

**Minutes of the Board of Regents Annual Retreat  
Murray State University  
August 27, 2020**

**Call to Order**

The Murray State University (MSU) Board of Regents (BOR) met for their annual Retreat on Thursday, August 27, 2020, via ZOOM. Chair Jerry Rhoads called the meeting to order at 8:30 a.m. and welcomed those joining the meeting by ZOOM or watching via livestream. He reported all Board members were present with the exception of Regent Don Tharpe who had a conflict due to a prior commitment. The newest member of the Board – Student Regent Warren Norman from Henderson, Kentucky – was recognized and welcomed to the Board. Mr. Norman reported that he is available to the Board as needed, along with the Student Government Association. He looks forward to getting to know and working with each of his fellow Board members.

Also present were Robert L (Bob) Jackson, President; Jill Hunt, Senior Executive Coordinator for the President, Coordinator for Board Relations and Secretary to the Board; Tim Todd, Provost and Vice President for Academic Affairs; Jackie Dudley, Vice President for Finance and Administrative Services and Treasurer to the Board; Don Robertson, Vice President for Student Affairs and Enrollment Management; Robert Pervine, Associate Provost and Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Liaison; Joyce Gordon, Director for Human Resources; Ashley Ireland, Interim Assistant Provost/Director for Online Programs; Michelle Saxon, Internal Auditor; Shawn Touney, Executive Director for Marketing and Communication; Jordan Smith, Director of Governmental and Institutional Relations; Renee Fister, Director of Institutional Effectiveness and Strategic Planning; Cami Duffy, Executive Director for Institutional Diversity, Equity and Access (IDEA)/Title IX Coordinator; Rob Miller, General Counsel; Kevin Saal, Director of Athletics; Matt Kelly, Senior Associate Athletic Director and Tracy Roberts, Registrar. Members of the faculty, staff, students, news media and visitors were provided access to the meeting via a YouTube link (livestream).

**AGENDA**

**Call to Order**

**Chair Jerry Rhoads**

**Welcome and Agenda Review**

**Chair Jerry Rhoads**

- **Fiscal Year 2020-21 Annual Presidential Evaluation Process**

**Report of the President**

**President Bob Jackson**

**Kentucky Open Meetings/Open Records Laws**

**General Counsel Rob Miller**

- **The Kentucky Open Records and Open Meetings Acts: A Guide for the Public and Public Agencies**
- **Managing Government Records – A Cooperative Undertaking**

**Other Legal Matters Overview**

**General Counsel Rob Miller**

- **Conflict of Interest**
  - **Murray State University Board of Regents Statement of Conflict of Interest – Academic Year 2020-21**
  - **Kentucky Revised Statute – Conflict of Interest**
  - **Association of Governing Boards Conflict of Interest with Guidelines and Compelling Benefits (April 2013)**
- **Undue Influence**
- **HIPAA – Health Insurance Portability and Accountability Act**
- **FERPA – Family Educational Rights and Privacy Act** **Registrar Tracy Roberts**
  - **Annual Notification**
- **Title IX – Federal Civil Rights Law** **IDEA Exec. Dir. Cami Duffy**

**Board of Regents Self-Assessment Process for 2020 Update** **Associate Provost Bob Pervine**

**President’s Delegation of Authority Overview**

**Chair Jerry Rhoads/  
President Bob Jackson**

**Racer Restart Plans – Overview for Fall 2020 Semester**

**President Bob Jackson/Dir.  
Govt. and Instit. Rel.  
Jordan Smith**

**Performance Funding Overview**

**President Bob Jackson/  
Director of Instit. Eff. and  
Strategic Planning Renee  
Fister**

**Academic Affairs**

- Academic Affairs Overview
- Online Initiatives Update
- Southern Association of Colleges and Schools  
Commission on Colleges Accreditation Update

**Provost Tim Todd/Assoc.  
Provost Bob Pervine/Int.  
Asst. Provost Ashley  
Ireland**

**Break (approx. 12 noon)**

**Reconvene (approx. 12:15 p.m.)**

**Finance and Administrative Services**

**VPFAS Jackie Dudley**

- Fiscal Year 2020-21 Budget Overview
- State Appropriation and Federal Stimulus Funding Update
- Kentucky Employees Retirement System (KERS) Non-Hazardous  
Pension Overview
- Major Facilities Projects Update
- Asset Preservation Funds
  - Projects Utilizing New Asset Preservation Fee

**Student Affairs**

**VPSAEM Don Robertson**

- Enrollment and Retention Update – Fall 2020
- New Enrollment and Yield Marketing Strategies for 2020-21
- Fall 2020 Semester – Campus and Student Activities Report

**Athletics**

**Athletic Director Kevin Saal**

- The Inside Track
- Fiscal Year 2020-21 Athletics Update

**Board of Regents Planning Session/Strategic Planning  
Process and Discussion**

**Chair Jerry Rhoads/  
President Bob Jackson/  
Provost Tim Todd**

- Planning for Fiscal Year 2020-21 and the Future

**Spotlight Areas**

**President Bob Jackson**

- Institute of Engineering (Jones College of Science, Engineering and Technology)
- Office of Institutional Diversity, Equity and Access
  - Campus Underrepresented Minority Students, Faculty and Staff Update

**Upcoming University Events**

**President Bob Jackson**

**Closing Remarks**

**Chair Jerry Rhoads/  
President Bob Jackson**

**Other Business**

**Chair Jerry Rhoads**

**Adjournment**

**Chair Jerry Rhoads**

Chair Rhoads reported he would appoint a Committee comprised of Regents to review the presidential evaluation process for Fiscal Year 2020-21 and make recommendations to the Board on necessary changes. The current presidential evaluation process – which includes both the

annual and four-year reviews – was formalized in 2008 and has not been changed since that time. The Committee makeup will be announced publicly once finalized and any resulting changes needed relative to the presidential evaluation process will be addressed at the December Quarterly Board Meeting.

### **Report of the President**

Dr. Jackson welcomed Regent Norman to the Board of Regents. He has enjoyed working with Mr. Norman as a member of the Student Government Association and looks forward to continuing to do so in his capacity as President. All wish him well. Dr. Jackson highlighted the following:

- The residence hall move-in process was successful and the second week of classes has now concluded. Appreciation was expressed to faculty, staff and students who dedicated their time and efforts to ensuring a successful start to the 2020 Fall Semester.
- Over the past several months Murray State has utilized guidance provided by the Centers for Disease Control (CDC) and advice from over 200 University administrators, healthcare professionals from Frankfort and at the local level, faculty and staff, etc. to formulate the Racer Restart Plan. For the last several weeks the University administration has spent a great deal of time meeting with students and their families to discuss ways to keep the broader community safe and healthy.
- As part of the Racer Restart initiative the University administration held meetings with student, faculty and staff groups, as well as off-campus entities. Information is regularly being conveyed to student groups and others and a Town Hall and a Symposium with new faculty have been held. Facebook Live sessions have been offered and plans are being developed to allow the University to pivot when/if needed. Adherence to the Racer Safe and Healthy Guidelines is crucial and non-compliance with the mask or face covering mandate on campus can now include disciplinary action, up to and including suspension. Chair Rhoads also sent an email to campus on behalf of the Board encouraging everyone to adhere to University guidelines in order to remain safe and healthy. All messaging has been shared with the Board to keep members apprised of efforts which are underway to keep campus as safe and healthy as possible given the current environment.
- Over the past several years a great deal of discussion has occurred at the state level with regard to the Performance Funding Model. A Work Group comprised of all university Presidents, Council on Postsecondary Education (CPE) President Aaron Thompson, Senate Leader David Givens and House Chair James Tipton has been assembled and meetings are currently underway. Performance funding is not working well for Murray State and other smaller institutions because the model is volume based. Efforts are being made to restructure the Performance Funding Model because no new money has been dedicated toward this initiative which is also concerning. These efforts will result in a recommendation that will be made to the General Assembly in early January 2021.
- The first meeting of Governor Andy Beshear's AgriTech Council was held last week and Murray State (President Jackson) is one of the universities representing higher education in this regard. This represents the Governor's signature economic development initiative and his confidence in Murray State and its leadership is appreciated. AgriTech is the intersection of agriculture, technology and efficiencies in agriculture and many companies in the region and state are involved in this arena. The University and the Hutson School of Agriculture share responsibility for advancing AgriTech and related initiatives.
- Regent Tharpe has been an advocate for campus asset preservation and deferred maintenance and a detailed report in this regard will be provided. Items related to financial matters include pandemic costs, state appropriations, performance funding, federal stimulus, enrollment and pensions will also be addressed.
- In regard to Academic Affairs initiatives, the School of Nursing and Health Professions offers a Master of Science in Occupational Therapy which is housed exclusively on the *Paducah Regional Campus*. This represents a one-of-a-kind program and, to date, every student who graduated in May 2020 has passed their national certification exams (100 percent pass rate). The Occupational Therapy Program now has its second cohort and applications are being accepted for the third cohort. The program also recently received national accreditation.
- In regard to Student Affairs and Enrollment Management, a detailed enrollment report will be presented. In terms of Greek Life, there are a number of fraternities and sororities that have recently been recognized nationally. Alpha Sigma Alpha and Alpha Gamma Delta received their highest awards nationally, Phi Kappa Alpha for the second year in a row received their highest award nationally, Alpha Tau Omega also received a national award and Alpha Sigma Phi received the highest award nationally for the seventh time – more than any other institution in the country. MSU student Jo Coffey, a member of Delta Zeta, also received a national award. The success of these Student Life groups is exceptional and they are to be commended, in addition to the Office of Student Affairs and Greek Advisors.
- The CPE recently completed a study on engineering and engineering technology in the Commonwealth and resulting information has been utilized to enhance the University's Institute of Engineering in the Jones College of Science, Engineering and Technology.

- A sample of the new Murray State license plate which will be available in early 2021 was also provided.

On behalf of the Board, Regent Crigler expressed appreciation to President Jackson who has provided steadfast leadership during the past many months. He and his team are to be commended for the Racer Restart Plan which has been developed. Appreciation was also expressed to faculty and staff who have continued to maintain contact with students. Due to the work that has been undertaken, the University is able to offer more in-person classes than many other institutions and this will impact the experience students have at Murray State for the 2020 Fall Semester. Chair Rhoads added that Murray State has set the pace in this regard and President Jackson has been recognized as a leader among the public university Presidents. President Jackson recognized Jordan Smith who serves as the University's state-designated safe and healthy officer, indicating his efforts are also appreciated.

### **Kentucky Open Meetings/Open Records Laws**

#### **Kentucky Open Records and Meetings Acts: A Guide for the Public and Public Universities**

Mr. Miller highlighted the following:

- In 1976 the Open Records Act was enacted. At that time, almost every record was in paper form and the state government felt vital decisions such as budgets and allocation of dollars and contracts should be subject to disclosure under the Open Records Act. The volume of data available today – both in paper and electronic format – has changed substantially since that time.
- The University receives well over 100 Open Records Act requests per year and has only three working days to respond to those inquiries. Responding to these requests requires teamwork and collaboration from other units on campus, especially the Athletics Department and units that report to the Vice President for Finance and Administrative Services. Ms. Hunt serves as the Records Custodian for the University and responds to all Open Records Requests and many times each request requires multiple responses. It is of utmost importance that the University not inadvertently disclose confidential information and great care must be taken in this regard. Many companies make routine requests for data from the University and are very specific regarding the formatting of that data. The information is then aggregated with that from other institutions. The company then functions as a wholesaler of that data to vendors.
- There are 16 enumerated exemptions under the Open Records Act statute and after receiving a request the University must first determine whether it falls under one of those exemptions, meaning it should remain undisclosed. Courts err on the side of providing information so it is the University's burden to prove why it should not be disclosed if it falls under one of the statute exemptions. An Open Records Request must be properly framed because the University is not required to provide a response to general questions and the requestor must be specific in terms of the documentation being requested – “any and all” are not properly framed requests.
- Today the Kentucky Open Records Act includes not only paper documents but emails, texts and databases. Once the specific topic of the request has been determined, each and every piece of information must be reviewed to determine whether an exemption applies.
- The Open Records Act provides an expansive definition for public records – all books, papers, maps, photos, cards, discs, diskettes, recordings and software regardless of their physical form – which must be provided for inspection if utilized to conduct public business unless the information falls under one or more of the 16 exemptions found in the Act. Text messages would be treated the same as emails by the Attorney General if they are utilized to conduct public business.
- The three-day response requirement for Open Records Requests has been temporarily changed by the legislature to ten working days due to the pandemic. Whether a request is unreasonably burdensome has also been addressed and this includes “any and all” inquiries. If the University decides to invoke this exception it must clearly demonstrate how the request is unreasonably burdensome.
- The Attorney General takes the general position that records should be disclosed. Of the 16 exemptions to this requirement, the main ones affecting the University include records that are of a personal nature; real estate appraisals; records confidentially disclosed to an agency which are generally recognized as confidential or proprietary and, if disclosed, would permit an unfair commercial advantage to competitors; test questions; law enforcement records if there is an open investigation; correspondence with private individuals; preliminary memoranda or recommendations and FERPA information or that which falls under attorney-client privilege. The burden for the University is heavy should it determine information should not be released.
- The Attorney General is asked to opine on any appeal relative to the Open Records Act.
- The Open Meetings Act was enacted in 1974 and requires all meetings of a quorum of members of the agency where public business is discussed or action is taken to be public. Members of the public are allowed to attend or view any such meetings. There are exceptions which allow an agency to go

into Closed Session. The Attorney General of the United States and the courts are trending toward openness and the University must be prepared to apply an exemption to go into Closed Session correctly. A quorum for the Murray State Board is six members.

- A public agency refers to any body created by the Board for the purpose of conducting public business – such as any Committees – whether standing or created for a specific purpose (ad hoc) and those would be subject to the requirements of the Open Meetings Act. Public business is defined as anything the Board would discuss for which there is an alternative to the extent it is related to the University.
- The general requirements of the Open Meetings Act include that the time and place for meetings be posted in a public location, minutes must be maintained and the public be allowed to attend. The news media is also allowed to attend and record the meetings. There are specific requirements for Special Meetings as well, including there must be an agenda and the Board must strictly follow that agenda with no deviation.
- Commonly used exemptions to the Open Meeting Act include real property discussions; pending litigations; discussions which might lead to the appointment, dismissal or discipline of an employee or student and bids from contractors. General personnel matters cannot be discussed privately and there is a growing body of law dealing with this particular exemption, especially relative to local school boards.
- Agencies cannot participate in stringing, meaning discussions cannot be held with two or three members of the Board at a time and then with a separate two to three members, etc. to discuss public business because eventually this will create a quorum.
- During a state of emergency, the Board has flexibility to hold its meeting by alternative means such as what is being done today via ZOOM. There are ordinarily different rules in place to have a meeting via videoconference but those have been relaxed during the pandemic.
- The Attorney General will be asked to opine on any appeal to the Open Meetings Act.

Clarification was requested relative to when an update email is sent to the Board and a member hits “reply all” whether that is approaching violation of these acts. Mr. Miller indicated it depends on how far the communication extends. If the Board receives a general information update and a member “replies all” and that results in a contemporaneous discussion it could technically become a meeting. A simple reply does not constitute a meeting because it is not an exchange between members. If there is a discussion about public business with multiple members of a body exchanging ideas on how a particular issue should be addressed that could be approaching a meeting which should be open to the public. Dr. Jackson added that he provides a great deal of information to the Board but members are never asked for a vote on any particular topic. These are not meant to be two-way communications and many times the information being provided is preliminary in nature.

### Managing Government Records – A Cooperative Undertaking

The Dean of University Libraries serves as the records retention source for the Murray State campus. State governments are very interested in making sure state agencies maintain records well. There are rules and regulations relative to how long records must be maintained and when they can be destroyed. A certificate must also be completed for any records being destroyed. Public records are very similar to those addressed by the Open Records Act. The state requires agencies to maintain any records that document the transaction of business or the formulation of policy for a certain amount of time. It has been general practice for most institutions to keep records much longer than the law requires, especially since records can now be maintained electronically. The President has the responsibility of ensuring the institution is keeping appropriate records and many of those constitute what is presented to and approved by the Board.

### Other Legal Matters Overview

#### Conflict of Interest and Undue Influence

Mr. Miller reported that annually Board members are asked to sign a Statement of Conflict of Interest and the one for this academic year was included in the eBoard book. These are collected and maintained by Secretary Hunt. The Kentucky Revised Statute relative to Conflict of Interest was also provided for Board review. If a Regent or their family member has ownership of 5 percent of stock or more with a company that does business with Murray State that must be reported. The statute also indicates that no member of a Board shall have any interest in a contract with a state university unless it is subject to competitive bidding. In that event, the

Regent must be the lowest bidder on a contract and must notify the other members of the Board of their interest.

The Association of Governing Boards (AGB) Conflict of Interest with Compelling Benefits Statement was also provided to the Board for review. AGB specifically details financial conflicts but also outlines other types of conflict of interest that are incompatible with a Board member's fiduciary duty to the institution. Board members were asked to remember that any phone call they make on campus on behalf of a specific individual could be perceived as a conflict of interest even though there is no intent. Regents were encouraged to consult with Mr. Miller or President Jackson on any such issues that may arise.

#### Health Insurance Portability and Accountability Act (HIPPA)

Mr. Miller reported that health information relative to students and employees is protected and cannot be disclosed. Safeguards must be in place to protect HIPPA information and Human Resources is integrally involved in this regard. There are relatively few offices on campus covered by HIPPA but the spirit of the law must be followed. Substantial fines have been levied in the federal arena with regard to HIPPA violations.

#### Title IX – Federal Civil Rights Law

Mrs. Duffy reported the following:

- Title IX is included in the educational amendments section to civil rights law signed into law by President Richard Nixon in 1972 and addresses allegations of sexual misconduct, sexual violence, relationship violence, stalking and sexual exploitation. The IDEA office is responsible for monitoring current laws regarding the prevention of illegal discrimination and harassment and making recommendations for necessary changes to policies and procedures and providing educational sessions to members of the wider University community.
- Title IX law ensures gender equity in educational programs that receive federal funding and covers sexual assault and misconduct, stalking, sexual exploitation and harassment, pregnancy and parenting. The law specifically provides for nondiscrimination mandates to address the prohibition of sex discrimination in hiring, admission, athletics and other aspects of college and educational events and activities.
- As an institution of higher education, Murray State's responsibilities include ensuring there are policies and procedures in place to address allegations of discrimination and that they be published and accessible. Immediate and appropriate action must also be taken to investigate any allegations. The University must also take all reported matters seriously and every member of the University community is required to report allegations of illegal discrimination and harassment, including matters of Title IX, to the IDEA office. The University community must also understand that absolute confidentiality cannot be promised except by those individuals performing in a counselor role. Fair and impartial investigation must be provided and there must be an understanding that reporting is a responsibility of every member of the University community.
- The preponderance of the evidence will be followed as the evidentiary standard in student disciplinary hearing procedures. There must also be a Title IX Coordinator and the name and contact information of that individual must be published and readily accessible. Both parties involved in a matter must be provided with access to and an explanation of policies and procedures. Both parties to any matter must be provided with written decisions from the hearing body, have equal appeal rights and recognize that the IDEA office and the Title IX Coordinator do not represent either party in a matter and must remain neutral in order to avoid a conflict of interest and be able to provide the best information to those involved individuals to help them make informed decisions.
- The University must also ensure fundamentally fair hearing procedures and processes and that access to annual training is provided for the Title IX Coordinator, Deputy Coordinators and the hearing panels. Training must be provided to the University community on an annual basis as well regarding principles of discrimination, including Title IX. Educational opportunities that are topic specific must be provided to the University community regarding issues related to Title IX and nondiscrimination.
- Murray State has enjoyed Title IX compliance for a long period of time, including recently. In May 2020, the United States Department of Education Office of Civil Rights imposed additional laws for higher education institutions. Based upon those proposed changes, Murray State conducted a review of annual processes and policies to understand the associated impact. The University already had in place most of the recommended changes and will continue to monitor additional changes issued by the Office of Civil Rights and work with Title IX industry leaders such as the Association of Title IX Administrators and the National Association of College and University Attorneys to continue to remain in compliance.
- The University Nondiscrimination Statement appears across campus as a reminder of the institution's standards relative to this issue. In terms of prevention, the goal is to prevent behaviors that constitute violations of Title IX by providing education and bystander intervention awareness training to the

entire University community. Support is also provided to both parties to any Title IX matter in terms of access to counseling, health services, campus police, assistance with class scheduling, etc.

- The Board has been a proponent of Title IX compliance and has demonstrated a commitment to ensuring all understand they cannot hold information they may receive that could lead to an allegation of illegal discrimination. Title IX is a component of Murray State's nondiscrimination compliance efforts and it is the responsibility of the entire University community to ensure incidents are reported to allow the institution to remain compliance with Title IX requirements.
- The process utilized to inform students, faculty and staff regarding Title IX responsibilities was outlined further and includes annual training which requires a quiz score of 100 percent.

### Family Educational Rights and Privacy Act (FERPA) Annual Notification

Registrar Tracy Roberts reported that the Family Educational Rights and Privacy Act is a federal law that protects the educational records of students. In K-12 schools that right belongs to the student's parents or guardian. The moment a student enrolls in a college class – which includes high school dual credit courses – those rights shift to the student. At the postsecondary education level, the law states that schools cannot disclose or discuss personally-identifiable information from a student's educational record without their written consent unless the disclosure meets one of the FERPA exceptions. Exceptions include the disclosure of directory information which represents data that is not generally harmful to the student if released. Directory information must be identified at each school and includes items such as the student's name, address, phone numbers, enrollment status and honors and awards received. The full list of information considered directory in nature was provided in the eBoard book. The University cannot release directory information for a student who has signed a formal statement directing that their directory information be kept confidential. FERPA gives the University the right to release directory information but does not require it to do so. How this is handled is at the discretion of each institution. Another exception to the student consent requirement is University officials using or discussing the information in the performance of their job. This does not mean all University officials have the right or means to access every student's educational record. That access is provided only to those officials who have a legitimate need to know a particular student's educational record. Whether information regarding a student can be released to parents or others during an emergency is also a key issue. FERPA will allow information to be released without a student's consent in cases of a health or safety emergency, including the COVID-19 pandemic, in order to protect the health and safety of the student or other individuals. The information can only be released to appropriate parties such as law enforcement or medical officials but can also be provided to parents if the health or safety emergency involves their particular student. The disclosure is limited to the period of the emergency and it does not allow for a blanket release of all educational records.

### Board of Regents Self-Assessment Process for 2020 Update

Dr. Pervine reported that the Board of Regents self-assessment instrument will be provided to the Board through Secretary Hunt after Labor Day. The University's accrediting body – the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) – requires the Board to conduct a regular self-evaluation. The survey instrument is divided into three evaluation sections – 1) the Board and its operation collectively, 2) Board meetings and how those are conducted and 3) Board member individual evaluation and perceptions.

A few changes have been made in the survey questions based on feedback received from individual Board members. These include the Likert Scale being expanded from five to six choices and questions are now included which address whether collectively it is believed the Board supports the University's mission and Strategic Plan. The latter two items are also evaluated on an individual member basis in a different section of the survey. A question was reworded to make it clear the Board conducts an annual evaluation of the President that is based on the University's mission and Strategic Plan and another question was reworded to reflect the Board's annual Delegation of Authority document. An additional question outlines whether there is an appropriate distinction between the Board's policy-making function and the administration's responsibility for administering policy. A question was added to reference the Kentucky Open Meetings Act to ensure the Board operates under the provisions of that statute.

Regents were asked to complete the self-assessment by the end of October to allow time for the results to be compiled so they can be presented to the Board at the Quarterly Meeting in December. The survey responses are completely anonymous and are returned directly to Dr.

Pervine who will compile the responses received from all members into a PowerPoint presentation in graphical format. A verbatim summary of any written comments received will also be provided, along with observations from Dr. Pervine based on his experience.

### **President's Delegation of Authority Overview**

Chair Rhoads reported that the current Delegation of Authority document was provided in the eBoard book. Dr. Jackson added that the Delegation of Authority was put in place in 2014 by then Chair of the Board Deno Curriss. This document delegates authority from the Board to the President of the University and clarifies items which are reserved solely for Board action. The document allows management to function more effectively and ensures the President and Board are in agreement in regard to actions that can be taken by the administration. The document also allows the President to act in the event of an emergency – in consultation with the Board Chair – on certain items and while this has been used sparingly, it has been especially beneficial since the pandemic began. Board members are notified of any action taken by the University administration utilizing the Delegation of Authority between Quarterly Meetings. No suggested changes to the current Delegation of Authority were recommended by Board members. Chair Rhoads reminded the Board that action would be taken at the Quarterly Meeting tomorrow to ratify the Delegation of Authority – action which is taken annually.

### **Adjournment**

The Board of Regents adjourned for a break at 10:05 a.m.

### **Reconvene**

Chair Rhoads reconvened the Board of Regents Annual Retreat at 10:15 a.m.

### **Racer Restart Plan – Overview for Fall 2020 Semester**

Mr. Smith reported the following:

- President Jackson appointed a Racer Restart Committee on April 27, 2020, in response to the worldwide pandemic. The co-Chairs of the Racer Restart Committee are Vice Presidents Dudley, Todd and Robertson. Subcommittees were formed ranging from Athletics to auxiliary services and that information was included in the eBoard book. Over 200 faculty, staff and students comprised the make-up of the subcommittees and appreciation was expressed to these individuals for their assistance and support.
- Governor Beshear's *Healthy at Work Guidelines* served as a guiding document for the work of the committee and subcommittees. The *CPE Guiding Principles for Reopening Colleges and Universities*, the White House, CDC and the American Health Association also provided invaluable assistance as Racer Restart Plan work proceeded.
- Appreciation was expressed to Dr. Bob Hughes, MSU Health Services/Primary Care, who continues to serve as the lead medical advisor to the University; Ms. Gordon; Mr. Miller and the Calloway County Health Department.
- The main outcome of this work was the Racer Restart Plan which has guided campus operations throughout the spring, over the summer and into the fall. The *12 Racer Safe and Healthy Guidelines* were developed and have been especially helpful in educating students, staff and faculty in regard to the types of behavior which should be followed in order to keep the campus, city and county safe.
- Appreciation was expressed to the Facilities Management team that installed a significant amount of plexiglass barriers and hand sanitizing stations on campus, including in offices, classrooms and common areas. Staff have retrofitted buildings under the guidance of Vice President Dudley and her team, along with SSC, to keep campus clean and sanitized.
- Another outcome from the Racer Restart Plan was the phased return-to-work plan for staff over the summer and faculty for the 2020 Fall Semester.
- Appreciation was expressed to Provost Todd and Academic Affairs – particularly the Deans and faculty – who had to quickly adjust the calendar for the 2020 Fall Semester – another major outcome of the Racer Restart Plan.
- Racer Safe and Healthy kits were distributed to all students, staff and faculty working on campus to help keep everyone safe and encourage personal responsibility on and off campus. Appreciation was expressed to Director of Procurement Beth Ward for helping to facilitate this effort.
- A campus-wide face mask/covering policy was developed as a result of the work of the Racer Restart Committee, taking into consideration CDC guidelines. The University actually implemented this policy prior to the state issuing a mandate for face masks/coverings. Federal and state medical experts have agreed that face coverings are the most effective way to prevent the spread of Coronavirus.



- Testing, quarantine and contact tracing guidelines have been established in conjunction with the Health Department and MSU Health Services. These guidelines continue to evolve as additional information becomes available.
- Appreciation was expressed to Executive Director of Auxiliary Services David Looney and Dr. Robertson for their efforts with regard to housing, dining and auxiliary services on campus and helping to develop and implement the recommended guidelines.
- The *Racer Safe and Healthy Checklist* has also been developed. All students, staff and faculty are required to complete the checklist by the first of every month. Questions include whether the individual has travelled internationally or been on a cruise ship and whether they are regularly taking their temperature.
- A mandatory *Return to Campus Questionnaire* has also been implemented through myGate for faculty and staff returning to campus in person and for students taking on-campus classes and residing in the residence halls/College Courts. The Health Department and Mr. Miller helped develop the questionnaire.
- Mandatory COVID-19 training has been developed and implemented and must be completed by all students, faculty and staff. Appreciation was expressed to all involved in developing this training.
- All guidelines are being enforced and follow-up is conducted with those individuals who have not yet completed the required training/questionnaire/checklist. This work will continue for the 2020 Fall Semester and throughout the 2021 Spring Semester.
- University policies were adjusted or new policies were created on items such as travel, visitor policies and building operations.
- A major marketing and social media campaign have also been implemented centered on the Racer Restart Plan and the *12 Racer Safe and Healthy Guidelines*. Appreciation was expressed to Mr. Touney and his Branding, Marketing and Communication team for their work in this regard. This team also helped design posters and signage which has been distributed and displayed across campus. This social media campaign also involves video messages to students from the University administrators, as well as student messages to their fellow class members. A video example that has been produced was shown. These are also shared with parents and families, faculty and students to encourage the use of face masks/coverings, other safe practices and adherence to all University guidelines.
- Communication to campus and the community is essential. Facebook Live and Town Hall sessions have been offered in this regard and to provide parents and faculty and staff with a platform to ask questions about the Racer Restart Plan.
- The Branding, Marketing and Communication team developed a Racer One-Stop location for all information regarding the Racer Restart Plan and safe and healthy practices. State and local officials have also utilized this site and have been very complimentary. All move-in information for students and parents is included on the website, in addition to the revised 2020 Fall Semester academic calendar.
- In consultation with the Calloway County Health Department and Frankfort, weekly COVID-19 case numbers are being reported. The Health Department is in charge of contact tracing for Murray and Calloway County and they have helped the University develop a weekly tracking system.

Dr. Jackson expressed appreciation to Regent Owens who provided examples of corporate restart plans which had been developed, Regent Crigler who provided a number of updates from other institutions with different ideas and thoughts and Regent Norman who submitted information on a different app that could be utilized. These represented valuable and constructive documentation and the University utilized the information in undertaking work to develop the Racer Restart Plan. The goal of the University administration is to complete the semester on November 20 and all efforts reflect that benchmark while ensuring campus remains safe and healthy. Mr. Touney and his team have played a vital role in all efforts in terms of communicating to campus regarding the importance of making good choices. Appreciation was expressed to the Murray-Calloway County Hospital that has been very helpful especially with regard to testing student-athletes and meeting National Collegiate Athletic Association (NCAA) guidelines. Dr. Richard Blalock, Sr. and Dr. Richard Blalock, Jr. have also played an integral role in this regard. Under the direction of Dr. Robertson, a team of Racer Safe and Healthy Ambassadors has been established to take part in events on campus to ensure – as campus leaders – that information is disseminated and guidelines and best practices are being followed.

In response to whether there is a threshold as to when it will be determined if the University has to pivot, President Jackson indicated there is no one particular issue that would require the University to make that decision. Many items will need to be taken into consideration prior to making any such decision but plans are being developed to pivot in the event that becomes necessary. An explanation was also provided in terms of how a student who tests positive becomes part of the reporting numbers for Murray State. The data being reported on the University's website has been provided by the Calloway County Health Department, the entity that controls the city and county data. Any medical center in Murray or Calloway County that

has a positive COVID-19 case for a student, faculty or staff member reports that to the Health Department which is then reported on the University's website. Confirmation was provided that any case of a student on campus testing positive is addressed immediately. The positivity rate for the county is known as best as possible but not individually for Murray State because there are many individuals who are tested elsewhere, especially if the results are not disclosed. The Health Department must be careful to ensure the data being provided does not violate the privacy rights of individual students, faculty or staff members. There is also a link on the Racer Restart Plan website to the Chief Public Health Officer website which shows a state-wide county-by-county positivity map. It is difficult to maintain accurate statistics with regard to testing which takes place outside of the primary county of Calloway and this has been a challenge for all public universities in the state. Confirmation was provided that the Health Department reports known faculty, staff and student cases and that information is provided to the University. Confirmation was also provided that available apps to assist in this effort are being considered but reliability issues must be taken into consideration as such decisions are made.

In terms of the process of reporting unsafe practices, Dr. Jackson confirmed the University receives and follows up on any such reports daily. A designated email address has been established for non-compliance reporting purposes and is monitored closely, with appropriate disciplinary action being taken accordingly. MSU Interim Police Chief Jeff Gentry is also following up with off-campus locations to ensure adherence to University guidelines in order for students living in these facilities to safely be on the Murray State campus and not endanger their fellow Racers. Mr. Smith reported that there has been good coordination among all involved entities once a non-compliance issue is reported in an effort to resolve these concerns quickly. The Student Code of Conduct has also been outlined on the Racer Restart website and includes the different ramifications for non-compliance with University guidelines and policies. The same is true for faculty and staff if they continue to disregard guidelines and best practices that have been provided.

Dr. Robertson commended the work of Mr. Looney and others because when a student on campus tests positive they receive a great deal of personalized care. They are provided meals and are monitored daily. Emily Asher, Data and Communications Manager in Auxiliary Services, has played a vital role in this process. Dr. Jackson added that Provost Todd and Ms. Gordon have also played a significant role in appropriately notifying faculty if a student in their classroom tests positive. Dr. Todd reported that when such notifications are made to the University the student's schedule is accessed and the information is communicated to the associated faculty members. Conscientious students also self-report their test results to faculty. Sometimes this even occurs before the University becomes aware because the testing center must notify the patient first.

In response to what has been done relative to Winslow Dining Hall, Ms. Dudley reported that the ability to social distance in the campus dining facilities was considered early in the Racer Restart planning process, especially during lunch hours at Winslow Dining Hall. Alternative ways for students to utilize Winslow were considered. The option which best met this need is a modular structure adjacent to the dining hall which holds 100 to 150 students socially distanced. An Emergency Order was executed to undertake this work as there were no companies of this nature already under state contract. A contract was then negotiated with a Kentucky company and within a week of receiving the building permit that entity began construction of the facility. This occurred the week before move-in. Once the building was inspected it opened and has been utilized for dining options and classroom meeting space. It is expected the facility will be utilized even more heavily for dining services as fall/winter weather arrives. There is currently a four-month lease on the facility but that can be extended as necessary.

### **Performance Funding Overview**

Dr. Jackson reported that Dr. Fister is the University's resident expert on the metrics and calculations associated with the Performance Funding Model. Her work is greatly appreciated as it is vitally important to the institution. The newly-formed Performance Funding Work Group held its first meeting and the second is planned for next week. There will be one meeting per month through the end of the year with a recommendation being made to the Legislature after the first of the year on changes which need to be made to the model. If there is no new money put into the Performance Funding Model, the anticipated recommendation is that the model should be frozen so no institution continues to be penalized. The most funding a university can lose in

any particular year is 2 percent. This year, even though Murray State's metrics were very high in a number of categories, the University – and all other universities except two – lost up to that 2 percent to the Performance Funding Pool. Those funds were then aggregated and redistributed through the Performance Funding Model. Only two larger institutions received more than two percent back than what they gave up while others lost the entire 2 percent.

Dr. Fister outlined the following:

- The Board was provided with a schematic identifying the three components of the Performance Funding Model which are Student Success (35 percent), Student Credit Hour Production (35 percent) and Operations Support (30 percent). The Performance Funding Model is based on a three-year rolling average of eleven different metrics. The different percentages for each of the three categories were related heavily on undergraduate components. The two components that incorporate graduates are student credit hours and full-time equivalent in maintenance and operation.
- Murray State performs well and there is no question in this regard. The institution is first among Kentucky public comprehensive universities in the following categories: overall graduation rate, low-income graduation rate and retention rate of total number of students, low-income students and underrepresented minority students. STEM-H degrees are part of the Performance Funding Model and – per baccalaureate degree when compared to total number of degrees – the University has 46 percent, the highest in the Commonwealth. Together, faculty, staff and students at Murray State are performing.
- Every institution must contribute 2 percent to the Performance Funding Pool which amounts to \$827,000 for Murray State. The total 2 percent contribution from public comprehensive universities in the state is \$11.6 million. These monies are redistributed and this year the majority were returned to the two largest universities in the state.
- A chart showing the performance funding dollars awarded, including those from the stop-loss provision, was provided. In Fiscal Year 2021, Murray State lost its contribution to the Performance Funding Pool, as did Morehead State and Kentucky State. Eastern Kentucky, Northern Kentucky and Western gained some money back but that did not result in an overall increase. In Fiscal Year 2020, the three smaller schools in terms of enrollment also lost under the Performance Funding Model and in Fiscal Year 2019 Murray State gained some monies but Kentucky State and Morehead did not. It is unfortunate that the smaller universities performed better on several metrics but did not receive any redistribution from the Performance Funding Pool.
- An explanatory value for the stop-loss provision for the current year was provided. This information included the performance funding dollars allocated which represents monies designated by the CPE sent to the State Budget Director. Also shown was the 2 percent amount all institutions contributed and, when deducted, some universities had a remaining balance which was positive while others were negative for the year.
- As a result of a survey provided, almost all of the universities have denoted a need to change the Performance Funding Model and the associated metrics because they rely on volume and use weights that can be detrimental to comprehensive universities. Three solid universities will continue to lose funding under the current model until changes are made. If this model remains in place as it is currently structured, the three smaller institutions that are performing well will continue to lose funding over the next five years. Unless legislators change the model, the 2 percent stop-loss for these institutions will be gone and that means the University's entire state appropriation would be at risk. As the model is currently structured, Murray State would gain \$20,000 at most over the next five years (in two of five years) and Kentucky State and Morehead would lose their 2 percent stop-loss.
- New state-appropriated dollars that do not come from the institutions are necessary in order for the model to work as intended. The model should be more equitable and easier to understand as well. This could be accomplished by eliminating the weights that give advantage to the larger schools and utilizing a model with simpler calculations of current data. The Office of Institutional Effectiveness has put forth an idea that is scalable and also uses a percentage share with a smaller number of metrics. The feasibility of such an option is currently being considered.

Dr. Jackson reported that the CPE President is supportive of pausing the model if no new monies are allocated to performance funding. Even if the model is paused, with no new monies dedicated for this purpose, inherent changes will still need to be made to the entire Performance Funding Model. The first step in this process is to pause the model and freeze appropriations. Otherwise, monies are simply being recycled among the institutions. House and Senate leaders have indicated their support for making necessary changes to the model but such changes may have to be statutorily directed. Senator David Givens is the primary point person for the Senate and Chair James Tipton is the main contact for the House and both understand this issue well. It is hoped the recommendations being made from the university Presidents and the CPE will help guide their direction. It was indicated if the model cannot be reformed it must at least be made more equitable or abolished altogether. Dr. Jackson confirmed that in the first Performance Funding Work Group meeting the CPE indicated that body's concern about long-term

implications or the “fiscal cliff” for the three institutions that are losing under the current structure if the model does not change. Confirmation was provided that the CPE is running different models to determine where opportunities exist. All institutions are concerned – even those that are benefitting – because they know there is no inherent fairness in the Performance Funding Model as it is currently structured. Clarification was provided that specific metrics and weighting are not written in statute but are directed by the CPE. Kentucky is the only state in the nation to put a Performance Funding Model in place with no new monies. Based on this factor alone, good results cannot be expected.

In terms of whether there has been discussion about placing the comprehensive universities in a separate pool, Dr. Jackson confirmed that has been considered. The overall issue is that without new money the Performance Funding Model still won't work. If the comprehensive universities, the two research institutions and the Kentucky Community and Technical College System have three separate pools, then one of the research universities loses and there is concern in this regard. Murray State would still not be the largest university within its own group and the bigger institutions would continue to receive more funding even though their metrics may not be as positive. In addition to no new money, the other larger issue is the weighting of the metrics which amounts to a volume-driven issue that magnifies the dollar allocation.

## **Academic Affairs**

### **Academic Affairs Overview**

Dr. Todd reported that an organizational chart for the Academic Affairs unit was provided in the eBoard book. The Office of the Provost and Vice President for Academic Affairs assists with the formal education process for students who learn in both formal and informal ways. Students learn informally through their campus jobs, in their residential colleges and through participation in Greek Life. Students learn formally through their programs of study via academic departments, colleges, schools, extended campuses and the University libraries. The Provost's Office must assist these processes as well as Deans, Chairs and faculty. All the Vice Presidents work extremely well together and do not function within their own silos – both of which are key to successfully educating students. The University also has exceptional Deans in place which is significant for the University's success.

As part of the Provost's Office organizational chart, Ashley Ireland serves as Interim Assistant Provost/Director of Online Programs and Bob Pervine serves as Associate Provost. Several units under Dr. Pervine include the Office of Sponsored Programs which handles grants and contracts, the Commonwealth Honors Academy, Honors College, graduate admissions, Institutional Review Board, Education Abroad, Registrar and the Center for Adult and Regional Education. The academic colleges and the Deans also fall under the purview of the Provost.

### **Online Initiatives Update**

Ms. Ireland provided an overview of online initiatives at Murray State with the following highlights:

- Over the summer approximately 450 courses were offered online, the majority taught by faculty with Quality Matters certification, including approximately 250 courses that were quickly transitioned to the online modality due to the pandemic. Headcount was up over 10 percent and credit hours were up over 20 percent, indicating that students like the online options being provided.
- The University is in the early stages relative to online offerings but is working to identify barriers to completing undergraduate programs in a completely online modality. According to the CPE website and the University's catalogue of programs, Murray State offers twelve bachelor's degrees where major courses can be completed entirely online. Currently, the University Studies Program does not support a completely online format. The next step will be to transition courses that fulfill the University Studies Program to an online modality. Dr. Todd indicated that for the 2020 Fall Semester, 18 percent of courses will be classified as completely online (slightly over 500 courses). Face-to-face courses are currently at 48 percent of total and 15 percent of ZOOM courses that meet in real time which means the University is at 63 percent combined (approximately 2,000 courses). Identifying larger spaces in which classes can meet in person while still maintaining social distancing has been challenging.
- Last week, the University's five e-campus programs went live and this work is being undertaken in collaboration with Academic Partnerships. The second cohort will begin in October so there has been positive response to these five programs. The five e-campus programs were outlined further.

- Work is underway to expand the number of faculty with credentials in Quality Matters, a certificate initiative where monies from the MSU Global account have been utilized to advance online development. Most of these faculty members are Online Champions who support two or more online initiatives on campus, as well as other faculty who have participated in this development opportunity.
- Gray & Associates is the third-party entity that the CPE has contracted with to conduct an overall analysis of the available suite of programs at the public comprehensive universities in Kentucky. The data being provided is utilized but in many cases is broad and sometimes overwhelming. Murray State meets with Gray & Associates in October and that is when the University will be able to get a better sense of how to fine tune its online offerings.

### Southern Association of Colleges and Schools Commission on Colleges Accreditation Update

Dr. Pervine reported that Murray State's institutional accreditation is through the Southern Association of Colleges and Schools Commission on Colleges. Murray State is required by the federal Department of Education to maintain institutional accreditation in order to have access to federal student aid. The University must be accredited to be able to offer financial aid to students and for that reason alone is not optional. At the heart of SACSCOC's philosophy of accreditation, the concept of quality enhancement assumes that each member institution is engaged in ongoing improvement of its programs and services and can demonstrate how well it fulfills its stated mission. In the next couple of years, the Board will begin hearing about Murray State's Quality Enhancement Plan (QEP). One component of the institution's accreditation requires the creation and implementation of a QEP. The last Quality Enhancement Plan was "Bring Learning to Life" which emphasized the importance of hands-on learning. This QEP has been sunset and the process to formulate a new Plan will begin over the next year.

The University's last ten-year reaffirmation of accreditation process was conducted in 2014 which means the next reaffirmation process will occur in 2024. The 5<sup>th</sup> Year Interim Report and QEP Impact Report were submitted to SACSCOC in March 2020 and the University is currently awaiting results. This process has been delayed due to the pandemic but results are expected before the December Quarterly Meeting. Data collection will begin for the 2024 reaffirmation process in academic years 2021-22 and 2022-23.

SACSCOC requires an institution's governing Board to have at least five members. The governing Board serves as the legal body with specific authority over the institution; exercises fiduciary oversight; ensures that both the presiding officer of the Board and a majority of other voting members are free of any contractual, employment, personal or familial financial interest in the institution; is not controlled by a minority of board members or by separate organizations or institutions and is not presided over by the Chief Executive Officer of the institution. In addition, the governing Board ensures a regular review of the institutional mission; ensures a clear and appropriate distinction between the policy-making function of the Board and the responsibility of the administration and faculty to administer and implement policy; selects and regularly evaluates the Chief Executive Officer; defines and addresses potential conflicts of interest for members; has appropriate and fair processes for the dismissal of a Board member; protects the institution from undue influence by persons or bodies and defines and regularly evaluates its responsibilities and expectations.

In terms of Board evaluation, SACSCOC continues to place an emphasis on whether the Board maintains its focus on the institutional mission and if review of the mission statement is a regular expectation of the governing board. An additional requirement is for the Board to have a functioning evaluation process for its own operating protocols and that is in place at Murray State.

It was noted that relatively new members to the Board will be involved in the 2024 SACSCOC reaffirmation process.

### **Adjournment**

The Board of Regents adjourned for a short break/lunch beginning at 11:50 a.m.

### **Reconvene**

Chair Rhoads reconvened the Annual Board of Regents Retreat at 12:10 p.m.

## **Finance and Administrative Services**

### **Fiscal Year 2020-21 Budget Overview**

Ms. Dudley provided a budget overview for Fiscal Year 2020-21 (FY21) with the following highlights:

- Fiscal Year 2019-2020 (FY20) was challenging for the University financially and in many other respects. All units had to pull together in order to have a desirable financial outcome and many difficult decisions had to be made. Overall, even utilizing the budget contingency of \$2 million, net tuition and fee revenues were short of budget by over \$800,000 which was predicted based on several indicators. This represents less than 1 percent of the University's total Education and General (E&G) budget.
- Net position refers to net assets or the University's overall balance and at June 30 (pre-audited) was slightly over \$24 million. At the beginning of the year the E&G fund had a negative net position of \$181 million due to the pension liability. Although the \$24 million to the positive has brought the net position total down to \$157 million negative, the overall financial statements reflect a negative net position. This is due to year-end pension adjustments of \$21 million that the University has been required to make on its financial statements for a number of years. The University must cover its proportional share of the state's pension liability which is calculated from their audits and recorded in the financial statements. The \$21 million this year was a decrease in the liability or, in essence, a decrease of expenditure. This is why the University's net position went up. The \$21 million represents a financial statement entry and is not supported with cash or funds that can be used elsewhere. It is simply a book entry but it does impact the University's net position and the way the institution's financial performance is evaluated by Moody's and other rating agencies that analyze all higher education financial statements. These agencies are beginning to look even more closely at the pension liability for the universities and the associated impact on net position. Of the \$24 million, \$21 million is for the pension liability which leaves a remaining balance of slightly over \$3 million.
- In terms of the E&G fund, the University was able to preserve \$3 million for the year. This includes a reserve self-insurance fund (\$1 million) and amounts saved by units to account for the majority of the \$3 million. The health insurance plan began in January 2020 and the pandemic started in March and individuals stopped going to their healthcare provider and having elective procedures or wellness checks for the remainder of the fiscal year. This appeared to amount to savings but is really a timing issue. Premiums continued to be collected and the institution has contributed its share to health insurance but those claims have not been paid out because they have not been incurred for the first half of the plan year. It is not yet known how the second half of the plan year – July through December – will unfold so the \$1 million will remain in reserve to be utilized for claims which are expected to materialize as individuals start to go back to their healthcare provider prior to December.
- Prior to the year closing, \$1 million was moved out of the E&G Fund into deferred maintenance. Those funds have not been designed for a particular purpose and will be utilized for Fiscal Year 2021 needs, such as additional appropriation reductions.
- A recap of auxiliary finances was provided and there was a small loss of \$600,000. Student credits and refunds and payments on the dining contract with no associated revenue, as well as bookstore loss of revenue, factored into this loss. To offset the loss in this area, the University had slightly over \$3.1 million in Coronavirus Aid, Relief and Economic Security (CARES) funding to be utilized to cover student refunds. There were also revenues for capital projects not recognized as part of the Sodexo contract (\$1.6 million).
- A summary of the financial impact for Fiscal Year 2020 and anticipated for 2021 as a result of COVID-19 was provided. For FY20, University expenditures and lost revenue amount to almost \$6.4 million. This includes student refunds and credits, lost revenue and expenditures which were not budgeted. The University's share of CARES funding in its entirety was used to help offset housing and dining credits, covering approximately 79 percent of those costs. After CARES money was applied for FY20, that left the University with a \$3.2 million net impact.
- Estimates for FY21 include approximately \$1.7 million in additional expenditures which are not budgeted, representing an estimate based on what has occurred over the past several months. This is in addition to the net \$3.2 million deficit that occurred last year. In total, it is anticipated the pandemic will have close to \$4.2 million total impact on the institution at minimum. Dr. Jackson added that for FY21 no assumption has been included for any student credits or refunds as all plan to complete the 2020 Fall Semester. There is also no assumption included for lost revenue. These represent significant components relative to where the University currently stands only two months into the fiscal year.
- The University will also receive an \$800,000 allocation from the Governor's Emergency Education Relief (GEER) fund which represents federal dollars received by the state that will be allocated to the schools as expenditures are incurred in FY21. These funds will be utilized to pay a portion of the cost of the lease for the additional facility at Winslow Dining Hall.
- Fiscal Year 2021 budget highlights include:
  - A 1 percent enrollment decline budgeted for net tuition and fee revenue;
  - A \$2 million contingency budgeted;

- Possible mid-year state appropriations reduction not budgeted;
- 2 percent reduction in state appropriations due to performance funding budgeted and
- No federal stimulus funds budgeted.
- FY21 primary financial risk factors include:
  - Continuing impact of the COVID-19 pandemic;
  - Possible mid-year appropriations reduction;
  - Enrollment;
  - Not completing the 2020 Fall Semester as planned;
  - No federal stimulus funding to universities and/or states and
  - Market performance for future deferred maintenance and scholarship funding.
- Fiscal Year 2022 (FY22) primary risk factors include:
  - Continuing impact of COVID-19 pandemic;
  - January 2021 Legislative Session and budget decisions for FY22, including appropriations levels, pensions and Performance Funding Model changes and
  - Enrollment

Dr. Jackson reported that for FY20 the University did not have to use reserves in order to balance the budget but that may not be feasible for FY21. This year is expected to be even more challenging in terms of being able to balance out the issues outlined. Federal stimulus discussions are underway in Washington and the result of that work is not yet known. Kentucky higher education is grateful to Congressman Mitch McConnell and the entire congressional delegation for their support. GEER funding represents discretionary dollars that the Governor did not have to allocate to the universities so those monies are also very much appreciated to help cover at least a portion of pandemic-related costs. A great deal remains unknown at this time. Although 71 percent of the University budget is enrollment driven, the health and safety of students, faculty and staff is paramount.

Regent Owens commended the President and Ms. Dudley and her team for their diligent efforts to ensure the University remains financially secure. The decisions that have been made are outstanding and very much appreciated. Ms. Dudley added that all Vice Presidents and others have a role to play with regard to spending and decision making and this truly represented a serious year-long institutional effort.

#### State Appropriations and Federal Stimulus Funding Overview

Ms. Dudley provided a state appropriations and federal stimulus funding overview with the following highlights:

- The University's state appropriation in FY20 was approximately \$44 million but a 1 percent rescission of \$445,814 was returned before the end of the year due to better state financial results than expected. This, coupled with the University's performance funding 2 percent stop-loss contribution of \$827,600, amounts to an original appropriation for FY21 for Murray State of \$43.7 million. Every 1 percent appropriation reduction equates to \$437,000 for the institution.
- Murray State's CARES Act allocation through July 2020 totaled almost \$7.1 million in federal stimulus funds for the University. There are three components related to the federal funding – emergency grants for students, institutional aid and GEER funds. Of the \$3.1 million to be utilized for student emergency grants, almost \$1.3 million has been awarded with 1,562 students assisted. The remainder of grant awards are expected to be made by September 4. A committee has been established to review applications for this funding and that work is currently underway.
- In terms of the institution's share of the CARES Act allocation – also \$3.1 million – the full amount was used to reimburse the University for 79 percent of housing and dining refunds made during the 2020 Spring Semester which is significant. Confirmation was provided that the bill contained criteria for eligibility and students were responsible for demonstrating their qualifications and need. If a student application was denied it was because they did not meet the necessary requirements to receive federal funding from the CARES Act. Over \$814,000 in GEER funding was awarded for FY21 and will be utilized to cover the added cost of personal protective equipment and cleaning, provide additional cafeteria space, provide flu shots for employees and conduct COVID-19 testing.

#### Kentucky Employees Retirement System (KERS) Non-Hazardous Pension Overview

Ms. Dudley provided a KERS non-hazardous pension overview for Murray State with the following highlights:

- Data relative to the pension system is being presented again due the magnitude for the University and because the Board will be presented with a recommended course of action for approval at the December meeting. The University must submit its pension decision to the state by the end of December 2020.

- A chart was presented illustrating the dramatic increase in the University's KERS non-hazardous pension contribution rate on a percentage basis. In Fiscal Year 2008, Murray State paid 8.5 percent into the state pension system per payroll dollar for each employee. For FY20, the University paid 49.47 percent and continues to do so in the current fiscal year. This contribution rate is expected to increase even further in subsequent years.
- The Teacher's Retirement System (TRS) is in a much different position than KERS and has been able to manage with much lower employer contribution rates.
- A chart was presented illustrating the increase in the University's contribution in dollars which significantly impacts the financial statements. While there was initially a sharp increase in contribution dollars, that amount has decreased slightly over the past few years – not because rates are going down but because institutions are making decisions to remove positions from the KERS system. Examples at Murray State include outsourcing dining and grounds maintenance positions and reclassifying others.
- Data was provided on the University's contribution rates for all retirement plans in the KERS system. Based on last year's proposals during the Legislative Session, it is entirely likely the University contribution rate could increase to over 90 percent for Fiscal Year 2022. For TRS the University contribution rate is 15.865 percent per payroll dollar for each employee.
- There are three KERS non-hazardous employee tiers. Individuals hired into the KERS system before September 1, 2008 (Tier 1), those hired between September 1, 2008, and December 31, 2013 (Tier 2) and those hired on or after January 1, 2014 (Tier 3), regardless of employer. The KERS plan requires five years (or 60 months) to vest.
- For FY20, the Salary Base for Contributions – the amount calculations are based upon – for Murray State for KERS Non-Hazardous is \$9.6 million and has decreased due to the change in number of positions in the plan. From Fiscal Year 2018 to FY20 there has been a decrease of 235 filled positions and this will have a long-term impact on the institution in terms of KERS contributions.
- A recap of the University's liability in terms of other post-employment benefits was provided and this included the health insurance benefit retirees receive that is reported on the financial statements. There has been a total change in liability of over \$18.8 million on the University's balance sheet. The pension and other KERS Non-Hazardous post-employment benefits liabilities for Murray State decreased \$6.2 million from the past fiscal year, leaving a \$135.8 million liability which also represents approximately what it would cost the University to pursue a lump-sum buy-out of its liability.
- KERS options available to the University include a hard freeze versus a soft freeze. If a hard-freeze option is pursued, all employees would cease participation in KERS – Tiers 1, 2 and 3. If the soft-freeze option is chosen, only those individuals in Tier 3 would cease participation (77 employees). If the University decides to buy-out of KERS it would have to choose one of these two options.
- Overall KERS options include the University remaining in the system and continuing with the current structure, although the contribution rates are unknown and are likely to change, representing a significant risk. The University could choose to opt out of KERS but would be required to make a lump-sum payment utilizing either the hard- or soft-freeze options (up to a \$136 million liability). The University could choose to sell taxable bonds to finance that lump sum payment or enter into an installment payment plan with the retirement system (with both the hard- or soft-freeze options). This would represent a 30-year repayment or mortgage debt between the University and the retirement system. The value of the latter two options is not currently known, although an engagement for this work has been undertaken with Dean Dorton. Updated numbers will be available for the next Board Meeting.
- The House Bill 1 (HB1) timeline was presented and illustrates the University must make a decision relative to KERS at the December 4 Quarterly Meeting in response to Senate Bill 249 which changed during the last Legislative Session, effective April 2020.

Dr. Jackson added that a great deal of discussion has occurred and there is uncertainty whether the University could sell \$135 million in bonds in the current marketplace and all were asked to keep this in mind as options are considered and decisions made accordingly. Confirmation was provided that there is still an unknown component associated with the 77 employees affected by a decision to pursue a soft-freeze lump sum payment, the liability the University would have to continue to carry for these individuals and the associated cost. This is in addition to the cost for any alternative retirement option which would have to be provided for these employees. The retirement system will not calculate the final lump sum payment amount the University would be required to pay until the final decision is made to either opt out of KERS altogether or remain in the system. The numbers presented today are estimated. Ms. Gordon reported that the retirement accounts for the 77 individuals who would be affected if the lump sum payment soft-freeze option is selected would roll over into the University's current Optional Retirement Plan.



## Major Facilities Projects Update

Jason Youngblood, Director of Facilities Management, provided a Facilities Management major projects update with the following highlights:

- Significant progress was made over the summer with regard to Biology building remediation projects. Approximately 50 percent of the necessary work has been completed, including the HVAC system on the entire first floor and second floor casework. It is anticipated these projects will be completed by December 31, 2020.
- The Blackburn building renovation was submitted to Frankfort for plan review in July but the University was notified that the review process would take three to four months which means it will be late fall before construction efforts can begin. The construction duration is anticipated to take four to five months to complete the project. The facility is currently occupied which makes it more challenging to complete the necessary work. It is anticipated the project can be completed by the end of June 2021, with reopening to occur for the 2021 Fall Semester.
- The Curris Center boiler replacement project is underway. A rental boiler is currently being utilized as final plans are designed and finalized. The building will be moved from the University's central steam system so it can become a fully self-sufficient facility.
- Other infrastructure work includes campus electrical system upgrades, underground cables and the control network. Information Systems utilizes fiber-optics but there are still some copper-based wires on campus and those building operation system communication lines must be replaced. Storm water improvements must also be made. The city of Murray has storm water utilities in place but the University is exempt from that requirement as long as it can demonstrate it is putting money into the infrastructure by making storm water quality improvements. The city recently doubled its utility tax and the cost to the University in this regard would be approximately \$60,000 per year. It is hoped the institution can remain exempt but it must continue to show investment into storm water improvements in order to do so. An effort is made to incorporate such improvements into planned construction projects but other issues arise that require immediate repair.
- Preliminary concepts for interior renovation of the Curris Center were presented. The Capital Plan presented to the Board last year included a project scope of approximately \$11 million. The University requested a one-for-one or two-for-one match from the state and pre-pandemic this request was looking positive. Since that time, the authority or funding for this purpose has not materialized. The Curris Center interior renovation was part of the initial request so the University has lost its authorization to expend approximately \$3 million for this facility. Efforts are underway to identify funding that will allow this project to continue in phases and design work is scheduled to begin this fall. Contract negotiations are currently underway with a design firm and it is hoped a final contract will be in place soon. Once a consultant is under contract, the first step will be to meet with student groups to discuss ideas for the Curris Center and Regent Norman has been involved in this planning process.
- The contract with SSC afforded the University a \$1 million capital investment and \$400,000 was set aside for exterior lighting upgrades over a five-year period (\$80,000 per year). Year 1 priorities include the parking lot at Calloway and Kentucky Avenues (behind Alexander Hall), Gilbert Graves and Racer Drives (Roundabout area), education loop (Blackburn and Industry and Technology buildings) and the Quad and University Drive areas. These priorities will result in energy savings by upgrading to LED lighting, fixing dark spots and increasing brightness on campus.
- As part of Racer Restart efforts, a temporary structure has been constructed adjacent to Winslow Dining Hall and has added approximately 6,000 square feet under roof to allow for social distancing. Carr Hall North and South gyms have been converted to overflow student spaces and the Dance Studio in that facility has been converted to additional classroom space. Options are also available to convert other spaces on campus as needs are identified.
- The Doyle Fine Arts building has been cleaned and painted and before and after photos were provided. Safety and security upgrades are also being made to the exterior stairwells for this facility. The Curris Center Thoroughbred Room is now open for business and includes Steak 'n Shake, Tres Habaneros and Subconnection dining options. Work on Market 22 is expected to be completed next week. Appreciation was expressed to the Facilities Management Design and Construction team and Project Manager Matt Whittenberg, consultants, the construction team and Sodexo as all were under enormous time constraints to get these projects completed and trainings conducted due to an initial four-week project start delay as the result of an Open Records Request.
- The Curris Center bronze sculpture of Racer One project is under construction to ready the site for installation. It is anticipated the project will be completed in six to eight weeks. The Carr Hall bronze sculpture of Dr. John W. Carr project is also underway. It is anticipated the project will be completed within the next three weeks. Both will represent great additions to campus. Dr. Jackson added that the major gift for these projects came from Dr. Jack and Janice Rose and additional donors who made significant gifts in order to improve campus through these enhancements.
- The Sparks Hall entrances project has been completed and represents needed ADA upgrades to the building. The 16<sup>th</sup> Street and Ryan Avenue and Alexander Hall West parking lot repairs have been completed and both areas have been repaved.

- The West Farm Equine Shelter and the Waterfield Library Makerspace area renovations are both nearing completion. Planned roof replacements were made over the summer, in addition to preventative maintenance activities in the residence halls completed by Facilities Management. Repair and preventative maintenance work was also undertaken in the educational buildings since they have been largely vacant since March due to the pandemic. Appreciation was expressed to these essential workers for their efforts in this regard.

### Asset Preservation Funds

Mr. Youngblood reported that projects to be funded from the Fiscal Year 2020-21 Asset Preservation Fund (\$1.4 million budgeted to complete \$1.9 million in projects, the scope of which could change) that are scheduled to be undertaken include:

- Lovett Auditorium HVAC ductwork placement and repairs
- Wilson Hall window and door replacements and energy efficiency measures
- Wells Hall window and door replacements and energy efficiency measures
- Building Automation Systems

Ms. Dudley added that in future Legislative Sessions bonding authority would continue to be pursued for additional projects to be completed in the future.

### Student Affairs

#### Enrollment and Retention Update – Fall 2020

Drs. Robertson and Fister and Shawn Smee, Director of Undergraduate Recruitment, reported the following:

- First-time freshmen (FTF) applications increased 15.9 percent and FTF admitted numbers increased 6.9 percent from fall 2019 to fall 2020. First-time freshmen admitted from the 18-county service region is up 11.7 percent and FTF admissions from other counties increased 7.3 percent. New student housing applications are up 12.9 percent, while FTF individual campus visits decreased significantly due to the pandemic. A virtual campus tour was offered during the period the University was closed for in-person visits.
- An academic year 2019 to 2020 comparison was provided for the undergraduate Recapture Campaign as part of Student Engagement and Success retention efforts. Peggy Whaley, Director of Student Engagement and Success, and Dr. S.G. Carthell, Executive Director of Multicultural Initiatives/Dr. Marvin D. Mills, Sr. Multicultural Center, are the individuals primarily responsible for the coordination of retention efforts for the University. Retention strategies were outlined in detail relative to undergraduate student retention efforts for both returning and new students. As a result, significant progress has been made to register 70 percent of all eligible students who had not already done so for the 2020 Fall Semester. The same information was also provided for graduate students and 73 percent have now registered. Appreciation was expressed to Matt Jones, Coordinator of Domestic Graduate Recruitment and Retention, and the Graduate Coordinators in the colleges and schools for their efforts in this regard.
- In terms of 2020 Fall Semester numbers, first-time freshmen enrollment increased 4 percent, domestic transfer students increased 6 percent and overall graduate numbers increased by 9 percent. International enrollment is also positive primarily due to the University's partnership with Shandong University in China.
- Preliminary numbers were presented in terms of total headcount and credit hours compared to 2019 – illustrating flat growth. Undergraduate numbers are down slightly due primarily to a decrease nationally in the number of on-campus international students. The University was positioned to perform well in this category prior to the pandemic. It is hoped these students will be able to travel to campus for the 2021 Spring Semester.
- In terms of first-time freshmen numbers across the country, it was reported that in regard to the eight state institutions only one other institution had an increase relative to in-state enrollment while others had significant decreases in terms of freshmen and transfer classes. Within the region, enrollment at most institutions is relatively flat. Within the United States, most universities are slightly below where they were last year or exactly flat in terms of enrollment.
- Predictive analysis is now being utilized with regard to admission and enrollment data and results of this work were presented. This allows the University to strategically plan and change strategies as needed based on predictive analytics. This represents a joint effort of all aspects of the University, led by Dr. Fister.
- A detailed comparison of yield information from fall 2019 to fall 2020 was presented and various metrics were highlighted. With the various categories being evaluated, once a student is given a score of zero to five the University can more effectively tailor the Yield Marketing Plan strategy to those individuals at multiple confidence levels. This information can also be utilized for specific market

populations to provide personalized attention that makes a significant difference relative to recruitment success.

### New Enrollment and Yield Marketing Strategies for 2020-21

Dr. Robertson and Mr. Smee outlined new enrollment and yield marketing strategies for 2020-21. This represents a very different recruiting process due to pandemic restrictions and the inability to visit Kentucky schools in person. Different strategies are being developed to address these challenges for the 2021 Fall Semester and this work includes taking into consideration how other universities are handling the same issues. High School Guidance Counselors have proven to be invaluable as this process has unfolded. Virtual appointments have also been tailored to meet the needs of students and their families. The University's partnership with EAB has been invaluable in terms of development of the virtual campus tour and further enhancing the communications flow with participants. Individual, in-person visits are also being offered where feasible and the Racer Roadshow initiative will be tailored to accommodate a virtual format.

### 2020 Fall Semester Campus and Student Activities Report

Dr. Robertson outlined 2020 Fall Semester campus and student activities and programming that will be offered while adhering to safety guidelines.

Chair Rhoads commended Dr. Robertson and the entire team with regard to enrollment and retention efforts during this challenging environment. The Board is truly appreciative of their efforts.

### Athletics

#### Fiscal Year 2020-21 Athletics Update

Mr. Saal reported the following:

- The "Racer Way" core values include character and integrity, pursuit of knowledge and stewardship. The student-athlete experience is critical to the development of these young individuals.
- In terms of the student-athlete experience, they are students first, persons second, players third and ultimately transition toward being professionals. This marks the first year of the Racer Road Program which represents a coordinated and intentional developmental pathway for student-athletes as they matriculate through the program. Each student-athlete will attain developmental skills in a number of areas. First-year students will start with a one-hour academic course orienting them to campus and the core values of the Athletic Department, in addition to life skill training and a review of the Racer Road Program. The Racer Road Program is designed to help students with successful professional matriculation and make key contacts both personally and through the utilization of social media tools. Additional aspects of the Racer Road program were outlined, including leadership development and an emerging leader's program and leadership exchange. Job fairs will also be offered and will engage alumni, donors and others.
- There are currently 15 sports with approximately 325 student-athletes and 100 coaches, administrators and staff. There are nine women's and five men's sports and one co-ed Rifle Team. A topic of conversation has been the addition of sports to the University's portfolio but care must be exercised to maintain Title IX requirements relative to funding and facilities.
- In terms of the student-athlete population, 36 percent are first-generation college students and approximately 80 percent are Pell Grant recipients. This helps define the true mission and vision for the Athletics program.
- The 2020-21 organizational chart for Athletics was provided and has been restructured since last year in order to best meet the needs of student-athletes, while maximizing efficiency and effectiveness. There are three divisions – Resources and Business Operations led by Associate Athletic Director Scott Barnhart, Student-Athlete Services led by Senior Associate Athletic Director Matt Kelly and the External Division led by Mr. Saal as Athletic Director.
- The Athletics Department administers two different types of contracts from a personnel standpoint – multi-year and single-year. Data was presented from the past fiscal year which provides a good sense of the ratio in terms of quantity. Contracts for Coaches are designed to expire at the end of their competitive seasons and are managed throughout the year in close consultation with the President and General Counsel.
- Appreciation was expressed to Mr. Kelly for his efforts with regard to compliance. He is a critical leader within the department and maintains quality relationships with Coaches and student-athletes, as well as with administrators and staff across campus. Since COVID-19, Mr. Kelly's responsibilities – and those for his staff – have increased, in addition to his regular duties relative to oversight for compliance, academics, athletic training and strength and conditioning programming and the mental health of student-athletes. Mr. Kelly and his staff also play a critical role in scholarship discussions.

## The Inside Track

Mr. Kelly reported the following with regard to Athletics compliance:

- The NCAA refers to boosters as representatives of Athletics' interests. Members of the Board of Regents are considered boosters. Boosters should be mindful not to do something for a student-athlete they would not normally do for a regular student at Murray State. Regents and other members of the University community are very generous and do many things for regular students but they are not permitted to do those same things for student-athletes (if this is known). Many prohibited items relate to having monetary value and should be cleared with the Compliance Office in advance so they can be documented.
- The Inside Track is a brochure that is distributed annually as part of booster education. It is provided to all season ticket holders and members of the Racer Club and is strategically placed on campus in a variety of locations. This information is also provided through educational outreach events.
- Recruiting in athletics is different than recruitment for the general student population. The NCAA has a different recruiting calendar for almost every sport, meaning there are times of the year where Coaches and recruiters can or cannot reach out to prospective student-athletes and how they can do so can be complicated and is subject to restrictions.
- Regents must understand there is a subtle difference between recruiting students to campus and specifically recruiting student-athletes. Board members will naturally be involved in conversations with prospective students and family members and guided direction to the appropriate office on campus to answer questions is permissible per NCAA rules. All boosters should avoid guided direction when it becomes specific to a particular sport or athlete, meaning they should not become involved on the prospective athlete's behalf. Any such students should instead be directed to the [www.goracers.com](http://www.goracers.com) website and encouraged to explore the link on becoming a student-athlete at Murray State. Students and their families will be directed to fill out a questionnaire that goes directly to the head Coach for their particular sport. The Coach can then reach out to these individuals directly.
- Certification and continuing eligibility requirements vary by sport. NCAA requirements for academic eligibility are more difficult in the sports of football and baseball than for other sports. Eligibility certification starts at the conclusion of the 12<sup>th</sup> grade and continues through every semester during the collegiate career of a student-athlete. Murray State is required to certify the eligibility of student-athletes to both the NCAA and the Ohio Valley Conference (OVC) every semester. Five to six years ago the University developed a system between the Registrar, the Athletic Faculty Representative and the Athletic Department that would protect the institution. The NCAA and the OVC require two signatures to certify eligibility but Murray State requires three to avoid any issues. During their audit, the NCAA indicated Murray State was doing above what was required but because the University was so successful in avoiding errors, the OVC actually implemented the MSU model and it is now a conference mandate.
- Institutional control is a top down and downward up system of communication of rules education in the spirit of ethical compliance with NCAA rules. Student-athletes also hold some responsibility in this regard to ensure rules are being followed in terms of how they should be treated. The Office of Compliance conducts monthly Head Coach meetings to discuss institutional control and review recent interpretations, calendar reminders, collection of forms, recent violations/education, roster, eligibility, etc. MSU also reviews mistakes other institutions make to ensure they do not occur here. Every year the President and Athletic Director take an online training course through the NCAA learning portal and complete an annual attestation that Murray State is following the rules and they personally are not aware of any violations that would not have been reported. The Athletic Department has an annual meeting with the President and the Compliance Office conducts daily, weekly and monthly educational outreach training to subgroups within the department, boosters and the entire campus community to target specific rules education. Today's presentation to the Board represents an initiative in this regard.

Mr. Saal reported that in June 2019 the University and the Athletics Department initiated a per diem contract with Ross Tarrant and HNTB Corporation architects to execute a comprehensive facility master-planning study of all athletics facilities in order to develop recommendations, visual collateral and a pathway for future enhancements and fundraising. The final documents for the Facility Master Plan were delivered a few weeks ago and align with the University's overall Master Plan. The Facility Master Plan creates a vision and pathway for Athletics in terms of future direction and engaging with donors. At the appropriate time the Athletics Facility Master Plan will be communicated and made available publicly in order to focus fundraising and major gift efforts.

Highlights for the Fiscal Year 2019-20 academic year included the following:

- Academics
  - 32<sup>nd</sup> consecutive semester of 3.0 grade point average (GPA)

- Spring 2020 highest GPA (3.2) in recorded history which factors in all 325 student-athletes and also for the first time in recorded history all 15 sports programs achieved a 3.0 or higher GPA
- FCS Athletic Director's Association Award for Football's most improved and highest Academic Progress Rate (APR) in the OVC
- Qualified for NCAA APR funding to enhance the departmental budget
- Graduation success rate of 89 percent
- Administrative
  - Redesigned budget planning and tracking processes to be more transparent and inclusive
  - Established complete policies/procedures manuals for all areas and established an annual review schedule
- Competitive
  - Finished second in the OVC Director's Cup through winter sports
  - OVC Men's Basketball Championship (regular season)
- Facilities
  - Completion of master planning process
  - Completion of several small to moderate projects totaling \$250,000
- Football Growth in 2019
  - Increased season attendance from 30,945 in 2018 to 43,402 in 2019
  - Experienced largest single-game attendance since 1998 with 11,921 spectators – 5<sup>th</sup> largest ever
  - Experienced largest final game attendance since 1998 with 6,116 attendees – 4<sup>th</sup> largest ever
  - New Hires and additional University investment in the sport
- Revenue Generation
  - Football season ticket revenue up 63 percent and overall revenue up 40 percent
  - "Clear the Track" campaign specifically for football raised \$120,000 and is continuing to grow
  - Men's Basketball season ticket revenue up 17 percent and overall revenue flat
  - Multi-media rights sales – sponsorships and ad promotions – up 11.8 percent
  - Led Request for Proposals and negotiations to secure department-wide apparel agreement
  - Established plan to enhance sponsor/ad revenue through new digital signage
  - Established Diamond Club for Baseball
  - Exceeded annual giving fundraising goals of \$515,000/\$565,000 in Fiscal Year 2020
- Student-Athlete Experience
  - Established Racer Road Program
  - Further developed Mental Health Program and established future goals
  - Established and coordinated Leadership Development Program

Moving forward into Fiscal Year 2020-21 academic year, challenges include:

- COVID-19 Impacts/Update
  - NCAA mandates (eligibility and recruiting restrictions)
  - OVC/NCAA Championships
  - Football and Basketball ticketing models and game day operations
  - Fall sports postponement/cancellation (eligibility and recruiting restrictions)
  - Winter sports status and potential delay in season and practice
  - Medical protocols
- FY21 Budget
  - Planned decrease of \$1 million from FY20 – with two assumptions – being able to play two football guarantee games and the NCAA Men's Basketball Tournament taking place
- Personnel
  - Temporary reassignment of responsibilities due to four vacant full-time positions

### **Board of Regents Planning Session/Strategic Planning Process and Discussion**

Dr. Jackson reported that the strategic planning process had been underway for many months but was delayed due to the pandemic. Dr. Todd indicated that last fall work began on updating and refining the Strategic Plan. In addition to Dr. Todd, the Executive Committee that has undertaken this work includes Vice Presidents Dudley and Robertson, the Deans and Dr. Fister. Much of this Strategic Plan refinement occurred in fall 2019 and spring 2020, with a focus on shared governance and movement toward scheduling sessions with the Student Government Association, Staff Congress and Faculty Senate. When the pandemic occurred and the University had to move from strategizing to operationalizing within a quick timeframe, these plans were put on hold and the draft Strategic Plan being presented still needs to be shared with the various constituency groups to secure broad institutional support and input. The draft vision and mission statements, along with strategic attributes, were presented. The goal is to be able to present the final Strategic Plan to the Board for approval in December. Four Strategic Initiatives were presented and outlined for the Board, in addition to a metric measurement with includes a tracking mechanism. Each Strategic Initiative includes associated action items which were also highlighted.

## Spotlight Areas

### Institute of Engineering (Jones College of Science, Engineering and Technology)

Dr. Jackson reported that all are proud of the Institute of Engineering (IOE) that is part of the Jones College of Science, Engineering and Technology. IOE programs are growing and are important to the multi-state region and the Commonwealth. The college bears the name of Dr. Jesse D. Jones who lives in Louisiana. He remains excited about Murray State, his college and the Institute of Engineering.

Dr. Claire Fuller, Dean of the Jones College of Science, Engineering and Technology, reported that the Institute of Engineering is the fastest growing unit in the college regardless of measure used – such as majors, credit hours or degrees granted. A wide spectrum of engineering and technology programs are now offered in the IOE. The unit performs in an outstanding manner in terms of recruitment, retention and placement of students in internships and jobs. This growth and increase in breadth have been led by Dr. Danny Claiborne, Chair, Institute of Engineering.

Dr. Claiborne highlighted the following:

- The Institute of Engineering is currently housed in two facilities – the Collins Center for Industry and Technology and the new Engineering and Physics Building. Regents were encouraged to visit these facilities as their schedule allows.
- The IOE offers a new Civil and Sustainability Engineering program. When this program was presented to the CPE for approval, it was estimated there would be ten new students per year over the next three to four years. At the end of the first year, there are already 31 students enrolled in this program.
- The IOE also offers a program in Engineering Physics that is Engineering Accreditation Commission (EAC)/Accreditation Board for Engineering and Technology (ABET) accredited. Offered within this program are tracks in Mechanical, Electrical and Aerospace Engineering, along with Advanced Physics. The IOE also offers a program in Physics.
- The Construction Management and Architecture program is also housed within the Institute. This represents a restructured program extracted from an existing program called Civil Engineering Technology that had multiple tracks. Some of these tracks were not growing and as meetings were held with industrial advisory boards the decision was made to close Civil Engineering Technology, Survey and Engineering Technology and Environmental Engineering Technology programs and a new program in Civil and Sustainability Engineering was developed. In one year, enrollment in the Civil and Sustainability Engineering program – along with the program in Construction Management and Architecture – equal to that for the five previous tracks. Significant growth is expected to continue.
- The program in Cybersecurity Management replaced Telecommunications Systems Management based on recommendations from the national advisory board over the past five years.
- The IOE also offers undergraduate programs in Electromechanical Engineering Technology, Engineering and Graphics Design and Manufacturing Engineering Technology. The Master of Science in Engineering Management is also offered in the IOE. Murray State is the only institution in Kentucky that has both engineering and engineering technology programs but other universities are trying to capitalize in these areas as well.
- Enrollment data from 2012 to 2020 was presented, as well as realistic enrollment growth projections for programs within the Institute, taking into consideration resources and capacity. Some programs are already nearing optimal capacity while others will take longer to increase by the projected enrollment growth.
- A Manufacturing Engineering Technology program was also developed that is growing significantly and through an online articulation agreement, Years 3 and 4 are offered online.
- Recent successes include completion of the Engineering and Physics Building, growth in the Engineering Physics program and the impact of Engineering Technology. The CPE provided an Engineering Report for Kentucky in April 2020 – Engineering Sector Analysis in Kentucky – Labor Market Information, Program Demand Gap Analysis and Migration Analysis – which identified high demand, low supply programs. Those include Manufacturing Engineering (bachelor's +), Quality Control and Safety (certificate +) and Engineering Technology (bachelor's +). The IOE maintains serving Kentucky as a key objective but is also considering potential that is available in surrounding areas and states.
- Recruiting and sponsored events attract over 2,000 students to campus every year and such initiatives were highlighted.
- The IOE continues to manage six advisory boards with over 60 corporate partners while there are others also involved with the work of the Institute.

- The Institute of Engineering also tries to respond to the needs of the region and began producing face shields in March based on need as identified by local hospitals. To date, approximately 5,000 face shields have been provided to the region – and even outside the region.
- The Cybersecurity Network Management program has been accredited by the National Security Agency within the last six months.
- Major successes for the Institute of Engineering include graduates receiving internships and jobs and Murray State Engineering and Physics undergraduate students are attending graduate school at universities such as Stanford, Vanderbilt and Auburn.
- Future economic efforts will continue to have a regional impact by maintaining close relationships with local industry. Enrollment growth is expected but only with a continued investment in program development and attracting more faculty. Additional engineering programs being considered were also outlined based on the CPE report. The ability to offer these programs has been considered at Murray State but the ability to do so will be dependent on the provision of additional resources.
- IOE industry partners were highlighted, with an indication they are local, regional and national in scope.
- A recommendation will be made to the Board tomorrow to establish a School of Engineering in recognition of the growth, future and successes of the Institute of Engineering, along with engineering experiential learning and job placement, over the past 30 plus years. Confirmation was provided that there are no associated accreditation issues and making this change to a School of Engineering will further enhance opportunities for the programs housed within. Dr. Jackson added that the recruitment process has continually revealed students' desire to study within programs contained in a School of Engineering. Making this change will also help to recognize the achievements of Murray State in this arena and represents a natural progression that mirrors what is occurring across the country.

Dr. Todd expressed appreciation to Dean Fuller and Chair Claiborne for their leadership relative to the Institute of Engineering. Appreciation was also expressed to former Dean of the college – Dr. Steve Cobb – for the work he has done as part of his illustrious career.

#### Office of Institutional Diversity, Equity and Access

Mrs. Duffy provided an update relative to the Office of IDEA beyond nondiscrimination and compliance matters. There are five key function of the IDEA office, including prevention, inclusion, support, response and compliance. Inclusion involves supporting those concepts and connecting campus with trainings in this area, in addition to diversity and bias.

The University recognizes the need for increased, strategic, partnered and coordinated outreach aimed at identifying equity and inclusion strategies/activities which support the success of its diverse community. Efforts in this regard include the establishment of the Institutional Diversity, Equity and Inclusion Task Force (IDEIT). The Task Force was given the charge of providing recommendations to the Office of IDEA and the University President about each of the four pillar areas – Faculty and Staff, Students, Institutional Climate and Affirmative Action – to advance diversity, equity and inclusion. Work was undertaken with the President to develop a diversity baseline by reviewing the current composition of the student body and employees. Efforts in this regard will be inclusive of an increase in the underrepresented minority student body presence from fall 2019 to fall 2020 and an increase in underrepresented minority employees in campus leadership roles, including tenure and non-tenure track faculty. Minority and underrepresented student body comparison data was provided to the Board.

The University has started work on several IDEIT recommendations, such as the Regents Fellowship is specifically designed to assist minority students with career development opportunities in higher education while completing their graduate degree. The objective is to build an internal pipeline to enhance the recruitment and retention of underrepresented minority faculty and staff. The program will be for no more than two semesters (one academic year), unless the degree is completed sooner and will begin in fall 2020. The Regents Fellowship can be renewed for up to one additional year. Up to five Regents Fellows (graduate scholars) will be chosen for the academic year and will receive a stipend, in addition to a renewable scholarship award for full-time, U.S. citizen (non-online) graduate students. Each Regents Fellow will be assigned to the appropriate presidential or vice-presidential area of responsibility. The 2020-21 Regents Fellows are Kaitlyn Black, Devonna Crocker, Chanella Clark and Abril Sosa. All four will participate in monthly mentoring meetings; receive heightened exposure to higher education topics and observe key meetings regarding enrollment, recruitment and retention to enable them to begin to understand how an institution operates, evolves and adapts in order to meet challenges. Each Fellow will be provided with an opportunity to further their higher education and tie into the academic experience. They will also work under the guidance of a presidential or

vice-presidential assignment area and apply their areas of study to higher education through a challenge project under the guidance of higher education professionals to begin to understand how they might apply their time, talents and tenacity at Murray State.

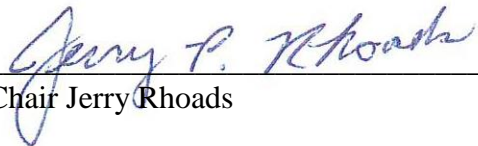
Dr. Jackson expressed appreciation to Mrs. Duffy, Mr. Smith and others for their work in this regard. This group reviewed applications and worked to select the Regents Fellows. The four Regents Fellows will add great value to Murray State and will be introduced to the Board at a subsequent meeting.

### **Upcoming University Events**

Dr. Jackson reported that a listing of major upcoming University events was included in the eBoard book. It was noted that the day/time, as well as the format, listed for these events is subject to change on a case-by-case basis. If, and in what format, these events are held will be dependent on the evolving pandemic.

### **Other Business/Adjournment**

There being no further business to come before the Board, Chair Rhoads adjourned the Annual Board of Regents Retreat at 3:35 p.m.

  
Chair Jerry Rhoads

  
Secretary Jill Hunt

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