

**Minutes of the Board of Regents Annual Retreat
Murray State University
August 24, 2023**

Call to Order

The Murray State University (MSU) Board of Regents (BOR) met for their annual Retreat on Thursday, August 24, 2023, in Heritage Hall – Hall of Benefactors – on the Murray State University campus. Chair Leon Owens called the meeting to order at 8:30 a.m. and welcomed those joining the meeting in person and via livestream. Chair Owens reported all Board members were present, with the exception of Vice Chair Virginia Gray who is expected shortly and Regent Tom Waldrop. Chair Owens welcomed the two newest Regents to the Board – Dr. Matthew Price and Mr. G. L. Ovey. This Board undertakes very important work and has a focused mission and all are glad to welcome the new Regents and look forward to working with them throughout the upcoming year.

Also present were President Robert L (Bob) Jackson; Senior Executive Coordinator for the President, Coordinator for Board Relations and Secretary to the Board of Regents Jill Hunt; Senior Vice President for Finance and Administrative Services Jackie Dudley; Interim Assistant Vice President, Finance Wendy Cain; Senior Associate Provost Bob Pervine; Associate Provost Renee Fister; Assistant Provost and Director of Online Learning Ashley Ireland; Assistant Vice President for Enrollment Management Roslyn White; General Counsel Rob Miller; Executive Director of Marketing and Communication Shawn Touney; Executive Director for Institutional Diversity, Equity and Access (IDEA)/Title IX Coordinator Cami Duffy; Director of Human Resources Courtney Hixon and members of the faculty, staff, students, news media, visitors and individuals viewing the meeting via Livestream.

Welcome and Agenda Review

Chair Owens reported that the Retreat will include a full day of reports on statutory requirements and compliance-related items. All look forward to the presentations from individuals who do yeoman's work for Murray State to promote the University's mission of educating and graduating students. A moment of silence was observed in memory of Dr. Gene Wells Ray. All were asked to keep Vice President for Student Affairs and Enrollment Management Dr. Don Robertson in their thoughts and prayers as he recuperates from a health concern. The community looks forward to seeing him back on campus soon.

AGENDA

Call to Order

Chair Leon Owens

Welcome and Agenda Review

Chair Leon Owens

Report of the President

President Bob Jackson

Kentucky Open Meetings/Open Records Laws

General Counsel Rob Miller

- a. The Kentucky Open Records and Open Meetings Acts: A guide for the public and public agencies (June 2022)
- b. "Managing Government Records – A Cooperative Undertaking" (June 2021)
- c. Social Media and Text Messaging

General Counsel/Legal Matters Overview

General Counsel Rob Miller

- a. Conflict of Interest
 - o Murray State University Board of Regents Statement of Conflict of Interest – Academic Year 2023-24
 - o Kentucky Revised Statute – Conflict of Interest
 - o Association of Governing Boards Conflict of Interest with Guidelines and Compelling Benefits (April 2013)
- b. Undue Influence
- c. Health Insurance Portability and Accountability Act (HIPAA)
- d. Family Educational Rights and Privacy Act (FERPA)
 - o Annual Notification

- FERPA Guide for Faculty, Staff and Student Employees
- e. Office of Institutional Diversity, Equity and Access (IDEA) **IDEA ED Cami Duffy**
 - Nondiscrimination and Title IX – Federal Civil Rights Law and Council on Postsecondary Education (CPE) Diversity Plan Update
 - Violence Against Women Act (VAWA) Brochure

Human Resources Updates

Dir. Human Resources

- a. *Personnel Policies and Procedures Manual – Policy III L - Flexible Work Arrangements Update* **Courtney Hixon**
- b. Faculty and Staff Compensation Review Update

President’s Office

President Bob Jackson

- a. Delegation of Authority Overview
 - Current Delegation of Authority (September 2022)
- b. 2020 – 2025 Revised Strategic Plan Overview
 - Key Metrics and Action Steps
- c. Senate Joint Resolution 98 Update
- d. Hutson School of Agriculture Resolution of Support

Academic Affairs

Provost Tim Todd

- a. Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Accreditation, QA Commons, First-Year Academic Advising Pilot and Performance Funding Updates

**Sr. Assoc. Provost
Bob Pervine
Assoc. Provost
Renee Fister
Asst. Pro./Dir. of
Online Learning
Ashley Ireland**

Break for Lunch (approx. 12 noon)

Reconvene (approx. 1 p.m.)

Finance and Administrative Services

- a. Information Security Report in Compliance with Gramm-Leach-Bliley Act (GLBA)

**IS Dir. Brian Purcell
Info. Sec. Officer
Duane Dycus**

Student Affairs and Enrollment Management Update

**Asst. VP for Enrollment Mgt.
Roslyn White**

University Advancement

- a. Office of Development – Campaign Update

**Exec. Dir. of Development Tina
Bernot**

Staff Perspective Survey – 2022-23

Chair Leon Owens

Other Business

Chair Leon Owens

Adjournment

Chair Leon Owens

Ribbon Cutting/Reception and Dinner

- 4:30 p.m. – Chestnut Street Bridge Ribbon Cutting (on Residential Colleges Side of Bridge)
- 5:30 p.m. – Board of Regents Reception and Dinner (Oakhurst, 1510 Main Street)

Report of the President

President Jackson provided an update with the following highlights:

- Appreciation was expressed to new Regents Ovey and Price for their commitment to this important service to west Kentucky, the region, community and state as a whole.

- Many in this room knew Dr. Gene Wells Ray personally. He is a 1961 alumnus of this University and was on campus regularly. Dr. Ray loved Racer basketball and was a loyal fan. The *Science Campus* was named after Dr. Ray and his family due to their generosity to this institution. Dr. Ray holds a Ph.D. in Nuclear Physics and also funded the Basketball Practice Facility several years ago. He was a generous and good man from Calloway County who never forgot his roots. Dr. Ray will be greatly missed. A hurricane hit the West Coast on the day of his Celebration of Life so President Jackson was unable to attend the event.
- Chief Ryan Orr was recognized. During the Spring Semester he was named Interim Chief of Police but interim has now been removed from his title. The work that he does in protecting faculty, staff and students is vitally important and very much appreciated.
- Over the next two days academic matters, budgetary issues, legal/policy items, new initiatives, the capital campaign and major gifts, buildings and grounds/deferred maintenance, enrollment, athletics, legislative/state policy topics and more will be covered in detail.
- The University has recently received its highest academic rankings in history and all should be especially proud of Murray State being recognized for its value component. Not only has the University been recognized for its academic quality but also for its value by *Washington Monthly* magazine as one of the “Best Bang for the Buck” institutions in America. The University is regularly recognized for these types of activities, especially in the academic arena. It is important for the University to be recognized for its value due to its importance to students and their families.
- Among first-time, full-time Murray State students, 99 percent receive some type of financial aid or scholarship. This plays an important role in recruiting, retention and Enrollment Management as a whole. All are proud of this accolade and the University continues to set records in this regard.
- Information was provided on the topic of undergraduate and graduate academic majors. One of the top topics for students and families and in Frankfort and beyond with legislators and others is whether the University is meeting the needs of the workforce and the economy from an economic development standpoint in this region and state. Murray State is performing well in this regard.
- A new academic initiative – a School of Veterinary Medicine – will be outlined in detail during the Quarterly Meeting tomorrow. Fifty years ago, the Murray State Board of Regents passed a Resolution asking the administration to consider the feasibility of a School of Veterinary Medicine and that document has been provided to the Regents. This initiative also fits into meeting the needs of the economy of the Commonwealth and multi-state region due to the tremendous shortage of veterinarians in Kentucky and an even greater shortage of large animal veterinarians. A School of Veterinary Medicine fits within the mission of the Hutson School of Agriculture. Murray State’s Pre-Vet and Animal Health Technology programs are believed to be the largest in Kentucky. There are currently 435 students studying in this particular area and a School of Veterinary Medicine represents the next logical step in the process. The Board will be asked tomorrow to approve a Resolution to allow the administration to advance a feasibility study relative to a School of Veterinary Medicine, as well as to consider its impact on the economy as a whole and how it can enhance this institution. There is currently no School of Veterinary Medicine in Kentucky and there are only 32 accredited Veterinary Technology programs in America. Most MSU students continue their studies in the Auburn Veterinary Technology program but there are a limited number of opportunities in this regard. Only about one-half of students who apply to a veterinarian school are accepted due to limited opportunities, although there is great student demand in this regard.
- With regard to the 2023-24 budget, one key factor is investing in the individuals associated with this University. This institution has an approximate \$166 million impact to the region, illustrating its importance not only academically but also economically. Last year no new funds were appropriated to Murray State and work that was accomplished was made possible through adjustments and reallocations as part of the budget process. Employees comprise 75 percent of the University’s budget and this is the case for many other institutions. Appreciation was expressed to the Faculty Senate for suggesting a method of how the University allocated for a potential raise last year for faculty and staff. The method represented a staggered formula where the lowest paid employees received a higher raise than the higher paid individuals. The raise ranged from 3.3 percent to 5.5 percent, with an average of 4.5 percent – the highest average raise in 23 years for all Murray State employees. To further enhance salaries, an agreement was signed with Evergreen Solutions. Evergreen conducted a study and is reviewing peer institutions and considering recession factors in departments across campus to decide what needs to be done to ensure balance in these areas. The current budget includes \$100,000 for the initial phase of this work with regard to compression issues which exist. The largest benefit area for the University is health insurance as it is a self-insured entity. Over the last four years there have been no increases/changes for employees with regard to insurance and any enhanced costs have been absorbed by the institution.
- As President Jackson has shared many times, everyone at Murray State is considered to be a recruiter. From 2014 to 2018 there was a 15 percent decline in headcount enrollment. Since 2018 to 2023 that has changed to a 4 percent increase in headcount due to the good work of many faculty, staff and administrators. This matters because 72 percent of the University’s budget is enrollment driven. As appropriations have either been flat or declined over the last 15 years, the institution has been required to manage this in other ways – namely through increased enrollment.
- A continued focus on scholarships and financial aid has been maintained over the last several years, especially need-based aid and simplifying the University’s tuition structure, and this has been

discussed with the Board in great detail. The scholarship model is now based on grade point average (GPA), not on ACT score, and this has made a tremendous difference. For Murray State Students, 52 percent graduate with no known debt – the best percentage in the Commonwealth. Work continues to ensure the financial needs of prospective and current students are addressed. Significant changes have also been made with regard to reciprocal counties and regional states. The Alumni Grant established in 2019 was outlined. The Road Scholars Program was also restarted and involves administrators, faculty and staff and appreciation was expressed to all in this regard.

- Information was presented on historical enrollment for the past five years. All are proud of the work that has been undertaken with regard to enrollment and a detailed report will be provided by Assistant Vice President White. When Regent McGowan became President of the Student Government Association, she formed an Enrollment Management Committee and the work of that group has been invaluable.
- Many significant projects have been completed or are underway with regard to deferred maintenance and campus improvements. Appreciation was expressed to Director of Facilities Management Jason Youngblood and his staff and a more detailed report will be provided later. A record number of projects are currently underway. Recent surveys have shown that over 80 percent of prospective students and their families who participate in a campus tour decide whether they want to attend that school within 10 minutes or less based on the look and design of campus. This is why this area matters. The University has received a number of national awards for the appearance of campus and all are proud of these accolades.
- Preliminary renderings of the new School of Nursing and Health Professions will be provided tomorrow. The building will have southern Georgian architecture and will be an important addition to campus. Appreciation was expressed to Dean Dina Byers and her faculty for their input into the programming design for this facility from the onset. The University will break ground for this facility soon as it is vitally important to economic and workforce development for the entire region. As part of this project, the current nursing building – Mason Hall – will also receive a multi-million-dollar renovation. Most of the health professions programs will move to Mason Hall and the pure nursing programs will be housed in the new facility. A schematic of the new nursing facility was provided. The building will be located on 16th Street across from Alexander Hall. Current parking will be maintained or relocated to suitable areas. If Regents have advice on planning and design work they were encouraged to share that with the administration.
- On any given day there are approximately 200 projects occurring on campus. Photos were shown of the renovation which has been undertaken in Lovett Auditorium, a facility that is used for campus, community and regional events. All are proud of the good work that has been undertaken in regard to preserving this historic building on campus.
- In terms of the legislative process for 2024, this represents a Budget Session (60-working day session). Senate Joint Resolution 98 (SJR 98) is essentially the next round of higher education reform and has three major components, including economic and workforce development, the West Kentucky Community and Technical College System and the feasibility of a new university in southeast Kentucky. A work group comprised of the university Presidents, CPE President Dr. Aaron Thompson and two key legislators and consultants has been established to undertake this work. Program review represents an ongoing process and those with low or no enrollment may be put on hold while other new programs to better meet economic and workforce development needs could be developed. Any such actions require Board approval.
- The same work group composition outlined for SJB 98 will be utilized to study base funding. There has been an inflationary impact to the universities with 11 increases in interest rates in the past 12 to 18 months. Surplus money is available to increase base funding but any such action by the Legislature may be the last for some time. A presentation will be provided later by Associate Provost Fister on the Performance Funding Model and the work group formed to identify modifications that may need to be made in this regard to ensure it is beneficial to all institutions. A request will also be made for additional Asset Preservation Funding. In the last Legislative Session, the University received approximately \$48 million which is how campus improvements are being made at this time, along with monies that Murray State is advancing out of its own budget. Work will also begin on Phase II of the School of Nursing and Health Professions building to achieve what was originally envisioned for this facility and the inflationary impact that has occurred.
- Information was provided and outlined on the 2024-26 General Fund Priority Requests. The top four requests are the Asset Preservation Pool for 2022-24 – Phase I, construction of the School of Nursing and Health Professions – Phase II, Asset Preservation Pool and replacement – Phase II and construction of a new Learning Commons with a residential component. All universities are currently on the same page in regard to initiatives which are being advanced. Agency bonds represent University monies – not General Fund dollars – that this Board would appropriate for particular purposes for campus enhancements and asset preservation work. These dollars must be repaid from institutional revenues. New residential housing and making College Courts a priority will be considered as part of this process, as well as utilizing private funds as the source for bonds for athletic facilities. Asset preservation needs in the residence halls will also be addressed moving forward.
- Executive Director of Development Dr. Tina Bernot will provide a Centennial Campaign update in relation to the \$100 million campaign that is currently underway. The campaign is going well and is exceeding expectations. Appreciation was expressed to Dr. Bernot and the Office of Development

for the good work that is occurring, resulting in a record year of fundraising. Several thousand donors gave of their time and treasure which is very much appreciated.

- Director of Athletics Nico Yantko will provide a detailed presentation regarding athletics tomorrow but it was a record fundraising year for this unit as well. Murray State is one of few universities that can make the claim of 38 semesters where student-athletes earned a 3.0 GPA or higher. The student-athlete GPA is higher than the entire campus average and appreciation was expressed to athletics staff involved in this area.
- Appreciation was expressed to the Board for all they do in support of this institution.

Chair Owens reminded Board members that a Conflict of Interest declaration has been provided which needs to be reviewed and returned to Secretary Hunt. Board members can consult with General Counsel Miller should they have any questions.

Kentucky Open Meetings/Open Records Laws

Kentucky Open Records and Meetings Acts: A guide for the public and public agencies (June 2022)

General Counsel Miller provided an overview of the Kentucky Open Records and Open Meetings Acts and highlighted the following:

- Secretary Hunt serves as the University's Custodian of Records and does an excellent job responding to Open Records Requests, working in conjunction with the General Counsel Office.
- Under the Open Records Act, as of June 2021, only residents of Kentucky can request public records. Although this sounds restrictive, the definition of resident is fairly broad and includes more than just individuals living in the state and could be a business registered in Kentucky, anyone with a Kentucky address or any media outlet regardless of where they are located. This new ruling has alleviated some work for public bodies when individuals are seeking data to be utilized for commercial purposes (those companies who are mining data for the purpose of reselling it). The University follows the law closely in this regard, requiring proof that individuals are residents of Kentucky. There have been some interesting interactions with individuals who have been hired by a company to be their employee for a day in order to make a request.
- In terms of what constitutes a public record, that is very broadly defined. Anything prepared, owned, used, in possession of or retained by public agencies constitute public records. With regard to text messages, over the past 12 years it seems as though each Attorney General has adopted a different position. General Counsel's consistent advice to the Board and administration has been to treat text messages as though they are a public record. In a current case, it has been ruled that if individuals conducting business on behalf of an entity have a private email account they are required to search for any applicable records requests that are made while text messages on private devices are not typically open to public inspection. This initial decision has now been advanced to the Court of Appeals in some cases and it is anticipated the issue will continue up to the Supreme Court. A final decision is anticipated in the next two years in this regard. The Board was encouraged to treat text messages as though they are subject to Open Records Requests, particularly if they pertain to University business. He believes the final ruling in the current case will be that such text messages must be disclosed.
- The University has five business days to respond to a request and while that seems short, it used to be three days.
- The law allows a person to review records in person if they do not want to pay for a paper copy. If the document exists in paper form the University is not required to convert that to an electronic format. This is typically done, however, for ease of use by enabling the information to be sent via email.
- The Kentucky Open Meetings Act has a presumption of openness, although there are some exemptions – such as scoring keys or vendor evaluations (until the point where a final decision is made).
- Under the Open Meetings Act, a quorum of the Board constitutes a meeting and for this body that is six members discussing public business. Any such meeting is required to be open to the public and notice must be provided so individuals have an opportunity to attend. Secretary Hunt follows these Open Meetings Act requirements to the letter. A quorum also applies to Committees of the Board. Most Board Committees have five members and if three members of a respective Committee discuss public business that would also constitute a meeting and would require public notice and the meeting to be held in a public location.
- Due to COVID, universities were allowed to hold meetings via videoconferencing and that option has been maintained post-pandemic. Kentucky statute now allows for videoconferencing for a meeting but notice must still be posted according to the guidelines in terms of where the meeting will be held and a way for the public to view the meeting must be provided. Every Board member must be seen and heard during the entire meeting. There is some technological risk to videoconferencing due to issues outside of the University's control. If that occurs the meeting must be halted until connectivity with all Board members can be restored.

- The Board is also required to meet at times and locations that are convenient to the public. Currently Board policy states meetings will occur in Pogue Library unless declared otherwise, which is how today's Retreat was handled. The Board is also required by statute and policy to meet four times per year.
- An agency can go into Closed Session but is required to meet one of the exemptions contained within the Open Meetings Act. The University must also be prepared to apply an exemption to go into Closed Session correctly. For Murray State, typical exemptions include real estate for purchase or sale, litigation or a personnel issue related to a specific employee. The Board cannot vote during Closed Session.
- If a complaint is received regarding a violation of the Open Meetings Act, the President or General Counsel must be notified immediately so the University can respond in some fashion within three business days. Complaints would typically be received by a Board member but should be advanced to the Chair.
- Media are allowed to videotape an entire meeting or portions of it and will oftentimes place microphones or recording devices in the middle of the meeting space. Board members were encouraged to assume those microphones and recording devices are always live.
- The University has a good record in terms of complying with the Open Meetings and Open Records laws and no issues are anticipated in this regard. If Board members have questions they were encouraged to contact General Counsel Miller.
- In the Board materials provided, there is a Certificate of Receipt and Distribution where Board members acknowledge they received the materials relative to the Attorney General's Open Meetings and Open Records guidance. Secretary Hunt must maintain a copy of these should they be requested.

Managing Government Records – A Cooperative Undertaking (June 2021)

General Counsel Miller reported that it is of utmost importance for the University to have a policy in place in regard to managing government records and that it follows that policy. The President is obligated to ensure records are created of transactions, policies and strategies and the Board is frequently involved in this work.

The Dean of University Libraries serves as the records retention source for the Murray State campus and the University has a records management system in place. State governments are interested in making sure state agencies maintain records well and there are rules and regulations relative to how long records must be maintained and when they can be destroyed. A record of continuing value must be kept for a certain number of years while some records must be kept permanently, such as real property transactions. A Records Destruction Certificate must be completed for any records being destroyed. Public records are very similar to those addressed by the Open Records Act. There are legal penalties for destroying records outside of the Records Retention Schedule.

General Counsel/Legal Matters Overview

Conflict of Interest

General Counsel Miller reported that annually Regents are asked to sign a Board-adopted Statement of Conflict of Interest and the one for this academic year was included in the eBoard book. A paper copy was also provided to each Regent. These will be collected and maintained by Secretary Hunt.

The Kentucky Revised Statute relative to Conflict of Interest was also provided for Board review and the following key points were highlighted:

- No officer of an agency shall knowingly receive or agree to receive, directly or indirectly, compensation for any services to be rendered, either by himself or another, in negotiations with a state agency for the purchase by the state or an agency of an interest in real property.
- No officer of an agency may be in any manner interested, either directly or indirectly, in his own name or in the name of other persons, in any contract for the performance of work upon which they may be eligible to act or vote. If a Regent or their family member has ownership of 5 percent of stock or more with a company doing business with Murray State this must be reported and that officer is unable to act upon such arrangements.
- No officer or employee of any agency shall, for compensation, appear before an agency as an expert witness.
- No member of a board of trustees or regents shall have an interest in any contract with a state university unless such contract shall have been subjected to competitive bidding, unless said trustee or regent shall have been the lowest bidder and unless such trustee or regent shall have first notified in writing the remaining members of the Board and the newspaper having the largest circulation in the

county in which the University is located of their intent to bid on such contract. This provides a reasonable pathway for a Board member to participate in contracts because the Legislature recognizes Board members and their associated businesses provide real services to universities.

Association of Governing Boards Conflict of Interest with Guidelines and Compelling Benefits (April 2013)

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. If a reasonable observer can acknowledge all the relevant circumstances and conclude that the Board member had an actual or perceived conflict of interest, then the Board member should not have a role in the matter, although there could be a compelling circumstance that dictates the involvement of a Board member. Information on how to measure compelling interest was also included in the materials provided. It would be rare for a Board member to have a conflict or apparent conflict and still participate in such a decision but there are ways it could be allowable.

Undue Influence

Board members maintain all of their constitutional rights. This could include serving as a reference for someone on a particular matter but he would caution how others perceive that conversation should be considered. Something as simple as a phone call a Regent makes on behalf of a specific individual for hiring purposes could be perceived as a conflict of interest, even though there is no intent. This has not been an area of concern for Murray State.

Health Insurance Portability and Accountability Act

General Counsel Miller provided an overview of the Health Insurance Portability and Accountability Act (HIPAA). MSU is a hybrid entity because it is self-insured and protected health information (PHI) is treated confidentially and securely. Two areas of campus are mainly engaged in covered transactions but the University as a whole aspires to treat all health information for students, faculty and staff according to the spirit of HIPAA. Human Resources is confined by the technical aspects of HIPAA and lately the federal government has become more interested in information breaches at universities and has applied substantial fines in some cases. This represents a change to the initial intent of HIPAA.

University requirements include designation of a privacy officer and a security officer, conducting training for staff regarding protected health information policies and procedures, implementing physical and technical safeguards for PHI, providing a method for compliance and sanctions as necessary, maintaining HIPAA documentation for six years and providing notification in the event of a breach. It is important for the University to closely adhere to HIPAA guidelines as increased penalties have been levied for violations. The Kentucky Attorney General is authorized to bring civil action for HIPAA violations to recover damages, obtain injunctions and seek costs and attorney fees. The Department of Health and Human Services can impose civil penalties, with some being severe. Criminal penalties could also apply but usually this occurs in circumstances where disclosure is intentional and typically where profit is sought or obtained. Breaches are a fact of life but of utmost importance is how the University responds to any specific incident and its efforts to keep such information protected. Board members may receive HIPAA information on a particular student in the course of University business but must be mindful not to rebroadcast that information publicly.

Family Educational Rights and Privacy Act Annual Notification

General Counsel Miller provided an update on the Family Educational Rights and Privacy Act (FERPA) with the following highlights:

- FERPA is a federal law passed in 1974 that protects privacy relative to the educational records of students. In K-12 schools that right belongs to the student's parent 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 situation meets one of the FERPA disclosure exceptions.

- The Department of Education does an excellent job by providing advice, counsel and guidance letters in regard to FERPA but can take away federal funding if violations occur. This is certainly an attention getter and why FERPA must be taken so seriously, in addition to the University's desire to protect its students.
- The University maintains a directory of student information and is allowed under the law to share a student's address, phone number, email address and other data points. Although this information can be shared under FERPA, that does not mean it must be disclosed and the University has consistently declined to release the information in most cases, especially in regard to companies that are known to be mining data.
- FERPA affords students certain rights with respect to their educational records because they own that information. These student rights include the ability to inspect their educational records within 45 days of the University receiving a request for access; ability to request an amendment to their educational records that are believed to be inaccurate or misleading or otherwise in violation of their private rights; ability to consent to disclosures of personally-identifiable information contained in their educational records, except to the extent FERPA authorizes disclosure without consent and the option to file a complaint with the Family Compliance Office of the United States Department of Education concerning an alleged failure by MSU to comply with the provisions of FERPA. Registrar Tracy Roberts serves as the University's FERPA officer and does an excellent job in regard to compliance and working with students.
- Parents are not allowed to obtain information on student grades unless the student has signed a formal statement granting them access.

Office of Institutional Diversity, Equity and Access (IDEA)

Nondiscrimination and Title IX – Federal Civil Rights Law/Violence Against Women Act (VAWA) Brochure

IDEA Executive Director Cami Duffy reported the following:

- As an institution of higher education, Murray State's responsibilities include ensuring policies and procedures are in place to address allegations of discrimination. Those policies and procedures must also be published and accessible.
- Illegal discrimination occurs when individuals are treated differently than others because of their membership in a protected class. These areas include race, disability, gender identity, sex, age, national origin or color, sexual orientation, religion and veteran status. This does not pertain to preferences but unfair treatment based on one of the protected classes.
- One of the protected classes relates to disability and each year information is shared about reasonable accommodations which are handled through the IDEA office. With the concept of equality an assumption is made that everyone benefits from the same supports and are treated equally but this may not necessarily be the case. Equality means that everyone gets the support they need particular to their individual situation and how access is achieved does not look the same for everyone. This is why accommodations must be handled on a case-by-case basis. Information on equality and access is also provided to the departments specific to how their operation functions.
- IDEA takes on a number of responsibilities and all work undertaken is accomplished with a staff of four – the Executive Director, Assistant Director and two Deputy Title IX Coordinators. The office operates under three umbrellas – equity efforts (compliance), inclusion efforts (support and proactive education) and response to concerns. Equity efforts include affirmative action and compliance with Vets 4212 reporting (voluntary), Title IX, Americans with Disabilities Act and reasonable accommodations, VAWA and the Campus SaVE Act. Inclusion efforts include annual education and outreach and the University Diversity Plan. Response to concerns include reporting, investigating and process navigation discussions. The office also provides educational efforts for diversity, equity and inclusion and educational outreach through campus-wide training all employees are required to complete. Additional educational efforts are provided in a number of other areas.
- The *Institutional Diversity, Equity and Inclusion Task Force (IDEIT)* serves as the umbrella for all diversity components at Murray State. This represents a four-pronged effort with faculty and staff employee recruitment and retention, student recruitment and retention, institutional climate (*President's Commission on Diversity and Inclusion*) and the Affirmative Action Committee. These four areas are led by faculty and staff and the focus aspects for each respective component were outlined.
- As an outgrowth of the *IDEIT*, the *Regents Fellowship* program was developed and is designed as a mechanism to promote and connect underrepresented minorities. *Regents Fellows* report to an administrator and receive increasing exposure to different aspects of the University. The *Regents Fellows* program provides a one-year, renewable graduate assistantship or scholarship for first-generation and/or socioeconomically disadvantaged students with career development opportunities in higher education while pursuing their graduate degree. This year there are two *Regents Fellows* – Jemele Artis from Hopkinsville, Kentucky, with a focus on human development and leadership and counseling students who did not have the traditional path to college. He is in his second year as a *Regents Fellow* and is working to obtain a different set of experiences under the TRiO program. The

second *Regents Fellow* is Tylantiss Atlas from Dallas, Texas, who is also focused on human development and leadership. Ms. Atlas is in her first year of the program working with athletic leadership. Both *Regents Fellows* are excited about this opportunity and the ability to participate in mentoring sessions, special projects and career development in terms of what it is like to work in higher education and where they might find the best fit.

- Title IX is included in the educational amendments section of civil rights law signed by President Richard Nixon in 1972 which states, “No person in the United States, shall, on the basis of sex, be excluded from participation in, be denied benefits of or be subjected to discrimination under any educational program or activity receiving federal financial assistance.” The law affords protection from all forms of sexual misconduct, including sex-based discrimination, harassment or gender violence at any educational institution receiving federal funding (financial aid). Students are the primary focus of Title IX but it is also applicable to all campus constituencies. Title IX applies to males and females, including non-conforming individuals, and prohibits discrimination on the basis of sex. Educational sessions are held with new freshman students in regard to Title IX so they understand its importance.
- Sexual misconduct violations include sexual violence which is any sexual behavior that occurs without a person’s consent. This includes rape, marital rape, statutory rape, child sexual abuse, incest, unwanted touching, sexual harassment and/or threats and forced oral sex. Such violations could have an absence of consent, incapacitation, coercion, blackouts, stalking, sexual orientation, non-consensual sexual activity/sexual assault and relationship violence. Consent is informed, freely given and mutually agreed upon sexual activity. Consent to one form of sexual activity does not imply consent to other forms of sexual activity. The lack of a negative response is not consent. An individual who is incapacitated by alcohol and/or other drugs, both voluntary and involuntarily consumed, may not give consent and past consent to sexual activity does not imply ongoing future consent.
- Every member of the University community is required to report sexual violence and misconduct, domestic or relationship violence, stalking on the basis of sex, sexual harassment and sex discrimination the moment they become aware of any such behavior. When reporting such matters, all relevant facts must be revealed, including the name of the respondent (individual who allegedly caused harm), name of the complainant (individual who alleges experiencing harm), contact information (phone, email, social media information, etc.) for either party, date and location of the incident and any other members of the University community involved in the incident. Reporters should use descriptive language to reflect what was said without injecting their own feelings and all parties involved in a matter should be encouraged to use campus resources. A listing of available campus resources was included in the eBoard book. All crimes should also be reported to the University Police Department. The duty to report extends to second-hand information, online and potential rumors and gossip both on and off campus. The University community is encouraged to avoid withholding information and should not believe reporting is not required because the information is confidential. There can be no guarantee that information will remain confidential. Reporters should avoid taking sides and remain objective for the benefit of the entire University community. They should not attempt to investigate, introduce bias into an otherwise objective reporting process or post on social media because it could revictimize the impacted party. Students are also provided with a copy of the VAWA brochure which was included in the eBoard book and outlines available resources. The IDEA Office does not represent either the party causing the harm or the individual who believes they have been harmed and must remain neutral in order to conduct an unbiased investigation.
- University Title IX responsibilities include taking prompt and effective action to stop harassment, eliminate a hostile environment and address its effects; adopting equitable grievance procedures; using a preponderance of the evidence and a reasonable person standard; conducting investigations separate from and independent of any criminal investigation or proceeding and conducting campus-wide education sessions both in person and online for faculty, staff and students with particular emphasis for target groups in Residence Life, Athletics, Band, Greek Life and student leaders and Advisors. All faculty, staff and students must complete annual online training which requires a score of 100 percent on assessment. The University must designate a Title IX Coordinator (Executive Director Duffy) and Deputy Coordinators and publish the address, phone number and email for those individuals and provide campus-wide training and access to written policies, procedures and campus resources. Training should include definitions, ways to report, reference to campus policies and resources and a discussion of sexual harassment and grievance procedures and campus educational sessions/training to ensure the message is clear and well received.
- Sexual harassment represents unwelcome, sexually-charged behavior on the basis of sex. Such behavior typically falls into three categories – severe, pervasive and objectively offensive. The threshold for students related to sexual harassment shifted in May 2020 and includes all three categories. The definition of sexual harassment as it applies to students is now unwelcome conduct determined by a reasonable person to be so severe, pervasive and objectionably offensive it effectively denies a person equal access to an educational program or activity. The harassment behavior must meet all three conditions in order to be considered sexual harassment. If one of the conditions is not met that does not mean it should not be reported but the allegation will be addressed under another student conduct policy. There are two types of sexual harassment. The first is quid-

pro-quo, meaning this for that, and the commission of such conduct by a person in a position of authority can be made explicitly or implicitly. The second type is the hostile classroom or work environment and the behavior must effectively affect their performance. Sexual harassment allegations against an employee can be severe or pervasive or objectively offensive. The impacted party is entitled to a fair and impartial process but IDEA does not represent either party. The involved parties can have an advocate present on their behalf but IDEA cannot serve as that advocate.

- In terms of the grievance procedures, there is both a formal and informal process. The IDEA Office does not encourage a party not to file a complaint nor encourage them to file a complaint. The office simply lets the individual know their rights, options and what the investigation process will entail. The individual must make the decision for themselves based on the information provided by IDEA. Office staff are not advocates or advisors and must not be in order to remain neutral and unbiased in the investigative process. Individuals are free to bring an advisor of their choice with them when they meet with the IDEA Office.
- Another area of Title IX is pregnancy and parenting students and there are associated protections. These individuals do not need to be discouraged from continuing toward graduation just because they are pregnant or parenting. Work is continuously undertaken to identify ways to help these students continue to navigate their situation and the college setting. Faculty are encouraged to refer students who are pregnant or parenting to Student Disability Services because that office can provide these individuals with the same accommodations as someone with a temporary disability. A plan to navigate forward is developed for these students.

Council on Postsecondary Education Diversity Plan Update

Executive Director Duffy provided an update on the CPE Diversity Plan with the following highlights:

- The Diversity Plan at Murray State is a living, evolving experience that is shaped by a myriad of people and perspectives. The University's efforts with regard to diversity and inclusion have been evaluated since 1981 by the CPE utilizing eight main components – undergraduate underrepresented minority (URM) enrollment, graduate URM enrollment, URM retention, low-income (LI) retention, URM six-year graduation rate, LI six-year graduation rate, URM degrees, LI degrees and workforce diversity (faculty and staff leadership). These same components are used for each public university in Kentucky. There is both a numerical portion (18 points) and a qualitative (narrative) portion (18 points) – 36 total points – the institution can earn. The University spends a great deal of time on the narrative portion of this work to speak in ways the numbers cannot. Almost every entity on campus is asked to tell their story and conversations are held with different student groups and those are folded into what is reported to the CPE to better tell the Racer story and efforts that are currently underway. This is part of the reason why Title IX training is mandatory because the University wants to ensure no individual is discriminated against based upon a particular class as that is not part of the Racer experience.

President Jackson expressed appreciation to Executive Director Duffy for her work in this regard. If Board members are contacted regarding a Title IX matter, especially the constituency Regents, they were encouraged to contact the President's Office or IDEA to be directed appropriately.

Executive Director Duffy provided confirmation that the next Diversity Plan report is due in March 2024 and will evaluate the University's 2022-23 efforts. Everyone is currently working on 2023-24 which will be reported in March 2025. Murray State's score on the last report was 28.

Adjournment

The Board of Regents adjourned for a break beginning at 10:15 a.m.

Reconvene

Chair Owens reconvened the Annual Board of Regents Retreat at 10:25 a.m.

Human Resources Updates

Personnel Policies and Procedures Manual – Policy III L – Flexible Work Arrangements Update

Director Hixon provided an update on the proposed Flexible Work Arrangement Policy with the following highlights:

- As work began to develop the Flexible Work Arrangements Policy, a primary consideration was the overall purpose of state universities and colleges when they were established as defined by Kentucky Revised Statute 164.300. The purpose of state universities and colleges is to give instruction at the college level, in residence and through extension study, in academic, vocational and professional subjects and in the science of art and teaching, including professional ethics, to conduct training schools, field service and research and to render such supplemental services as conducting libraries and museums, dormitories, farms, recreational facilities and offering instruction in such general and cultural subjects as constitute a part of their curricula.
- An important aspect of this work moving forward was ensuring that the operational needs were consistent with Murray State's as a traditional residential comprehensive university. This spirit was maintained throughout the review and preparation of the policy.
- A shared governance group – the Faculty and Staff Insurance and Benefits Committee – appointed a subcommittee that did a lot of work on the front end to prepare for proposed policy development. Recommendations included that there be no specific unit referenced in the policy and no waiting period for new hires before reviewing such a flexible work arrangement.
- The proposed policy from the subcommittee was then compared against 18 Kentucky public and Missouri Valley Conference institutions to identify best practices. Other important aspects of this work included recruitment and retention efforts for certain positions.
- The proposed policy is applicable to regular staff only. The flexible work arrangement is not to exceed one year and will then be re-evaluated. This policy does not apply to incidental or brief time periods best managed through the use of leave or other arrangements with the supervisor. The policy is not intended to be implemented on a week-by-week basis.
- Flexible work arrangements are not feasible within some departments or for certain positions including, but not limited to, those that require a physical presence on campus or those that mandate specific working hours or shift work.
- Requests must be supported and submitted by the supervisor and recommended by the administrative head, Dean/Director and Vice President/President, representing a very collaborative process. A Flexible Work Arrangement Form is required detailing the employee's work schedule, must support the mission of the University and department and cannot affect services provided to the campus community or contribute to the need for a department to incur overtime. Final approval of a Flexible Work Arrangement Form will be granted by Human Resources.
- Additional considerations included 1) a minimum of six consecutive months of service completed in the position unless recommended by the supervisor/administrative head (requirement waived if a new or open position is designated for flexible work) before a flexible work arrangement would be considered and 2) supervisory training on how to effectively manage the flexible work environment.

Faculty and Staff Compensation Review Update

Director Hixon provided an update on the Faculty and Staff Compensation review which is underway with the following highlights:

- An Advisory Committee was appointed in regard to the Faculty and Staff Compensation Review and information was provided about membership. The role of the Advisory Committee is to provide guidance and support to the project process and feedback to define the competitive market/benchmark institutions. The Committee also serves as a resource to the project team and consultant on faculty and staff perceptions, needs and interests and communicates and supports final recommendations.
- The compensation review consultant that has been hired is Evergreen Solutions, LLC. The firm has national public sector consulting experience and has worked in 46 states, conducted over 800 compensation and classification reviews; possesses extensive public sector Human Resources experience and is a full-service Human Resources consulting practice. Evergreen Solutions also has expertise in higher education, school divisions, local governments, state agencies and quasi-governmental organizations.
- Compensation Review Goals include:
 - Review of the current compensation system to ensure internal equity.
 - Identify a list of target peer institutions among public four-year comprehensive colleges and universities based on Carnegie classifications, Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) benchmark institutions, regional proximity (250 to 300-mile radius) and total enrollment.
 - Survey target peer institutions to ensure external equity.
 - Use secondary data for comparison (CUPA-HR, local external labor markets, etc.).
 - Produce recommendations to provide Murray State with a compensation system that is equitable, both internally and externally.
 - Create implementation solutions that take into account current compensation and financial impact, as well as the findings from the compensation analysis.
- Project Phases include:
 - Phase 1: Outreach (completed) – project initiation and collecting appropriate internal client data
 - Phase 2: Internal Analysis (completed) – data review and assessment of current conditions
 - Phase 3: External Analysis – identify list of target peer institutions, Compensation Market Survey and market positioning

- Phase 4: Solution – implementation solutions and reporting
- It is anticipated that Phase 4 will be completed at the end of September.

President Jackson reported that this initiative has taken a great deal of time and Director Hixon's efforts are appreciated as this work is vitally important to Murray State.

President Jackson indicated that, as outlined earlier, the *Regents Fellows* program is for graduate students and the newest *Fellow* is here today – Tylantiss Atlas. Ms. Atlas stated that she is from Dallas, Texas, and initially graduated with a degree in Sociology from the University of Alaska. Being that far away from home was stressful but she enjoyed the experience and it helped shaped her into who she is today. She likes the woman she is becoming because Alaska allowed her to see those areas where she lacked discipline. The isolation also helped her realize things that she might not have noticed when other people were around. She is super excited for this year, is grateful for being selected as a *Regents Fellow* and she can see this as turning into a long-term relationship. Ms. Atlas received a round of applause. President Jackson added that Pat Spurgin – a Racer – is President of the university where Ms. Atlas completed her undergraduate study. Chair Owens added that all stand ready to do whatever the University can to ensure Ms. Atlas' success and allow her to have the best experience possible.

President's Office

Chair Owens indicated that the Board will be asked to reaffirm the Delegation of Authority tomorrow and all were encouraged to familiarize themselves with the document due to its importance.

Delegation of Authority Overview

President Jackson reported that the Delegation of Authority document represents the guardrails for managing the University on a day-to-day basis. This document delegates authority from the Board to the President of the University and clarifies items which are reserved solely for Board action. It is referred to on a near daily basis by the President, Secretary Hunt and General Counsel Miller. The document allows management to function more effectively and ensures the President and Board have reached agreement in regard to actions that can be taken by the administration. The Delegation of Authority also allows the President to act on certain items in the event of an emergency – in consultation with the Board Chair – and while this provision has been used sparingly, it was especially beneficial during the pandemic. Board members are notified of any action taken by the University administration utilizing the Delegation of Authority between Quarterly Meetings. President Jackson highlighted various aspects of the Delegation of Authority representing actions that are reserved for Board action. Areas highlighted from the Delegation of Authority included:

- Delegation of Authority Item #2 – Represents one of the most important things this Board does – hiring a President and conducting the associated evaluation. The President is evaluated annually but every four years goes through a 360° comprehensive review where Board members solicit input from external and internal stakeholders. Chair Owens led this process this year which culminated in June with a report to the full Board. The results of the 360° comprehensive evaluation have been shared with the new Regents, in addition to the approved evaluation process document.
- Delegation of Authority Item #5 – Involves evaluating degree programs. The establishment or discontinuation of any degree programs or academic majors or minors and any other major program requires Board approval based on the recommendation of the President.
- Delegation of Authority Item #6 – Involves the approval of University student admission standards and graduation requirements, consistent with provisions of Kentucky Revised Statutes (KRS).
- Delegation of Authority Item #7 – Deals with the National Collegiate Athletics Association classifications and conference affiliations and the establishment or discontinuance of intercollegiate athletics programs/teams.
- Delegation of Authority Item #8 – Represents approval of the promotion of faculty and awarding of tenure pursuant to existing policies.
- Delegation of Authority Item #10 – Consistent with KRS, requires Board approval of changes to compensation/benefit policies for faculty and staff.
- Delegation of Authority Item #11 – Requires the Board to approve all new employment contracts made outside the regular budget cycle and approve all Personal Services Contracts (PSC) totaling more than \$50,000. If a PSC goes above \$50,000 it must be presented to the Board for approval unless the contract is a renewal of an agreement previously-approved by the Board. Item #11 also requires the Board to be notified of all Personal Services Contracts between \$10,000 and \$50,000 before they are submitted to the Legislative Research Commission (LRC) but not including routine annual renewals. Upon review of new Personal Services Contracts, individual Board members may request that these be held for approval at the next Board meeting. All PSCs necessary for projects previously approved by the Board are not subject to the additional approval in this section.

- Delegation of Authority Item #12 – Relates to approving the annual operating budget which includes Education and General and Auxiliary budgets and the issuance of any bonds pursuant to KRS.
- Delegation of Authority Item #13 – Relates to approving any “Program Statement” that may be prepared for a capital construction project requiring approval by the Kentucky General Assembly prior to implementation. The Board is also required to approve any major renovations of executive offices, the presidential residence and other similar projects which will exceed \$25,000.
- Item #20 – Requires the Board to approve capital projects, as defined by Kentucky statutes and which requires approval by the Kentucky General Assembly, prior to the commitment of funds. Before moving forward, all projects, including price contracts related to capital projects, costing over \$500,000 and up to the threshold denoted by Kentucky statute should be reviewed by the Board Chair and the President and a determination made in terms of those projects requiring further Board approval. For projects approved by the Board of Regents which were procured through established procedures, when the final or projected cost exceeds the Board-approved estimated costs, increases may be approved by the President in an amount up to \$500,000 over the Board-approved amount, and if increased final or projected costs are greater than \$500,000, but less than \$1 million, over the Board-approved amount, the Board Chair and President should review the cost increases and make a determination as to whether further Board approval is required.
- Delegation of Authority Item #22 – Relates to approving rates for tuition, mandatory fees and room and board.
- Delegation of Authority Item #24 – Relates to awarding of degrees, including honorary degrees.
- Delegation of Authority Item #25 – Relates to the naming of facilities and memorials.
- Delegation of Authority Item #27 (used extensively throughout the pandemic) – In the event of an emergency or in a case where immediate action is in the best interests of the University, the President, after consultation with the Board Chair, is authorized to act, pursuant to authority otherwise available but for the Delegation of Authority. Throughout the pandemic the President or Chair notified the full Board of any such actions which were taken.

2020 – 2025 Revised Strategic Plan Overview

President Jackson reported that the Board will be asked to reaffirm the revised 2020 – 2025 Strategic Plan tomorrow. The Strategic Plan plays a key role in the overall SACSCOC reaccreditation process. Changes to the Strategic Plan include updating Board membership and other housekeeping needs. The Board was encouraged to take the time to review the Vision and Mission Statements for Murray State. In 2020, and prior to the pandemic, a committee was tasked specifically with looking at the Vision and Mission Statements for Murray State and identifying changes that needed to be made. Provost Todd chaired the Strategic Planning Committee and following review several necessary changes to the Strategic Plan were made. This work included the involvement of many faculty, staff and students. The Strategic Plan also includes Strategic Attributes – what makes MSU different from other institutions – of which the Board should be aware. MSU is a residential, comprehensive and traditional in-person University with almost 10,000 students. One Strategic Initiative involves strengthening the academic culture and academic excellence and this has been a core value for this institution for over 100 years due to its importance. Brand awareness also represents a key component of this work, in addition to recruiting and retaining students. The campus atmosphere and the residential college system that is unique to Murray State are important. Also included is the importance of a strong faculty and their research efforts. Improving and advancing the quality of life for the region is also a central goal for this University. Murray State is the only public, comprehensive university in Kentucky west of Interstate 65 and has regional campuses in Hopkinsville, Ft. Campbell, Madisonville, Paducah and Henderson to assist in meeting the vision and mission of the University.

There are 11 metrics included in the Strategic Plan. As the Plan was developed, care was taken to ensure that the Performance Funding Model metrics were outlined to make all readers aware of those metrics. For each metric there are submetrics that are also important to the decision-making process. For the most part the only new money the University will be receiving on a recurring basis will be based on meeting the Performance Funding Model metrics. Associate Provost Fister has done an excellent job monitoring progress toward these metrics since 2020-21 so the administration is aware of how the University is actually performing and whether progress is being made.

Senate Joint Resolution 98 Update

President Jackson indicated that he provided a fairly detailed Senate Joint Resolution 98 update earlier. This bill will be voted on in the next Legislative Session and is being monitored closely.

The Work Group will provide recommendations to the General Assembly by December 1 and the Board will be updated as this process advances. No items that specifically impact Murray State are anticipated but areas that will affect higher education in general are included.

Hutson School of Agriculture Resolution of Support

The Board has been provided with a draft Resolution of Support for a new School of Veterinary Medicine at Murray State University and will be asked to act on that document tomorrow. The Resolution contains many facts outlining why this particular topic is important. The Resolution also cites the intent to create a Task Force to advance a feasibility study due to the importance, especially in terms of the academic arena, of a School of Veterinary Medicine at Murray State University.

Academic Affairs

Southern Association of Colleges and Schools Commission on Colleges Accreditation Update

Senior Associate Provost Pervine reported the following:

- Murray State's institutional accreditation is through the Southern Association of Colleges and Schools Commission on Colleges. SACSCOC accredits over 700 colleges and universities throughout the southern region. The University is required by the federal Department of Education to maintain institutional accreditation in order to be able to access federal student aid. This means accreditation is not optional. Accreditation also validates the University's policies and procedures and provides a comparison opportunity against peer institutions in the southern region. Accreditation also provides an opportunity for the University to demonstrate it does what it says it does and is following policies and procedures which are in place. Accreditation provides external validation that what Murray State is doing academically in terms of programs, procedures and policies, are consistent with commonly accepted higher education standards. The same is true with regard to administrative policies and procedures. If the University was not accredited by SACSCOC it would not be able to receive financial assistance from the government which would be problematic for a variety of reasons.
- The accreditation process is based on a ten-year cycle and the University's last ten-year reaffirmation was conducted in 2014, with the next reaffirmation process occurring in 2024. The self-study process is currently underway and there are a number of individuals involved in helping prepare the associated report. This self-study will be provided to SACSCOC for review. There are a number of SACSCOC requirements regarding the operation of the Board of Regents, including the annual Self-Assessment that is undertaken.
- Providing education on undue influence and conflict of interest (outlined earlier by General Counsel Miller) is a SACSCOC requirement.
- The Delegation of Authority document just discussed is part of the University's evidence that is used to demonstrate there is a separation between the Board and the administration. The Self-Study and all associated electronic files will be submitted to SACSCOC on September 8, 2023. Those files will be reviewed by a group of faculty, staff and administrators from schools that are like Murray State and written feedback will be provided to the University.
- During the reaccreditation process, approximately 40 standards or requirements will be assessed. Murray State is fortunate in that it was given the opportunity to take part in the differentiated review process. This means the University has to respond to one-half of the total number of standards SACSCOC has in place for accreditation purposes. This opportunity was provided to the University based on prior performance.
- When the onsite visit occurs April 1 – 4, 2024, there will be a group of three to five visitors on campus. The SACSCOC Vice President – Dr. Jay Marr – has been very helpful throughout this process and repeatedly stressed that the group wants to help and work in cooperation with the University.
- While on campus, the SACSCOC group will discuss standards on which the University is required to report, including faculty assessment results, student outcomes, the general education program and the Quality Enhancement Plan (QEP). The QEP is an important component of the reaffirmation process and represents a five-year plan the University developed to improve student learning. The QEP is supposed to be derived from institutional need and align with the Strategic Plan. The University's next QEP will address student mental health and well-being. This topic emerged as a primary concern from a number of meetings with faculty, staff and students over the course of the past year. Professor and Director of the School of Engineering Dr. Jamie Rogers and Professor and Head of Agricultural Science Dr. Alyx Shultz are co-directing this effort and will make a presentation at an upcoming Board meeting prior to the on-site visit to provide additional details. The on-site visitation team will spend a great deal of time reviewing the QEP and will meet with the various constituency groups while on campus. Some Board members will also be involved as part of this process.
- In terms of who reviews the documentation submitted, Senior Associate Provost Pervine reported that each of the approximate 700 institutions accredited by SACSCOC has identified evaluators. Individuals at Murray State who have been identified as evaluators include Dr.

Pervine, Dr. Fister, Provost Todd, President Jackson, Vice President Robertson and other faculty as part of their professional responsibilities.

Quality Assurance Commons

Senior Associate Provost Pervine reported that under the vision and leadership of CPE President Thompson, Quality Assurance (QA) Commons certification has been introduced throughout Kentucky. The CPE has encouraged all public universities to take part in the Quality Assurance Commons and Murray State is leading in this arena. The QA Commons represents a mini-accreditation of academic programs focused on work-ready skills. President Thompson wanted to identify a way to ensure students are employed upon graduation and the QA process represents that mechanism. A survey was undertaken among students and new hires and it was shown that almost one-half fail within the first year and a half of their employment. Among these failures, 11 percent are due to a lack of hard skills. The remainder fail due to a lack of soft skills. Soft skills include being a good communicator and problem solver, working well in a team setting, being adaptable, possessing principles and ethics and maintaining professionalism.

A number of academic programs have gone through a QA certification process which is not a trivial endeavor. Students emerging from these programs with degrees also possess QA Commons certification. This represents certification that potential employers can see and know that the particular student also possesses the soft skills to be successful in their respective organizations. The goal of QA Commons is for these students to have an edge when looking for gainful employment.

Murray State currently has eight QA Commons certified programs. There are other programs where this is also being considered. MSU is the top institution nationwide in terms of programs having QA Commons certification and has become a national leader with regard to this initiative. When the last SACSCOC conference was held in December 2022, Murray State was asked to make a presentation about how it has utilized QA Commons to deliver soft skills to students and the session was well attended. On September 14, 2023, the QA Commons will offer a webinar for anyone or any schools in the country on how to develop a superb internship program. Panelists from Murray State include Dr. Elizabeth Gordon, Assistant Professor and Director of the Public and Community Health program and Director of Career Services Matt Purdy. Dr. Mike Muscarella, Executive Director of Ambulatory Services at Baptist Health and an extensive collaborator with Murray State, is also serving as a panelist. Murray State is representing the QA Commons and showing others how to foster impactful internships. The University hopes to lead in this arena into the future. A suggestion was made for the University to present information in regard to this initiative to the state human resources organization in Kentucky. Director Hixon confirmed that she is an active member of Kentucky SHRM and can follow up on this suggestion. Agreement was reached that details on the webinar should be provided to campus.

First-Year Academic Advising Pilot Update

Assistant Provost Ireland provided a report on the first-year academic advising pilot project. This represents the first full year of the pilot project and involves a collaboration between the offices of Academic Affairs and Student Affairs. Academic advising is traditionally thought of as the pathway to get a student to graduation. Up until now, the University has defined its academic advising model as decentralized, primarily done by faculty advisors, with a focus on those courses a student needs to take in order to graduate. For the most part, the advising meeting occurs ahead of the next scheduling window. It is known that Murray State does a good job in this area and faculty guiding students through the process will remain as one of the key components of the pilot project.

A few years ago, President Jackson challenged the *Commission on Academic Advising* to look at advising as a whole and determine where improvements could be made. Performance funding dollars provided an incentive to undertake this work, as well as the value component in terms of retention. As the *Commission* began its work to study the advising process, it was discovered that there are two additional functions of advising which represented areas where enhancements could be made – the recruitment and retention functions. A great deal of this work occurs during the summer between when a student leaves high school and when they enter the University in the fall and this is where the *Commission* decided to focus its efforts. At the end of a full year of study, the *Commission* recommended that a dual advising model be developed for first- and

second-year students. The model includes first-year advisors who are 12-month staff employees fully trained in dual and transfer credit advising and available campus support systems. These individuals work with students during the summer and throughout their first year of college, while maintaining a relationship with a Faculty Advisor, to ensure a seamless transition throughout the remainder of their college career. The Faculty Advisors are trained on academic requirements within the program, career and co-curricular opportunities and long-term goals.

In developing this Academic Advising Model, the Commission identified indicators of success. The National Survey for Student Engagement was conducted last year and the University recently received the results. These survey results helped determine what needs to be done with academic advising and where changes are needed. The pilot model was rolled out in one academic area for this current year – the Department of Management, Marketing and Business Administration. This represents a very large department with 300 – 400 students but any unit selected for this pilot project will develop its own unique advising partnerships. What the First-Year Professional Advisor does and the role of the Faculty Advisor will be a decision made based on each department.

A Coordinator of Professional Advising has been hired – Leanna McClure. She works in the Office of Student Affairs and collaborates with many others to ensure the project works well. First-Year Advisors have been hired by repurposing vacant positions and these individuals were trained over the past several months so they were ready to work with Management, Marketing and Business Administration students when orientations were undertaken during the summer. The intensive training provided has been a great success.

For the current academic year, work will continue to identify how the pilot project can be transitioned into other areas. These efforts will be monitored moving into the future. Professional Advisors are assisting 35 students and Ms. McClure has over 100 advisees, including first-time freshmen, first-time transfers and international students. Best practice for academic advising states that a First-Year Advisor may work with as many as 300 students. This is not necessarily the goal for Murray State. Consideration is underway to identify different areas where this project can be expanded, including the Education and Human Services online major. This model relies heavily on faculty over the summer when they are not on contract.

President Jackson indicated that Assistant Provost Ireland has done an excellent job in developing this project and the University is performing well in terms of connecting with first-year students. Academic advising and progressing a student from 30-credit hours to 60, to 90 to graduation is a key component of the Performance Funding Model.

Performance Funding Update

Associate Provost Fister provided a performance funding update. Performance funding is based on three elements: student success (35 percent), student credit hour production (35 percent) and operational support (30 percent), based on a three-year rolling average. Each metric is calculated by averaging the three most recent years of finalized data for each of the eight public universities in the state. The Student Success metric includes bachelor degrees, STEM-H bachelor degrees, URM bachelor degrees and LI bachelor degrees. Progression relates to a freshman student who starts in the fall and by the next fall has earned 30-credit hours and this format continues through 60 and 90 credit hours. The University does very well on meeting the 30- and 60-credit hour metrics and is working to address needs with regard to the 90-credit hour goal.

The Student Credit Hour Production metric represents a weighted situation by level of course, as well as by discipline, and whether a student is in-state or non-resident. A non-resident student only carries one-half the weight of a resident student. 41 percent of Murray State students are from the 18-county service region and 63 percent are from Kentucky.

The Organizational Support metric includes facility academic square footage, direct instruction and student services costs and Full-Time Equivalent student enrollment.

A document was provided showing the University's performance relative to other state public universities. For Fiscal Year 2024, with regard to the metrics, Murray State performed above a certain level on six of the 11 metrics and received almost \$3.1 million this year. Last year the University received \$3.3 million, although it was above the sector for fewer metrics. Another

university was above the sector on five metrics but received \$0 in performance funding. This helps illustrate that the current Performance Funding Model is volume-driven. Although MSU has doubled some metrics, that has not been reflected in performance funding dollars allocated. Credit hours represent an impactful area and the University is up this year over multiple years.

Appreciation was expressed to the Regents for all they do to represent Murray State and support faculty, staff and students. The volume aspect of the Performance Funding Model is overwhelming and makes it difficult for institutions such as Murray State to make progress even though it is performing at a higher level than other universities. All must remember that when one institution gains, another loses funding. All credit hours are considered with the Performance Funding Model, with the exception of credits earned by high school students (dual credit). President Jackson reported that all performance funding metrics are included in state statute. The model is volume driven but in order to make any adjustments the law must also be changed.

A Work Group is reviewing these issues and recommendations are expected that can be advanced to the Legislature. One such recommendation includes looking at the weighting for the low-income component of the Performance Funding Model. A component that is important to the Commonwealth of Kentucky that is not part of the model is adult learners. Many individuals in Kentucky have credit hours but no diploma and this could represent an area of focus in the future. In terms of whether consideration is being given to changing the weighting for square footage to better align the diversity metric with CPE initiatives and improve outcomes for diverse students, President Jackson indicated these discussions are taking place. The university Presidents, two policy makers and the CPE President meet regularly but all have different objectives and interests vary. The volume and size of institutions will continue to drive the model. Some want to change the URM and LI components while others do not. Murray State was not a fan of the model when it was first proposed and wanted to make a lot of changes but work in this regard continues. It is not believed there will be significant changes in regard to URM or square footage but there may be a recommendation related to the low-income weighting and the addition of adult learners to the model. The Work Group is tasked with making recommendations to the General Assembly by December 1.

Confirmation was provided that last year marked the first year Murray State received any funding from this volume-driven model. Funds have been distributed almost exactly by size of institution and this is troubling. Although changes in how that component of the model works are not expected, there could be base funding enhancements through an inflationary component, which would account for the discrepancy. It was shared that the Franklin Hall Commons space is now being used for instructional purpose and should be considered in the square footage calculation. Confirmation was provided that the new nursing building square footage will not take the place of the old nursing building square footage because it will continue to be utilized for instructional purposes.

Appreciation was expressed to Dr. Fister for her work with regard to performance funding.

Adjournment

The Board of Regents adjourned for lunch at 11:55 a.m.

Reconvene

Chair Owens reconvened the Board of Regents Annual Retreat at 12:50 p.m. and expressed appreciation to Sodexo for the lunch provided.

Finance and Administrative Services

Information Security Report in Compliance with Gramm-Leach-Bliley Act (GLBA) Update

Information Systems Director Brian Purcell and Information Security Officer Duane Dycus reported the following:

- In order to remain in compliance with the Gramm-Leach-Bliley Act cybersecurity requirements, an annual update must be provided to the Board.

- The Safeguards Rule pertains to protecting student information and data. The Safeguards Rule has nine elements which must be included in the institution's information security program and Murray State has already addressed most of those requirements. A rule that needed to be addressed is requiring a qualified individual to provide a presentation or report in writing, regularly and at least annually, to the Board of Directors or equivalent governing body and that is the reason for today's report about the University's cybersecurity program.
- An assessment is conducted annually where risk levels for cyberthreats are calculated based on likelihood and impact. What has changed from last year is the likelihood of phishing emails to occur. Attackers changed their tactics and were taking advantage of multi-authentication fatigue. An incident also occurred in Murray State's Data Center during routine maintenance on the HVAC system, forcing a shutdown of all systems to prevent overheating. The risk level also increased due to malware as a result of unsafe browsing behavior. Risk assessment not only involves cybersecurity vulnerabilities but also anything that could cause a power grid outage.
- Protections which are in place for servers and systems were outlined. Firewalls protect the network from the outside world. A Data Center firewall is incorporated between end points and servers in an effort to separate critical systems from the rest of the network, including the student wireless network. There are also very aggressive patch and vulnerability management programs in place. Information Systems staff conduct a lot of 24/7 automated system monitoring for the servers to make sure they are functioning properly. Staff also conduct monitoring to determine whether any suspicious behavior is occurring that will trigger an alert. A Disaster Recovery Plan is in place and regular backups are done. Industry standard physical security controls and environmental elements are in place and all infrastructure components are monitored by management systems where access is restricted to only authorized technicians. A quarterly review of access for the Enterprise Resource Planning System is undertaken and there is controlled use of administrative privileges for computers on campus. Regular scans are also conducted to identify unsecured Personally Identifiable Information (PII), unsupported operating systems and unsecured network file shares.
- In terms of vulnerability scanning and remediation, the Information System security team routinely scans and searches for vulnerabilities using a variety of tools. The standard is to apply patches and remediate all vulnerabilities within 30 days of being published for those that are high or critical severity levels. A graphic was provided of the number of mitigated vulnerabilities from 2022-23. These vulnerabilities have been eliminated but new ones emerge every day. Low likeliness risks include a scam that would be difficult to pull off or routine actions. High likeliness risks represent something which must be addressed immediately because attackers are also using these tactics to try to gain access to systems. The measure of the impact of such actions is a factor as well. Most critical likeliness and impact threats are those contained within software that can become widespread. These critical vulnerabilities are being exploited and it is not a matter of if but when unless preventative action is taken.
- The University also subscribes to a number of Information Sharing Analysis Centers and threat feeds specific to higher education. Assistance from the U.S. Cybersecurity and Infrastructure Security Agency is also leveraged to scan the University's internet infrastructure on a weekly basis. This agency is part of the Department of Homeland Security and a website scan security report summary example was provided.
- Many protections are in place for endpoints (workstations). These include advanced endpoint protections and response, required updates/patches and the 30-minute inactivity auto lock timer. Also included are firewalls, virtualization, behavior analysis and regular scans to identify PII, unsupported operating systems and network shares.
- SentinelOne is currently being used for endpoint protection and is deployed to 95 percent of workstations. SentinelOne detects a wide range of threats. The remaining 5 percent of endpoints that are not covered involve Mac computers or those that have not been attached to the network in some time. An average of 40 malicious downloads or malware attempts are stopped each year. If these had been allowed to run it could have led to a breach of sensitive data and a graphic was provided on threats by type.
- Protections which are in place for users include multifactor authentication (MFA) through Duo, an updated password policy, Information Security Awareness training, single sign-on for critical applications, scanning emails for phishing/spam and behavior analysis.
- In terms of Information Security Awareness training, a new course has been created and is provided to all faculty and staff. The course is designed and customized to provide relevant information and cover specific threats that impact Murray State. Employees are required to complete the training annually. As an additional component of training, Information Systems sends out phishing simulation emails throughout the year. If an employee fails to recognize the phishing email and enters their login credentials they are immediately directed to a training page. The University's failure rate is typically around 13 percent which is average but has decreased in recent years. The goal is for the failure rate to be even lower.
- Incidents which occurred over the past year were outlined. The main incidents which involve phishing attacks are those that attempt to overcome Duo MFA controls and these have become common. An example is an individual pressing the approve button for the Duo requests on their cell phones, not knowing that it was actually the attacker attempting to login. These types of phishing attempts were convincing and led to numerous account compromises for both employees and

students. MFA is a new control that was put in place and it has been very effective – so much so that attackers are now trying to find a way around it. An example of such an effort was provided in regard to a payroll schedule update message that went out. If employees clicked on the link it took them to a screen that looks exactly like the one they use to log into the system every day. Once they entered their credentials, a passcode was sent to their cell phone. If the employee typed in that code they provided access to the attackers. An attacker can also change passwords through Duo and gain permanent access to a computer and lock out the rightful user. Most individuals were never the wiser that this had occurred. Additional MFA controls are likely to be phased in soon in order to alleviate these occurrences. All were cautioned to check the actual address these emails are originating from before sharing credentials.

- The University usually has at least one third-party breach per year. In June 2023, the National Student Clearinghouse notified the University there had been a breach. The breach originated from a vulnerability in the MOVEit Transfer product which is used to upload student transcript data. The University is still awaiting details on which students were impacted but it is known that date of birth information was provided for 11 individuals, but not their social security number. There was also a third-party breach with TIAA which provides the University's Optional Retirement Plan. It is known that the date of birth and social security number for 18 individuals were compromised. The University is required to report any such breaches to the state and notifications will be sent to the individuals to let them know their data was breached.
- In terms of email security and phishing responses, there is room for improvement. If a phishing email is sent out, individuals are notified but Information Systems also makes an effort to retrieve the email out of their inbox. There are additional tools that can be purchased to assist in this area and consideration is being given to those products. An Identity and Access Management platform is being utilized to manage all accounts at the University. Staff will review the latest guidance for ransomware preparedness, conduct regular testing of the Disaster Recovery Plan and review compliance efforts for emerging regulation. Information Security is also forming partnerships across the state and evaluating cloud storage initiatives, including Data Loss Prevention.
- The Campus Fiber Ring represents a major project that is currently underway in Information Systems (IS) and appreciation was expressed to the Board for approving funding for the multi-phase initiative. A new web portal and self-serve update is being issued so employees do not have to rely solely on IS staff for information. Information Systems just completed a managed print services device refresh when 205 new printers/copiers were replaced on campus over a two-month period. Network port activation is a product that is currently in its infancy but will lead to major cost savings for the University. Instead of making all network ports in every building in every room across campus active, those that are not being used will be deactivated. The ports can be reactivated upon submission of a request form. Telecommunications improvements for the phone system will be undertaken, as will a virtual infrastructure refresh and replacement. This work is also expected to result in cost savings.
- Major IS initiatives include disaster recovery improvements and testing, regulatory compliance maintenance, universal endpoint standards and configurations, maintenance procedures refinement and project and change management practices. Confirmation was provided that penetration testing is done in small pockets but not campus wide. The University does not currently pay a third party to undertake this work but it is conducted informally by IS staff. It is hoped the University will mature to the point where it can bring in a third-party tester but for now Murray State wants to identify its own vulnerabilities. Confirmation was provided that there will likely be other requirements forthcoming for Information Systems that will have a budgetary impact. At some point the federal government will provide the framework for cybersecurity for all organizations. It is expected that guidance will involve standards not currently being utilized but these are unknown at this time. It was suggested that official cybersecurity training also be required for students.

Student Affairs and Enrollment Management Update

Chair Owens indicated the Board had an opportunity to attend a celebration for the Enrollment Management team last week and Director of Undergraduate/International Admissions and Transfer Center Maria Rosa, Director of Recruitment Shawn Smee and Senior Associate Director of Recruitment Kendrick Quisenberry were recognized for their efforts in this regard. These leaders and the entire Enrollment Management team received a round of applause for their work which is very much appreciated.

Assistant Vice President White provided a Student Affairs and Enrollment Management update with the following highlights:

- Many of the initiatives currently underway were started before she returned to Murray State. Director Rosa was recognized for her admissions work. Director Smee is the most creative person she has ever met and has the best ideas. Senior Associate Director Quisenberry also makes significant contributions as a member of the Enrollment Management team. Appreciation was also expressed to Interim Assistant Vice President Cain and her team. Their work restructuring the scholarship model

lead to 1,661 new freshmen enrolling at Murray State. Campus visits, housing and scholarship applications are all up.

- Associate Provost Fister outlined in detail the predictive analysis model utilized by Murray State to help manage limited funding available to the University. The 11 factors that are used as part of the model help the University to know where resources should be directed based on the score received by each student. Data in regard to predictive analysis is now available for the past five years and has proved to be invaluable. The effort involves cooperation with many different units on campus in terms of providing the data needed for the model. The results are then presented back to the units so it is known where they stand in comparison to prior year.
- The Recapture Campaign was outlined for fall 2022 to fall 2023 and work in this regard continues to ensure constant contact is maintained with these students.
- Headcount enrollment is up. Last year at this time total headcount was 9,367 and is currently 9,500 students. Credit hours are up, as are the number of undergraduate, graduate and first-generation students.
- Due to renovations being made in the Curris Center, different locations had to be identified for Racer Nation Orientation. Being forced to make these changes allowed Enrollment Management to pivot and discover ways to move in a new direction. It was discovered that participants liked to be outdoors and this helped expose them to more areas of campus and positive comments were received in this regard. Changes were also made to the way students signed up for Racer Nation Orientation. Schools were visited in the 18-county service region, Tennessee, Illinois and Missouri and students were actively registered for Racer Nation Orientation onsite at their respective schools.
- Students are coming to the University from 49 states and 59 countries and the percentage breakdown of students by category was provided.
- Staff are not physically able to go to some locations simply due to budget constraints but Dr. Fister's predictive analysis shows those areas where yield is likely to result. The University also utilizes a third-party vendor that assists with research, purchasing student names and marketing to these individuals on behalf of the University. Over the past ten years, application numbers have increased significantly as a result of this work. The third-party vendor will visit campus in September and all were encouraged to participate as appropriate.
- Historical data was presented with regard to enrollment at four-year institutions and the community colleges. Smaller universities like Murray State were most affected relative to declining enrollments due to the pandemic but the University still managed to avoid having to lay off or furlough employees during this period. This is in stark contrast to other universities that did take those actions or even closed. All are very fortunate for the leadership of President Jackson and Senior Vice President Dudley for protecting the employees of this institution.

In response to why retention is down 6 percent with regard to the first-to-second-year retention rates and underrepresented minorities, Assistant Vice President White indicated work is currently underway to reach out to these individuals to determine why they did not return to Murray State. President Jackson indicated the number one reason students in all categories said they did not return to the University due to financial issues.

Appreciation was expressed to Assistant Vice President White for her work in this regard. All are glad she is back at Murray State. Ms. White received a round of applause.

Adjourn

The Board adjourned for a break beginning at 1:53 p.m.

Reconvene

Chair Owens reconvened the Annual Board of Regents Retreat at 2:05 p.m.

University Advancement

Office of Development – Campaign Update

Executive Director of Development Dr. Tina Bernot provided a University Advancement update with the following highlights:

- The Office of Development is part of the University Advancement unit. Advancement relates to engaging all of the University's constituencies, sharing great news, providing information and updates on events, encouraging participation in campus events and interacting with students.
- The University Advancement area is made up of three teams: Branding, Marketing and Communication under the leadership of Executive Director Touney; Alumni Relations, led by Director Carrie McGinnis and the Office of Development with Executive Director Bernot.

- The Be Bold: Forever Blue and Gold centennial campaign that is currently underway was publicly launched in fall 2022 as part of Homecoming and the Centennial Celebration and represents President Jackson's vision. Every gift given during the timeframe of the campaign counts toward the overall goal of the comprehensive campaign.
- A Readiness Study was conducted prior to the start of the Be Bold campaign. Input was received from alumni and others to determine their thoughts on what needed to happen at Murray State to take the University into the next century. The Be Bold campaign represents the result of this work to illustrate where the University hopes to go during the next century of service to the region and students.
- There are four main pillars of the Be Bold: Forever Blue and Gold campaign. The Office of Development is donor centered which means this unit tries to match donors with a particular area of interest at the University. The office is also mission centered which means the unit is working diligently to secure supports that fit in with Murray State priorities which were set by the Board, the President and other leadership at the University.
- The first pillar – Student Access and Support – is important because part of the University's job is to take care of its students. At least one-half of the \$100 million campaign will be used to enhance student access and support.
- The second pillar – Academic Excellence and Strategic Modernization of Campus Facilities – is key at all times as evidenced through accreditation processes, efforts to recruit and retain the best faculty on campus and providing students with the support they need in order to be successful in the classroom and beyond and donors are crucial to this work.
- Modernization of campus facilities includes improving laboratories, performance spaces and technology on campus. The University cannot train students to be ready for careers unless it can provide exposure to the latest and greatest technology elements in their respective areas of interest.
- Renewing this historic campus is also important so University traditions can continue well into the future and Racer Athletics plays a major role in this work. All want to create champions and need the front porch to the University to be strong and positive. In order to accomplish this work, Racer Athletics activities must be supported.
- Fiscal Year 2023 fundraising resulted in over 4,000 unique donors, specifically 620 brand new donors – those who had never made a gift to the University. Over 13,747 gifts were received and many donors gave more than once. Significant support was received through new pledges and planned gifts. The University has secured over \$16 million in total gifts and commitments for last year and this has helped tremendously with many different initiatives on campus.
- The amount raised toward the overall \$100 million comprehensive campaign goal is \$62 million as of August 15 and more gifts are received almost daily. Over 22,000 unique donors have given since the beginning of the campaign.
- Of the \$62 million, over 58 percent of the total number of gifts have been dedicated toward student access and support at this point and 22 percent has been provided for academic enhancements. In order to change the conversation to increase donor support for academic excellence, a focus will be placed on a goal established by Provost and Vice President for Academic Affairs Dr. Tim Todd which relates to the importance of supporting faculty. He has as a goal establishing an endowed faculty position in every department on campus, for a total of 34. The University already has approximately six endowed faculty positions and work is underway to share the message of increasing this number. A draft of a new marketing piece has been developed and will tell the story of faculty and the value they bring to campus, as well as how they make a difference and provide assistance to a number of students. Faculty are recruiting and retaining students; teaching, advising and mentoring; placing students in internships; helping students graduate and find their first jobs and keeping in touch with these individuals. This message will be shared with donors to further highlight the importance of private support for faculty.
- The campaign is still in the major significant gift stage and this work will continue over the next year. The campaign had started but was forced to pause due to the pandemic. The Centennial Celebration that was held provided an opportunity for the University to share all of the wonderful stories associated with Murray State's 100th year and the campaign was officially announced during this event. The lead campaign gift at this time is \$2.8 million and additional gifts that will have tremendous transformational impact will be announced soon.
- The Be Bold National Campaign Council has been established and information was provided on those members. These successful individuals are dedicated to the success of the campaign, live all over the country and are champions for the University. They are also helping the University by providing connections with colleagues they know to facilitate conversations about how they can help make an impact. The Be Bold National Campaign Council members will be hosting events in their hometowns and the first one was held last week in Nashville, Tennessee, at the home of Kathy Harris. A second event will be held in Louisville, Kentucky, on September 6, 2023, and all Board members were invited to attend. A third National Campaign Council event will be held in Washington, DC, with Colonel Lucretia McClenney in November. Work will continue with Council members to connect to Racers across the country to highlight the importance of supporting the campaign.
- Donors are helping students attend Murray State and remain here through scholarship support and student enhancements and programming. They are already having an incredible impact. Donors are changing campus facilities, transforming programs and are helping the University to deliver the top-

notch quality education that only Murray State can provide. Donors are also enhancing the region by allowing the University to offer educational opportunities and several events in this regard are upcoming.

- Appreciation was expressed to Board members for their support. The University would not be able to accomplish what it has already without their leadership, giving and support.

Chair Owens expressed appreciation to Dr. Bernot. All appreciate her enthusiasm and everything that she and her team bring to the University.

Staff Perspective Survey – 2022-23 Report

Trish Lofton, Administrative Assistant I, Curris Center and Staff Congress President; Jodi Hanneman, Administrative Support Assistant, School of Nursing and Health Professions and Staff Congress Treasurer and Special Events and Recognition Committee Chair Audrey Neal, Director of TRiO Talent Search and Staff Congress Vice President and Staff Survey Committee Chair presented the results of the 2022-23 Staff Perspective Survey with the following highlights:

- Staff Congress is comprised of 30 members elected by staff. An election is held every year and members serve three-year terms. The purpose of Staff Congress is to solicit and share the opinions received from staff. When appropriate, those opinions are presented to the administration and the Board of Regents. Today, the recurring themes which emerged from the 2022-23 Staff Perspective Survey will be shared, along with action items that have been developed. The survey is the driving mechanism for establishing the yearly goals and objectives for Staff Congress which can be found on their website. It is their intention to use this information to elaborate to the University administration on future initiatives which will impact members. All are working together for the betterment of this University and its students.
- All full- and part-time staff are given the opportunity to respond to the Staff Perspective Survey. The survey is utilized to gather perceptions of working conditions, available benefits and the University administration. Participants respond to a series of Likert Scale questions but opportunities are also provided for comments about their feelings and views on different topics. The report being presented today summarizes the findings from the survey administered from March 6 – 30, 2023.
- There were 333 staff who completed the Staff Perspective Survey for a response rate of 53.2 percent – the highest since 2018. Of the staff members who responded, 53 percent have been employed with Murray State for six years or more.
- Staff concerns were primarily focused in two areas. The first was wages and benefits and the second was working conditions. With regard to wages and benefits, a focus was placed on responses to four statements: 1) They are paid adequately and fairly for their work, 2) Cost-of-living adjustments are adequate to meet increased living costs, 3) Adequate annual raises are built into the budget process and 4) Cost-of-living adjustments are fairly distributed when they occur. On average, 71 percent of all respondents either disagreed or strongly disagreed with the statements just outlined and a graphic was provided in this regard. A final survey question asked staff members what would make Murray State a better place to work. There were 157 comments received and 81 related to requests for better pay. Another question related to whether staff have considered leaving the University for reasons other than retirement. There were 261 out of 333 respondents who answered this question. Of those, 54 percent responded yes and were asked to provide context for that answer. Of the 130 comments received, 80 indicated dissatisfaction with salaries and wages. Staff Congress is committed to collaborating with the University administration to form long-term plans, aside from the current Compensation Study which is ongoing, for increasing salaries up to levels that are adjusted for inflation and bringing lower-level staff up to higher pay levels in an effort to address some of the disparities among pay levels. Staff Congress has also created an ad hoc committee which is focused on gathering data from benchmark institutions in Kentucky and across the Missouri Valley Conference to review the systems they may have in place for offering merit pay, years of service raises and increases for staff who obtain additional educational levels. Staff Congress is aware that it can be difficult to provide staff salary increases or cost-of-living adjustments each year, especially in the economic conditions which currently exist. For this reason, Staff Congress is also committed to looking at other ways to increase and provide additional benefits – such as tuition waivers or free parking or Wellness Center usage.
- Staff were asked to indicate their level of agreement with the following questions related to working conditions: 1) Vacancies are filled in a timely manner, 2) There are adequate personnel in my work area to accomplish tasks, 3) I have adequate equipment and resources to do my job, 4) My work area is clear of health and safety hazards, 5) I can express disagreement with my supervisor without fear of intimidation and/or reprisal and 6) I have opportunities to advance my position or role at the University. On average, 54 percent of respondents agreed or strongly agreed with these statements but 68 percent disagreed with the statement that vacancies are filled in a timely manner. Of the comments received with regard to working conditions, 17 percent involved the ability to fill vacant positions. Comments also related to the amount of work for remaining staff members due to these positions not being filled. Once the Compensation Study is completed, Staff Congress is prepared to

collaborate with Human Resources as needed. Flexible work options emerged as a benefit important to staff and weather-related closures and work from home directives were also a focus of concern due to the unavailability of internet service for some employees. Staff Congress will work to collect information in regard to these concerns.

- The next Staff Survey will be administered in January 2024 and will yield updated data. Staff Congress has as a goal to conduct additional listening sessions throughout the year to provide staff with an opportunity to discuss issues or topics of concern. This work was also undertaken last year and included visits to talk with employees at the regional campus sites. As a result of these listening sessions, Staff Congress saw the important need of having more representation and the second reading of a policy change in this regard is on the Board agenda for tomorrow. The policy change reflects a new model for staff representation on Staff Congress that includes the need for a regional campus representative as a direct result of visits made to those sites.
- Staff Congress continuously strives for the betterment of staff and it is their intention to work closely with the University administration and Human Resources to develop ways to support the needs of staff and for the betterment of the University. The ultimate goal is to continue to make Murray State the finest place we know.
- Appreciation was expressed to the Board for the opportunity to present today.
- Confirmation was provided that survey respondents represent hourly and professional staff and not upper administration or Sodexo or SSC employees.

Chair Owens expressed appreciation to Staff Congress for providing an overview of the Staff Perspective Survey results to the Board. He read all of the questions on the survey and the associated responses. He believes that the Evergreen Study that is being completed will shed more light in this area. President Jackson and the administration are committed to looking at the results obtained from the study and working with Human Resources to review areas that may need to be adjusted. Due to the pandemic, some companies are providing flexible work schedules while there are others that expect their employees to return to work full-time because not everyone is efficient when they work remotely from home. The University has done a good job looking at all the various aspects of University life. All are here to educate and graduate students and it cannot be expected for certain departments and areas to work remotely. People are paying good money and are expecting their students to have face-to-face interactions. The University has spent a great deal of time reviewing this particular area and the Board has been supportive of those efforts and will continue to be committed to all faculty and staff, keeping in mind that the goal is to attract, retain and graduate students because that is what the University is here to do. There was a 50 percent response rate on the survey but President Jackson also spends time with Staff Congress and Faculty Senate and maintains an open-door policy where any type of concerns can be expressed, not just at the time of the meetings. As Chair he also plans to attend some of the meetings to let employees know the Board is appreciative of what they do.

Regent Evans expressed appreciation to the Executive Committee, Staff Congress and the Staff Perspective Survey Committee. This work represents an exhaustive effort that has required a significant time commitment. The Executive Committee is actively working to identify solutions to initiatives that have been discussed for some time. This group is to be commended for looking to identify no-cost or low-cost solutions that will benefit staff and contribute to the ultimate goal of student success.

Other Business/Adjournment

President Jackson indicated that a great deal of information has been presented today and asked whether there were additional questions from the Board. There being none, the Board was reminded that they will take a quick tour of the Curris Center, followed by the Chestnut Street Bridge Ribbon Cutting.

There being no further business to come before the Board, Regent Fitch moved for adjournment. Regent Meinschein seconded and the motion carried. The Board of Regents Annual Retreat adjourned at 2:40 p.m.


Secretary Jill Hunt


Chair Leon Owens

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