance shall not be transferred to any other function without prior approval of the Board. Any unexpended facilities maintenance funds, including unexpended emergency maintenance funds at year end, shall be transferred to the institutional plant fund to be used for repair and maintenance of institutional facilities in succeeding fiscal years. [Moved to New Section 908(B)]~~
- C. ~~Auxiliary enterprises shall be charged for facilities maintenance services provided by the institution. Student and faculty housing, food services, bookstores, student unions, intercollegiate athletics and student health centers shall be charged for facilities maintenance services by the institution whether formally organized as an auxiliary enterprise or not. Each institution shall establish a rate(s) to charge for facilities maintenance services provided to auxiliary enterprises adequate to reimburse the institution for such services. A schedule of such rates shall be submitted annually with the facilities maintenance plan. [Moved to New Section 908(C)]~~
- D. ~~The Board's facilities professional staff will periodically evaluate each institution's progress toward meeting the goals established in its annual facilities maintenance plan. The staff will also periodically audit expenditures of operations and maintenance funds to insure consistency with Board policy and to insure that such funds are being expended properly. [Moved to New Section 908(D)]~~

**PROPOSED CHANGES TO SECTION 900
OF THE *BOARD POLICIES AND BYLAWS***

~~E. — Each institution will retain a qualified person to fill the position of physical plant director. The Board facilities professional staff will assist the institution in obtaining technical expertise which may not be available on campus and make suggestions in scheduling preventive maintenance. [Moved to New Section 908(E)]~~

~~F. — Institutional responsibility for the successful implementation of this policy shall rest with the institutional executive officer. The institutional executive officers are responsible for insuring that institutional facilities are properly maintained. The Board will evaluate requests for new facilities construction and facilities renovation in light of the operations and maintenance policies. [Moved to New Section 908(F)]~~

~~901.05 — TEMPORARY RECEIVERSHIP~~

~~The Commissioner shall prepare an annual report to the Board on the facilities maintenance plan at each institution with recommendations for modification of the program as appropriate. If an institution substantially fails to comply with its maintenance plan for two consecutive years, or if it is determined that facilities maintenance funds have been expended for other functions without the approval of the Board, the institution's maintenance funds will be placed in a temporary maintenance receivership under the control and supervision of the Board until the deficiencies have been corrected. [Moved to New Section 908(G)]~~

~~901.06 — ENERGY PERFORMANCE CONTRACTS~~

~~Board approval is required prior to commencing audits to be used for performance contracting. The Commissioner shall develop procedures governing the process to insure a formal RFP procedure is used; verification of savings by a third party, and involvement of the Board Office Staff in all aspects of the project. (Moved to New Section 915)~~

~~901.07 — USE OF FACILITIES~~

~~In general it shall be the policy of the several institutions not to make available the buildings and other facilities of the institutions to outside organizations. Exceptions to this policy may be approved by the Institutional Executive Officer. No exception~~

**PROPOSED CHANGES TO SECTION 900
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~~shall be approved for commercial enterprises, political or sectarian meetings, without specific approval of the Board. The Commissioner is authorized on behalf of the Board to approve emergency requests for exceptions to this policy between Board meetings. At each Board meeting, these emergency actions shall be reported to the Board with appropriate justification.~~ (Moved to New Section 912)

901.0701 — ~~HEALTH CARE~~

~~For the main campuses of the eight universities, the Board reaffirms that the Institutional Executive Officer of each of these campuses has been and will continue to be responsible for the administration of the health care facilities. However, full-time health care professionals may have a limited private practice for non-student health care with the provision that these professionals will reimburse the university for the full cost of the use of the university physical facilities, personnel, and supplies.~~ (Moved to New Section 913)

901.0702 — ~~HOMES OF THE INSTITUTIONAL EXECUTIVE OFFICERS~~

~~The Board considers the official residences of the Institutional Executive Officers of the several institutions of higher learning to be integral facilities of the institutions, having an educational and administrative function. The Board, therefore, requires the Institutional Executive Officers to occupy these facilities as a part of their official duties. The expenses for operating these facilities are included in the general plant expense of the institution and are not to be considered as compensation or inducement for employment of the Institutional Executive Officers of the institutions.~~ (Moved to New Section 914)

901.0703 — ~~COED DORMITORIES~~

~~The Board declares itself in opposition to coeducational dormitories at the various institutions and hereby directs the institutional heads not to approve joint housing facilities on campus for undergraduate single students of opposite sexes. Any exceptions shall be approved by the Board.~~ (Moved to New Section 916)

**PROPOSED CHANGES TO SECTION 900
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~~901.0704 ENVIRONMENTAL REPORT~~

~~Prior to Board consideration of the purchase or acceptance of real estate from any source, a Phase I Environmental Report satisfactory to the Board shall be completed by qualified personnel and submitted to the Board Office. In the event hazardous substances are confirmed as having existed in the past or as presently existing, the Board reserves the right to cancel the transaction without liability, or to permit the other party or parties to remove the hazardous substances at its or their expense in a manner sufficient to receive a "no further action" letter from the State's Department of Environmental Quality. Wetlands or other environmental restrictions on the property are to be identified. [Moved to New Section 905(B)]~~

~~901.0705 FINANCIAL ADVISOR~~

~~The Board recognizes the need of the institutions to periodically issue debt through the Educational Building Corporations to finance construction or renovation of facilities. Prior to Board consideration of a request to issue debt, Board staff in conjunction with institutional staff must select a financial advisor(s) to represent the interests of the Board of Trustees, the Educational Building Corporation and the institution, and to provide the Board with an independent analysis of the institution's financial condition, verification that the proposed revenue stream(s) are sufficient to repay the debt service, and a recommendation concerning the project's viability. The financial advisor(s) shall meet such qualifications and perform such services as may be prescribed by the Board or its staff. Payment to the financial advisor shall be made by the institution, or the institution's Educational Building Corporation, without regard for whether the Board approves the construction or renovation or whether the institution or Educational Building Corporation constructs the project. The Commissioner will make a recommendation to the Board about the impact of additional borrowing on the financial condition of the institution. (Moved to New Section 906)~~

905 REAL ESTATE MANAGEMENT

A. The Mississippi Code of 1972, as amended, allows all institutions of higher learning governed by the Board to purchase real property; however, only **Alcorn State University, Mississippi State University, The University of Mississippi and The University of Southern Mississippi Gulf Coast Research**

**PROPOSED CHANGES TO SECTION 900
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Laboratory may sell land without seeking specific legislative approval. Alcorn State University, Mississippi State University, The University of Mississippi and The University of Southern Mississippi Gulf Coast Research Laboratory must still receive Board approval prior to selling real property. Delta State University, Jackson State University, Mississippi University for Women, Mississippi Valley State University and The University of Southern Mississippi must all receive specific Board and legislative approval to sell real property.

- Board approval prior to the execution of a contract for the sale of real property is required for all land sales, regardless of the sale price.
- Board approval prior to execution of the purchase contract is required for all real property purchases that exceed \$100,000.
- Prior Board approval is required for the execution of all leases, easements, oil and mineral leases and timber sales.
- Board approval prior to the execution of the contract is required for all other land contracts, ~~including leases,~~ requiring an aggregate total expenditure of more than \$250,000.

Requests for approval of land contracts shall include property descriptions, terms of purchase, lease or sale and intended use of the property.

An institution acquiring or disposing of real property shall receive two independent appraisals. The purchase price of property to be acquired shall not exceed the average of the two appraisals. The sale price of real property shall be no less than the average of the two appraisals.

~~B. Prior Board approval is required for the execution of easements, oil and mineral leases and timber sales.~~

~~C.~~

B. Prior to Board consideration of the purchase or acceptance of real estate from any source, a Phase I **or more detailed** Environmental Report ~~satisfactory to the Board~~ shall be completed by qualified personnel and submitted to the Board's **Real Estate and Facilities** Office. In the event hazardous substances are confirmed as having existed in the past or as presently existing, the Board reserves the right to cancel the transaction without liability, or to permit the other party or parties to remove the hazardous substances at its or their expense in a manner sufficient to receive a "no further action" letter from the State's Department of Environmental Quality. Wetlands or other environmental restrictions on the property are to be identified. (Old Section 901.0704)

**PROPOSED CHANGES TO SECTION 900
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906 EDUCATIONAL BUILDING CORPORATIONS

Miss. Code Ann., Section 37-101-61, (1972), as amended, grants the state institutions of higher learning the authority to form nonprofit corporations for the purpose of acquiring or constructing facilities for use by the institution. These educational building corporations are granted the authority to issue bonds for the construction and renovation of facilities.

~~The Board recognizes the need of the institutions to periodically issue debt through the Educational Building Corporations to finance construction or renovation of facilities.~~ Prior to Board consideration of an **institution's** request to issue debt **by the educational building corporation**, Board staff, in conjunction with institutional staff, must select a financial advisor(s) to represent the interests of the Board of Trustees, the **E educational B building C corporation** and the institution, ~~and~~ to provide the Board with an independent analysis of the institution's financial condition, ~~verification~~ **to verify** that the proposed revenue stream(s) are sufficient to repay the debt service, ~~and a~~ **to recommendation concerning** the project's viability. The financial advisor(s) shall meet such qualifications and perform such services as may be prescribed by **the institution**, the Board or its staff. (Old Section 901.0705)

Payment to the financial advisor(s) shall be made by the institution, or the institution's **E educational B building C corporation**, without regard for whether the Board approves the construction or renovation or whether the institution or **E educational B building C corporation** constructs the project. (Old Section 901.0705)

The institution shall submit the report of the financial advisor(s) and the request for a project initiation to the Board for approval. The request must state the institution's intent, justify the need for the project and give an estimate of the total construction budget. The request must also include naming the design professionals, bond counsel and underwriter.

Following the Board's approval of the project initiation, the institution shall return to the Board at a subsequent meeting and present a resolution for Board approval granting permission for issuing bonds for the specific project and for approval of the following documents: the lease, the ground lease, the preliminary official statement, the trust indenture, the continuing disclosure agreement and the bond purchase agreement. The resolution also grants permission for the documents to be executed.

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

907 PRIVATE FINANCING OF AUXILIARY FACILITIES

Miss. Code Ann., Section 37-101-41, (1972), as amended, authorizes the Board to permit the leasing of institution land to private individuals or corporations for the purpose of constructing auxiliary facilities thereon. The auxiliary facility shall be constructed by private financing and shall be leased back to the Board for use by the institution. The lease shall contain a provision permitting the Board to purchase the building located thereon for the sum of \$1 after payment by the Board of all sums of money due under the lease. The institution desiring to use this method of project delivery shall request permission from the Board to issue a request for proposal (RFP) for such services. The RFP shall include a project description, procedures to be followed in evaluating the proposals and a time line for evaluation by the institution. It is the intent of the Board that its legal, financial and facilities staff shall be involved in preparing the RFP and in the evaluation process. Once the evaluation process is completed a recommendation will be brought to the Board for its consideration. Specific procedures for the construction of auxiliary facilities using private financing can be found in the Institutions of Higher Learning's *Construction Procedures Manual*.

908 MAINTENANCE PLANS

- A.** Each institution shall prepare a facilities maintenance plan to be submitted with the annual budget request. Plans may be modified during the year with ~~Board~~ prior approval **from the Board**. Plans must describe how ongoing maintenance needs will be addressed in the budget year and will include, but not necessarily be limited to, schedules for general maintenance, painting, grounds maintenance and schedules for service contracts for the inspection of mechanical systems. An emergency fund should be included in each physical plant budget to be used for unexpected occurrences. [Old Section 901.04(A)]
- B.** Expenditures for facilities maintenance will be included in required periodic uniform institutional financial reports submitted to the Board. Funds earmarked for facilities maintenance shall not be transferred to any other function without prior approval of the Board. Any unexpected facilities maintenance funds, including unexpended emergency maintenance funds at year end, shall be transferred to the institutional plant fund to be used for repair and maintenance of institutional facilities in succeeding fiscal years. [Old Section 901.04(B)]

**PROPOSED CHANGES TO SECTION 900
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- C.** Auxiliary enterprises shall be charged for facilities maintenance services provided by the institution. Student and faculty housing, food services, bookstores, student unions, intercollegiate athletics and student health centers shall be charged for facilities maintenance services by the institution whether formally organized as an auxiliary enterprise or not. Each institution shall establish a rate (s) to charge for facilities maintenance services provided to auxiliary enterprises adequate to reimburse the institution for such services. A schedule of such rates shall be submitted annually with the facilities maintenance plan. [Old Section 901.04(C)]
- D.** The Board's ~~facilities-professional~~ **Real Estate and Facilities** staff will periodically evaluate each institution's progress toward meeting the goals established in its annual facilities maintenance plan. The staff will also periodically audit expenditures of operations and maintenance funds to insure consistency with Board policy and to insure that such funds are being expended properly. [Old Section 901.04(D)]
- E.** Each institution will retain a qualified person to fill the position of physical plant director. The Board's ~~facilities-professional~~ **Real Estate and Facilities** staff will assist the institution in obtaining technical expertise which may not be available on campus and make suggestions in scheduling preventive maintenance. [Old Section 901.04(E)]
- F.** Institutional responsibility for the successful implementation of this policy shall rest with the ~~í~~ **I**nstitutional ~~e~~ **E**xecutive ~~ø~~ **O**fficer. The ~~í~~ **I**nstitutional ~~e~~ **E**xecutive ~~ø~~ **O**fficers are responsible for insuring that institutional facilities are properly maintained. The Board will evaluate requests for new facilities ~~construction~~ and ~~facilities~~ renovation in light of the operations and maintenance policies. [Old Section 901.04(F)]
- G.** The Commissioner shall prepare an annual report to the Board on the facilities maintenance plan at each institution with recommendations for modification of the program as appropriate. If an institution substantially fails to comply with its maintenance plan for two consecutive years, or if it is determined that facilities maintenance funds have been expended for other functions without the approval of the Board, the institution's maintenance funds will be placed in a temporary maintenance receivership under the control and supervision of the Board until the deficiencies have been corrected. (Old Section 901.05)

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

909 DESIGN PROFESSIONAL SELECTION

~~Unless otherwise approved by the Board, plans and specifications for~~ All new construction ~~or~~ and repair and renovation ~~existing~~ projects with budgets in excess of \$100,000 are to be prepared by a professional architect and/or engineer \$250,000 or more undertaken by the institutions must have plans and specifications drawn. The documents shall be developed for the purpose of advertising for and for receiving the receipt of bids. A staff representative of the Board shall be present when bids are opened. Plans and specifications are to be drawn by a professional architect or engineer unless otherwise recommended by the Board's Real Estate and Facilities staff and approved by the Board. (Old Section 901.02)

~~It is the policy of the Board to employ architects, engineers and consultants who are not only licensed to do work in Mississippi, but who are, in fact, residents of Mississippi. Only when expertise needed in particular instances is not available in Mississippi will the Board consider professionals who are not Mississippi residents.~~

910 DEBARMENT

A design professional, consultant, ~~or~~ contractor, or related entity including its successors in interest may be debarred from performing any work, in any capacity, for the Board for a period of time up to five (5) years from the date of determination. ~~This~~ A sanction may be imposed by the Board upon recommendation by the Commissioner ~~as the final decision based on the~~ following a recommendation by a hearing panel comprised of the Assistant Commissioner for Real Estate and Facilities or his/her designee and two other members appointed by him/her. Cause for debarment will include commission of a criminal act in obtaining or attempting to obtain a contract or in the performance of a contract, any act indicating a lack of business integrity or business honesty, violation of state or Federal antitrust statutes, deliberate failure without good cause to perform under the terms of a contract with the Board, unsatisfactory performance under the terms of a contract with the Board, any violation of the conflict of interest statutes of the State of Mississippi or any other cause so serious and compelling as to affect the responsibility of the design professional, consultant, ~~or~~ contractor, or related entity including its successors in interest, as determined by the Board in its sole discretion. This policy must be included in all bid specifications.

911 BUILDING AESTHETICS

~~The exterior design of all new or existing institutional buildings and facilities, regardless of the cost of the project, must be approved by the Commissioner of~~

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

~~Higher Education prior to commencement of construction. This requirement applies to all buildings and facilities on an institution's property even if the land is leased to an institution-affiliated entity or a private developer. [Incorporated into New Section 904(A)]~~

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CONSTRUCTION PROCEDURES MANUAL

~~It is the responsibility of the Facilities professional staff to report items relating to building construction and planning to the Board for their information and approval. The Board staff shall develop a **construction procedures** manual of specific procedures for dealing with building programs. This manual shall be approved by the Board Commissioner and distributed to the institutions for their use and be on file in the Commissioner's Office. **The Institutions of Higher Learning's Construction Procedures Manual** is on file at the Board's Real Estate and Facilities Office and shall be distributed to the institutions. [Old Section 901.03 (A)]~~

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USE OF REAL PROPERTY AND FACILITIES

In general, it shall be the policy of the ~~several~~ institutions not to make available the **real property**, buildings and other facilities of the institutions to outside organizations. Exceptions to this policy may be approved by the Institutional Executive Officer. No exception shall be approved for **private foundations**, commercial enterprises, political or sectarian meetings, without specific approval of the Board. The Commissioner is authorized on behalf of the Board to approve emergency requests for exceptions to this policy between Board meetings. At each Board meeting, these emergency actions shall be reported to the Board with appropriate justification. (Old Section 901.07)

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HEALTH CARE

For the main campuses of the eight ~~universities~~ **institutions**, the Board reaffirms that the Institutional Executive Officer of each of these campuses has been and will continue to be responsible for the administration of the health care facilities. However, full-time health care professionals may have a limited private practice for non-student health care with the provision that these professionals will reimburse the ~~university~~ **institution** for the full cost of the use of the ~~university~~ **institution's** physical facilities, personnel, and supplies. (Old Section 901.0701)

**PROPOSED CHANGES TO SECTION 900
OF THE BOARD POLICIES AND BYLAWS**

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HOMES OF THE INSTITUTIONAL EXECUTIVE OFFICERS

The Board considers the official residences of the Institutional Executive Officers of the several institutions of higher learning to be integral facilities of the institutions, having an educational and administrative function. The Board, therefore, requires the Institutional Executive Officers to occupy these facilities as a part of their official duties. The expenses for operating these facilities are included in the general plant expense of the institution and are not to be considered as compensation or inducement for employment of the Institutional Executive Officers of the institutions. (Old Section 901.0702)

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ENERGY PERFORMANCE CONTRACTS

Board approval is required prior to commencing audits to be used for performance contracting. The Commissioner shall develop procedures governing the process to insure a formal **request for proposal (RFP)** procedure is used; verification of savings by a third party; and involvement of the Board Office staff in all aspects of the project. (Old Section 901.06)

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~~Coed~~ **CO-ED DORMITORIES**

The Board declares itself in opposition to co-educational dormitories at the various institutions and hereby directs the ~~the~~ Institutional ~~heads~~ **Executive Officers** not to approve joint housing facilities on campus for undergraduate single students of opposite sexes. Any exceptions shall be approved by the Board. (Old Section 901.0703)

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NAMING BUILDINGS AND FACILITIES

Board approval must be obtained prior to naming or re-naming any institutional building or facility. Board approval must also be obtained prior to naming or re-naming any building or facility built on university property leased to a university affiliated entity, a private developer or any other individual or entity.

**PROPOSED CHANGES TO SECTION 900
OF THE *BOARD POLICIES AND BYLAWS***

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BUILDING PLAQUE

A plaque containing the names of the Board members, the Commissioner, and the Institutional Executive Officers shall be installed on all new facilities at the time of project completion. The format for the plaque is shown in the Institutions of Higher Learning's *Construction Procedures Manual*.

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PREREQUISITES FOR BUILDING MODIFICATION OR DEMOLITION

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

After approval is granted by the Board, the facility may be modified or, in the case of demolition, removed from the state inventory of buildings and demolished.

EXHIBIT 3

January 17, 2007

Real Estate & Facilities items that were approved by the IHL Board staff subsequent to the November 15, 2006 Board meeting in accordance with Board Policy 901.03 Facilities Staff Responsibilities.

Alcorn State University

The Board staff approved Change Order 3 in the amount of \$3,160.10 with an additional 128 days to the contract time for GS 101-249, Water Treatment Facility, and requested approval by the Bureau of Building, Grounds and Real Property Management. Funds are available in the project budget from HB 1634, Laws of 2006.

The Board staff approved Change Order 3, GS 101-227, Dining Facility, which decreased the contract sum by \$135,000 and requested approval by the Bureau of Building. Funds are available in the project budget from HB 1634, Laws of 2006.

Delta State University

The Board staff approved Change Order 1 for GS 102-212, Emergency HVAC Renovations to the Cutrer House, in the amount of \$2,112 with 68 additional days to the contract and requested approval by the Bureau of Building. This Change Order will add electrical to provide power to air handler unit no.1. Funds are available in the project budget.

The Board staff approved Change Order 1 for 71 additional days with no change in amount to the contract of Marchbanks Specialty Company, Inc., for GS 102-210, Cutrer House Re-Roofing, and requested approval by the Bureau of Building. Funds are available in the project budget.

Jackson State University

The Board staff approved the Schematic Design Documents for GS 103-231, E-City Center, prepared by WFT Architects. Funds are available in the amount of \$500,000 from SB 2010, Laws of 2004.

Mississippi University for Women

The Board staff approved the Schematic Design Documents for IHL 204-130, Painter Hall Mechanical, prepared by Shafer & Associates Architects. Funds are available from a federal award in the amount of \$495,000.

The Board staff approved Change Order 2 for IHL 204-129, Eckford Hall Renovations, in the amount of \$1,303.61. Funds in the amount of \$992,000 are available from an earmark in the Federal appropriations for the Department of Health and Human Services.

Mississippi State University

The Board staff approved Change Order 1 for GS 105-278, Lee Hall Renovations, Phase II, and Sewer Improvements which adds \$21,250 with no change in time to the contract of Sneed Construction Company. Change Order 1 is requested to delete portions of the curb, gutter and sidewalks and install two new manholes. Funds are available from SB 2010, Laws of 2004, in the amount of \$293,444.52.

The Board staff approved Change Order 4 for GS 105-309, Colvard Student Union, which adds \$26,644 and 7 days to the contract of West Brothers Construction, Inc., and requested approval by the Bureau of Building. Change Order 4 is requested to demolish and remove existing concrete, concrete beams and protrusions unexpectedly encountered during demolition inside the building and excavation of the site. Funds are available from SB 3197, Laws of 2003, SB 2010, Laws of 2004, and Educational Building Corporation funds.

The Board staff approved a proposal from Environmental Evaluation & Control in the amount of \$5,345 for a hazardous material test for GS 113-117, Wise Center Storm Repairs, and requested approval by the Bureau of Building. Funds are available in the project budget.

The Board staff approved Change Order 7 for IHL 205-210, New Residence Hall Complex, Phase II, which adds \$79,592.05 with no change in time to the contract of Inman Construction Company. Funds are available from MSU Educational Building Corporation Bond Funds in the amount of \$44,185,000.

The Board staff approved a proposal to employ the services of Conn Construction Company at a cost of \$6,300 to assist with evaluation of the internal flashing on GS 113-117, Wise Center Storm Repairs, and requested approval by the Bureau of Building. Funds are available in the project budget.

The Board staff approved the initiation of a project to demolish an existing tin barn located on the southeast section of the campus and requested approval by the Bureau of Building. The project budget is \$45,000 and will be provided from SB 2010, Laws of 2004.

University of Mississippi

The Board staff approved Change Order 2 for GS 107-268, Bryant Hall, Phase II, in the amount of \$27,205 with no change in contract time and requested approval by the Bureau of Building. Funds are available in the project budget in the amount of \$2,454,493.

The Board staff approved the Design Development Documents for GS 107-278, Meek Hall ADA, as submitted by Shafer and Associates and requested approval by the Bureau of Building. Funds are available in the project budget.

University of Mississippi Medical Center

The Board staff approved Change Order 5 for IHL 209-480, Research Wing Electrical Buss Risers, in the amount of \$1,540 with an increase in contract time of 161 calendar days. Funds are available in the project budget from Interest Income and Hospital Patient Revenue.

The Board staff approved the Design Development Documents for IHL 209-495, South Pediatric Renovation, prepared by Dean & Dean Associates, Architects. Funds are available from university sources in the amount of \$2,280,000 from donations and pediatric patient income.

The Board staff approved Change Order 2 for IHL 209-496, Cath Lab Additions, Wiser Courtyard, in the amount of \$12,847.42 with an increase of 8 days to the contract time of Wilkinson Construction. Funds are available in the project budget from Hospital Patient Revenue.

University of Southern Mississippi

The Board staff approved Change Order 2 for GS 108-239, Bennett Auditorium ADA Repairs, in the amount of \$19,365 with an increase to the contract time of 140 calendar days and requested approval by the Bureau of Building. Funds are available in the project budget in the amount of \$500,000 from SB 2988, Laws of 2003.

The Board staff approved Change Order 2 for GS 108-241, Mannoni Performing Arts Center, in the amount of \$30,038 with an increase of 55 calendar days to the contract and requested approval by the Bureau of Building. Funds are available in the project budget.

The Board staff approved the Design Development Documents prepared by Eley and Associates for GS 108-230, Polymer Institute Product Process Unit/Building, and requested approval by the Bureau of Building. Funds are available from SB 2988, Laws of 2003, in the amount of \$2,000,000 and from a \$20,000,000 NIST Grant.