

**Minutes of the Board of Regents Annual Retreat
Murray State University
September 8, 2022**

Call to Order

The Murray State University (MSU) Board of Regents (BOR) met for their annual Retreat on Thursday, September 8, 2022, in Heritage Hall – Hall of Benefactors – on the Murray State University campus. Chair Don Tharpe called the meeting to order at 8:30 a.m. and welcomed those joining the meeting in person and via livestream. Chair Tharpe reported all Regents were present, with the exception of Virginia Gray who was absent due to a work commitment. All Regents were asked to introduce themselves. New Regents Emily Roark and David Meinschein were sworn in at the Special Meeting on August 11, 2022, and Student Regent Ellie McGowan will be sworn in tomorrow at the beginning of the Quarterly Meeting. Chair Tharpe expressed appreciation to his fellow Regents for giving their time and talent to Murray State. What they do is a labor of love and all are appreciative of their service. Appreciation was also expressed to President Jackson and his team for all they do to keep this University moving forward. It has been a pleasure to work with President Jackson since his appointment and he is doing a tremendous job leading the organization. President Jackson expressed appreciation to the Board for what they do for Murray State University. Their work is greatly appreciated. Chair Tharpe reminded Regents to review the Conflict of Interest Statement that was provided in the meeting materials.

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; Provost and Vice President for Academic Affairs Tim Todd; Vice President for Student Affairs and Enrollment Management Don Robertson; Senior Associate Provost Bob Pervine; Associate Provost Renee Fister; Assistant Provost Ashley Ireland; General Counsel Rob Miller; Executive Director for Marketing and Communication Shawn Touney; Executive Director of Governmental and Institutional Relations Jordan Smith; Executive Director for Institutional Diversity, Equity and Access (IDEA)/Title IX Coordinator Cami Duffy; Director of Athletics Nico Yantko; Director of Human Resources Courtney Hixon and members of the faculty, staff, students, news media, visitors and individuals viewing the meeting via Livestream.

AGENDA

Call to Order

Chair Don Tharpe

Welcome and Agenda Review

Chair Don Tharpe

Report of the President

President Bob Jackson

Kentucky Open Meetings/Open Records Laws

General Counsel Rob Miller

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

General Counsel/Legal Matters Overview

General Counsel Rob Miller

- Conflict of Interest
 - Murray State University Board of Regents Statement of Conflict of Interest – Academic Year 2022-23
 - Kentucky Revised Statute – Conflict of Interest
 - Association of Governing Boards Conflict of Interest with Guidelines and Compelling Benefits (April 2013)
- Undue Influence
- Health Insurance Portability and Accountability Act (HIPAA)
- Family Educational Rights and Privacy Act (FERPA)
 - Annual Notification
 - FERPA Guide for Faculty, Staff and Student Employees
- Office of Institutional Diversity, Equity and Access (IDEA) **IDEA Exec. Dir. Cami Duffy**
 - Nondiscrimination and Title IX – Federal Civil Rights Law – Presentation

- Violence Against Women Act (VAWA) Brochure

Human Resources Update

Dir. Human Res. Courtney Hixon

- *Personnel Policies and Procedures Manual – New Section IV P – Parental Leave*

Board of Regents Self-Assessment Process for 2022 Update

Sr. Assc. Prov. Bob Pervine

President's Office

**President Bob Jackson/
Chair Don Tharpe**

- Delegation of Authority Overview
 - Current Delegation of Authority (September 2021)
 - Proposed Amended Delegation of Authority
- 2020 – 2025 Strategic Plan Overview

Academic Affairs

**Provost Tim Todd
Bob Pervine**

- Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Accreditation Update
- Quality Assurance Commons Update
- *President's Commission on Academic Advising* Recommendations Update

**Tim Todd/Asst.
Prov./Dir. Online
Prog. Ashley Ireland
/Dir. Student
Engage. & Success
Peggy Whaley/Assoc
Prov. Renee Fister**

- Performance Funding Update

Break for Lunch (approx. 12 noon)

Reconvene (approx. 1 p.m.)

Finance and Administrative Services

VPFAS Jackie Dudley

- Overview of Tuition and Scholarship Models
- Public-Private Partnership (P3) Update

Student Affairs and Enrollment Management

**VPSA & EM Don Robertson/
Associate Provost Renee Fister/
Asst. VP for Enrollment Mgt.
Roslyn White**

- Student Life Update
 - Residential College System, Activities
- Retention and Student Success Update
 - Mental Health Resources and Support in Classroom
- Personalized Communications Update
- Yield Strategies (Fall 2022) Update
 - Freshmen, Underrepresented Minority, Undergraduate Admissions, International Admissions and Transfers, Regional Campuses and Racer Academy, Graduate and International Recruitment
- Yield Marketing Communications Update
- Predictive Analytics Update
- Highlighted Data for Fall 2022 Update
- Strategic Enrollment Management Plan: Phase II (2022-27) Update

Council on Postsecondary Education Diversity Plan

**IDEA ED Cami Duffy/ED Govt.
& Inst. Rel. Jordan Smith/AVP
for Enroll. Mgt. Roslyn White**

Athletics

**Athletic Director Nico Yantko/
Gen. Couns. Rob Miller**

- The Inside Track: NCAA Rules for Alumni, Fans and Friends of Racer Athletics
- Student-Athletes – Name, Image and Likeness (NIL) Rights Draft Policy and Process

University Advancement

- Branding, Marketing and Communication Update **ED Mktg & Commun. Shawn**
- Office of Development Overview of Fiscal Year 2022 **Touney/ED Development Tina**
- Alumni Relations Update **Bernot/Dir. Alum. Rel. Carrie McGinnis**

Other Business

Chair Don Tharpe

Adjournment

Welcome and Agenda Review

Report of the President

President Jackson provided an update with the following highlights:

- Dr. John W. Carr served as Murray State's first President when this institution was founded by Dr. Rainey T. Wells in 1922, with Dr. Wells serving as the University's second President. In a letter to the Board of Regents almost 100 years ago, one of the statements Dr. Carr made was that the work of this institution had only begun. That was true 100 years ago and is true today. Former MSU President Kern Alexander compiled many of the writings of Dr. Carr, a prolific writer, and those are housed in Pogue Library. When Dr. Carr arrived on campus the only assets of value were himself and a blank slate of land. Dr. Carr and the Board at the time are responsible for building many of the items that will be highlighted today. None of this work happens in a vacuum and appreciation was expressed to the faculty, staff and students of Murray State who have assisted this University in so many ways over the last 100 years in its regional service mission. Many of the challenges and opportunities that existed 100 years ago continue today.
- The Retreat represents a planning session and all were encouraged to actively participate in the discussions. Appreciation was expressed to Provost Todd, Senior Associate Provost Pervine, Associate Provost Fister, Assistant Provost Ireland, the Deans and Chairs and faculty who work every day to advance the academics of this institution.
- Appreciation was expressed to Vice President Robertson, Interim Assistant Vice President for Enrollment Management Roslyn White and the entire Enrollment Management team for their efforts focused on recruitment and retention. This team has done a tremendous job in a difficult environment for public higher education as it relates to fewer students attending college – 1.3 million less than prior to the pandemic – and the college-going rate continues to decline.
- Appreciation was expressed to Vice President for Finance and Administrative Services Jackie Dudley and her teams for their tremendous work in Facilities Management, Housing and Dining, etc.
- Appreciation was expressed to General Counsel Miller who has dedicated countless hours to Public-Private Partnership (P3) efforts. Discussions regarding P3 initiatives began in 2019 but were paused due to the pandemic. The process has restarted with a Work Group comprised of faculty, staff and students to help design and advise on the initiatives that will be presented today. The Work Group meets regularly to determine how best to enhance this University. In the last budget, \$92 million was authorized in this respective area and in the days ahead this work will likely represent a phased approach. Current plans are to undertake a phased process to construct two new residence halls and a dining facility on campus through a P3 arrangement.
- Areas of progress, challenges and the future will be discussed. Discussion will also occur regarding the University's centennial year. The institution is 100 years old but its best days are ahead. Dean of University Libraries Cris Ferguson and Executive Director Smith co-chaired a Centennial Committee which included faculty, staff and student input. A centennial book is also being published and President Jackson thanked co-authors Library Specialist Sarah Marie Owens and Director of Special Collections-Exhibitions/Associate Professor Dr. Sean J. McLaughlin for their assistance in this regard.
- Appreciation was expressed to Karen Jones, a member of the MSU Foundation, Inc., Board of Trustees, and her husband Jim Squires who made an institution-changing gift to Murray State. Appreciation was also expressed to Executive Director of Development Dr. Tina Bernot and team for their role in bringing this transformational gift to fruition. Alumni and friends from across the world make significant donations to this University and the generosity of those individuals is crucial to the institution's success. This year represents a record fundraising year for the Office of Development.
- In 2018 the quiet phase of the Centennial Capital Campaign began and an announcement will be made at Homecoming in this regard. A significant portion of funds raised as a result of generous donor contributions – approximately 50 percent – is dedicated to scholarships and financial aid for students. This is one way the University is reducing the cost of college attendance for students. Programs put in place that have aided in this effort over the years were outlined. Approximately 50 percent of Murray State students graduate with no known college debt and the University ranks as the best in this area in the Commonwealth of Kentucky. Last year \$115 million was dedicated for scholarships and financial aid for students – a record amount. All are grateful to the donors who

make a difference at Murray State. The University was recently recognized in the *Lane Report* for its success in this particular area. The remaining 50 percent of funding raised is dedicated to academic and program enhancements.

- The University is grateful to the General Assembly for providing funding for a new School of Nursing and Health Professions on the Murray State campus. This will represent a difference maker for these growing programs at MSU – ones that are badly needed for the future.
- Appreciation was expressed to the Board for approving the \$12 million bond issue. Coupled with \$47.2 million appropriated to Murray State, this amounts to almost \$60 million in deferred maintenance and campus improvement funding to aid and benefit teaching and learning and enhance student activities and faculty involvement on campus. An update will be provided to the Board tomorrow regarding renovations in Lovett Auditorium and Wrather Hall.
- Appreciation was expressed to Associate Provost Fister for her work with regard to the Performance Funding Model. She is educating faculty, staff, administrators and students across campus with regard to performance funding, how it works and metrics the University can help move as this work represents the way new funding will be received in the future.
- Appreciation was expressed to Assistant Provost Ireland and Director of Student Engagement and Success Peggy Whaley who co-chaired a Task Force focused on academic advising, its importance to Murray State and the role it plays with regard to performance funding.
- Approximately \$1.5 million has been appropriated through the *Bucks for Brains* initiative that will match gifts and help enhance Science, Technology, Engineering and Mathematics plus Health (STEM+H) areas through scholarship opportunities.
- The Breathitt Veterinary Center based in Hopkinsville, Kentucky, received additional funding during the Legislative Session and appreciation was expressed to all involved for their leadership in this regard.
- Headwinds the University will continue to be faced with include recurring funding needs, pensions, enrollment pressures and inflation, among others.

Chair Tharpe indicated President Jackson does a great job making things seem easy but there has been a lot of work that has been dedicated toward the initiatives which have been outlined, especially with regard to Public-Private Partnerships and new programs and academic excellence. This represents a transformational year for Murray State and 100 years from now leaders will look back and conclude that this institution was on the right trajectory.

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:

- Much of the work with regard to the Open Records and Open Meetings Acts is undertaken with assistance from Secretary Hunt and General Counsel staff and he is appreciative of those efforts.
- A new Attorney General opinion was issued with regard to private phones and text messages approximately one year ago. The General Counsel's office is responsible for ensuring the University is in compliance with the most recent guidance provided by the Attorney General in this area.
- Under the Open Records Act, the General Assembly recognizes that free and open examination of public records is in the public interest. This is also applicable to the Open Meetings Act. Kentucky expects its public bodies to hold meetings and provide records that are open to the public but there are applicable exceptions.
- The definition of a public record is very broad and includes not only paper records as it did when the law was initially passed. Anything prepared, owned, used, in possession of or retained by public agencies constitute public records.
- Last summer the Legislature determined that only residents of Kentucky can request public records which represented an interesting development. The definition of resident is very broad and includes more than just individuals living in the state and could be a business registered in Kentucky or any media outlet regardless of where they are located. This new ruling does help public bodies respond when individuals are seeking data to be utilized for commercial purposes.
- With regard to text messages on private devices, the Attorney General admonishes everyone not to use private devices to thwart the intent of either the Open Records or Open Meetings Acts. This decision applies to the Open Records Act but for the Board, as members of a public body, text messages on private devices are not typically open to public inspection. This, unfortunately, makes it easier for Board members to unintentionally cross over into a Board meeting. Regents may not violate the Open Records Act but could inadvertently violate the Open Meetings Act and all were cautioned in this regard. He agrees with the Attorney General's admonishment in that any message on a private device could become public and subject to a subpoena. The Attorney General has indicated that text messages on any device owned by the University (phone, laptop or iPad) are subject to the Open Records Act because they are owned by the public. The current Attorney General

is asking the Legislature to change the law, as have many predecessors, and the General Assembly recognizes the gap the distinction between public and private devices leaves in the Open Records Act and the potential ease for a governance officer to conduct governmental business on devices not subject to public inspection. The inverse world would require all text messages a governmental officer sends and receives on any device to become a public record simply by being in their possession. The statute as it currently exists does not provide for a middle ground. The Attorney General knows that the conduct of business has changed over the last 30 years – the last time the Legislature meaningfully addressed the definition of public records. Private devices were ruled as not being subject to the Open Records Act and the Legislature knows the Attorney General believes that and when they subsequently modified the Open Records Act and did not change what the Attorney General said they accepted that position. Until the General Assembly provides further guidance on this question, public agencies and their employees are still admonished to refrain from using personal devices to conduct governmental work with the intent to shield conduct from public inspection. Additional guidance is not anticipated at this time.

- In terms of how much time the associated offices spend on requests that fall under the Open Records Act, General Counsel Miller indicated some months the University receives as many as 20 requests. One request alone can require multiple responses and then the custodian of the records has to locate the information and furnish it to the General Counsel's office to review and determine what is disclosable and what is not. One request can lead to four to five hours of work and for that reason the legislative change last summer to restrict access to Kentucky residents was not unwelcome. Some of the more difficult requests to respond to are those from companies that are mining data to resell and collecting this data can be quite tedious for the offices involved. Commercial businesses were using the law to further their interests.
- The Kentucky Open Meetings Act has a presumption of openness. A quorum of the Board constitutes a meeting and for this body that is six members discussing public business. Any such meeting would be required to be open to the public and notice provided so people could attend. This 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 that would require public notice and the meeting to be held in a public location. If Regents have questions in this regard they were encouraged to contact General Counsel Miller. Confirmation was provided that no such issues have arisen at Murray State.
- 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 in 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.
- A new item in the Open Meetings Act pertains to videoconferencing. 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.

Managing Government Records – A Cooperative Undertaking (June 2021)

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 Records Destruction Certificate must be completed for any records being destroyed. Public records are very similar to those addressed by the Open Records Act. The state requires agencies to maintain any records that document the transaction of business or the formulation of policy for a certain amount of time. The President is responsible for ensuring the institution is keeping appropriate records and many of those constitute what is presented to and approved by the Board. There are legal penalties for destroying records outside of the Records Retention Schedule.

The Attorney General has also published materials relative to government records. The State Libraries, Archives and Records Commission is interested in preserving information of continuing value and making timely disposition of information of temporary value.

General Counsel Miller confirmed that the University's online Open Records Request form has been modeled after the sample forms provided in the Open Records Act materials issued by the

Attorney General and those were included in the eBoard book. A certain form is not required in order for the University to accept an Open Records Request and Murray State has been lenient in this regard.

General Counsel/Legal Matters Overview

Conflict of Interest

General Counsel Miller reported that annually Board members are asked to sign a Statement of Conflict of Interest and the one for this academic year was included in the eBoard book. 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 that 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 his 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.

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 the 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

The undue influence provision is broader than true conflict of interest. The Board should not only look at conflict of interest but also any issue where a Board member is not being compatible with their fiduciary duty for the benefit of family, friends or associates. Something as simple as a phone call a Regent makes on campus on behalf of a specific individual could be perceived as a conflict of interest even though there is no intent. Board members are allowed to act as any citizen would to advocate for a particular individual but should understand that their role as a Board member may impact what individuals on the receiving end actually hear. Regents can certainly serve as references. Regents get closer to the boundary when they think about contacting the hiring agent directly on behalf of an individual and must take into consideration how the person perceived their interaction and whether there is a real or apparent conflict of interest. President Jackson added that Regents need to put the onus on him and tell individuals who reach out to them that they need to contact the President's Office so they can be directed through the proper channels.

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 students, faculty and staff health information according to the spirit of HIPAA. Human Resources is confined by the technical aspects 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 complaints 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.

Family Educational Rights and Privacy Act Annual Notification

General Counsel Miller reported that the Family Educational Rights and Privacy Act (FERPA) is a federal law 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.

FERPA affords students certain rights with respect to their educational records. 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.

FERPA exceptions include the disclosure of directory information which represents data that is not generally harmful to the student if released. Directory information must be identified at each school and includes items such as the student's name, address, phone number, enrollment status and honors and awards received. The full list of information considered directory in nature was provided in the eBoard book. The University cannot release directory information for a student who has signed a formal statement directing that it be kept confidential. FERPA gives the University the right to release directory information but does not require it to do so. How this is handled is at the discretion of each institution.

Records that are not considered to be educational records include Police Department, Health Services and alumni records. FERPA is only applicable to current students. Registrar Tracy Roberts serves as the University's FERPA officer and does an excellent job in this regard.

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.
- The IDEA office handles reasonable accommodations. With the concept of equality an assumption is made that everyone benefits from the same supports and are treated equal but this may not necessarily be the case. Equity means that everyone gets the support they need particular to their individual

situation. Moving forward, an attempt is being made to develop universal designs where specific individual supports and accommodations are no longer needed.

- All work undertaken by IDEA 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 *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. This year there are two Regents Fellows – Zyanna Gee from Elizabethtown, Kentucky, who is focused on public administration and Jemele Artis from Hopkinsville, Kentucky, who is focused on human development and leadership and counseling students who did not have the traditional path to college. Ms. Gee reported she is honored to be a *Regents Fellow* and appreciates the opportunity to be with the Board today. Mr. Artis reported expressed appreciation to the Board for allowing him to attend the meeting today. Both *Regents Fellows* received a round of applause. There are also aspects of the experience such as mentoring, special projects and career development in higher education. It is hoped *Regents Fellows* maintain an interest in Murray State and eventually apply for a position at the institution so they can continue to make an impact.
- Title IX is included in the educational amendments section to 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 education receiving federal funding. 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.
- 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. This includes 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. 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 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. 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.
- 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 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.

- Sexual harassment represents inappropriate conduct 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 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.
- Confirmation was provided that the universal design concept presented with regard to reasonable accommodations is also being discussed with regard to online learning. Faculty Development Director Firm Faith Watson is working on developing a one-page checklist in this regard. These discussions are also occurring within the four component pillars of the *IDEIT*.
- In terms of outcomes from the four component pillars of *IDEIT*, it was reported that the faculty and staff employee recruitment and retention component has been engaged in meeting with departments that already have engaged searches underway. This review includes where positions are being advertised and how the applicant pool can be expanded to increase diversity and this work is being undertaken in the field on a department by department basis and reviewing significant outcomes of this work.

Chair Tharpe expressed appreciation to Executive Director Duffy and her team for work that is being undertaken in this regard. Their eloquence, passion for diversity, equity and inclusion are obvious. Executive Director Duffy added that this work represents a University-wide effort.

Adjournment

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

Reconvene

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

Finance and Administrative Services

Public-Private Partnership Update

President Jackson reported that in late 2018, early 2019, the University began the process of looking at campus housing and determining next steps that would be needed in this regard. At that time, Director of Facilities Management Jason Youngblood and others were involved with reviewing the Housing Master Plan and making necessary changes. Brailsford and Dunlavey (B&D) were hired to assist with this process and Director Ryan Jensen was present. Prior to the pandemic, a P3 model for housing and campus improvements was being discussed but that work was put on hold due to the health crisis. Once the P3 review process was revived, B&D was brought in to assist in this regard as there are many different types of public-private partnerships, with the goal of identifying the right partner to undertake this work for Murray State University. The next step in the process was to seek proposals and bids and interview potential partners and Director of Procurement Beth Ward has been instrumental in this process. This work has been completed and RISE has been identified as the successful partner. Jeremy Doss, RISE Senior Vice President, was also present representing their firm that specializes in campus housing all over the southeast and beyond. Appreciation was expressed to Vice President Dudley, Executive Director of Auxiliary Services David Looney, General Counsel Miller, Mr. Youngblood, Mrs. Ward and their teams who have been involved in this process from the very beginning. The presentation today will represent the next step in the process. Mr. Looney, Mr. Jensen and Mr. Doss highlighted the following:

- As this process began, assessments were conducted on the existing housing inventory to determine whether the best course of action would be to rebuild or replace these facilities. Industry professionals were hired to help guide the University relative to this decision and that information has

previously been presented to the Board. All were in agreement that it was time to bring a new housing project to campus.

- A planned project scope was developed which resulted in a three-phase approach.
- Renderings were provided showing the new landscape once completed. This work will be undertaken with RISE through a Public-Private Partnership arrangement. The P3 arrangement is based on the concept that the University will be partnering with public entities to assist with financing and bringing the project together.
- As RISE undertook work to identify a third party to assist with this project, key drivers were part of the process that a third party was required to bring to the table. These included national expertise; efficiencies from a design and construction standpoint; economies of scale; risk sharing as far as delivery, budget and schedule and the ability to move at a fairly faster pace than is customary. A great deal of time was spent developing a project structure that represented the right fit for Murray State.
- RISE has been engaged with the Murray State project since the beginning of April 2022 and has been on campus every two weeks at a minimum for a three to four-hour meeting to work through key issues at that particular time. This process began with conceptual design and associated assumptions such as design and cost to ensure a comprehensive overview of the full project.
- The scope includes building two residence halls constructed north of current Hart Hall, as well as constructing a new dining facility to replace Winslow Dining Hall. Each residence hall will have approximately 300 beds to replace 538 beds in Hart Hall and 324 beds in Springer II/old Franklin. Just because facilities have capacity that does not mean they meet the functionality needed for student recruitment and retention to maximize a student's college experience today. The desire is to construct four-story buildings with common spaces, kitchen and study areas. Developing a thoughtful layout for these facilities represented a key part of the process so living communities could be developed to further engage students in smaller cohorts. This type of planning also makes it easier to incorporate the residential college concept. Plans are to offer a mix of room types – two-bedroom suites (two double bedrooms sharing one bathroom), four-bedroom suites (four private bedrooms sharing two bathrooms and a common living area), as well as ADA rooms. Confirmation was provided that parking would be replaced (approximately 256 spots) on a 1:1 basis. Once this work has been completed, razing Hart residence hall and Spring II/old Franklin is planned. These sites would then be developed into a full Quad area to provide outdoor space for students.
- Work to replace Winslow Dining Hall has included maintaining the University's working relationship with Sodexo to produce a state-of-the-art facility while ensuring the right assumptions and decisions are made throughout the process. This work includes an analysis of current market conditions and materials that are available within a reasonable amount of time. This work could include adding the materials MSU needs to other projects RISE is already undertaking to realize cost efficiencies. A conceptual rendering of the new dining hall was presented and was developed based on guiding concepts Sodexo has experienced success with their most recent dining facilities across the country.
- Part of this work also includes the long-term goal of replacing Regents and White residence halls.
- The major parties included in the project structure were outlined. This represents a ground lease arrangement with a third-party nonprofit owner – Beyond Owners Group. Beyond will have a sole agreement with RISE to oversee the construction project. The model presented has been proven nationally but confirmation was provided that discussions occurred regarding different financing and ownership structures. The overall driver was a model that provides the best value.
- The preliminary project schedule was presented and will be impacted by many variables but the goal remains to open the facility by fall 2024 for Phases I and II. Currently many challenges exist with securing labor and materials but all believe the right team is in place to bring the project to fruition.
- To date, the University Operations Committee, RISE, the architectural and engineering firm and contractors have been meeting weekly since mid-April to develop schematic designs for the residence and dining halls, including parking lot replacement locations and preliminary discussions on landscaping improvements. Meetings have been held with the Stakeholder Committee to review plans for the facilities to gain input. The University also executed a License Agreement (land access agreement) with RISE Development, LLC on May 2, 2022. The purpose of this agreement is that RISE, at its sole cost, risk and responsibility, shall use the Licensed Property only for the purpose of conducting geotechnical exploration services, surveying, Phase I Environmental Risk Assessment and other services supplemental or related to these activities.
- The Board also authorized a Pre-Development License Agreement (PDA) with RISE on June 3, 2022, which runs through June 30, 2023. The PDA scope of work includes undertaking certain environmental surveys and other tests; developing preliminary conceptual and schematic designs and specifications and designing development and construction documents to be utilized as plans and specifications for the project. Under the PDA, access to the site will be granted to RISE and its contractors. The PDA also states that the University intends on securing and proceeding with the project through final financial close/land lease. A post-construction budget has been developed and it was discovered concrete and steel are at a premium in the current market. Heavy commercial construction continues to be a challenge across the country. For this reason, an alternate best value was identified and a lot of economies were gained as part of this process while still ensuring critical factors were maintained from a structural, safety and layout standpoint. The design and development phase was completed in late July. Contractors are requiring fully-executed construction documents

before they will provide final pricing. A determination is being made on how best to engage this market. Construction documents are due on Monday, representing a 95 percent completed set of documents, and these will go through the state for permitting purposes. The construction team will work with the national and regional markets to determine best value options for this project.

- A Request for Proposal (RFP) for a 501(c)(3) non-for-profit organization was issued in summer 2022. The 501(c)(3) will serve as the owner of the buildings to be constructed. Based on the RFP, the University has selected Beyond Owners Group, Inc. as the 501(c)(3) and an Engagement Letter will be presented to the Board tomorrow for approval. The maximum cost to the University if the Ground and Facilities leases are executed will be \$65,400.
- The first week of October is the target timeframe for a Special Meeting of the Board of Regents. In order to secure necessary permits from the state, Board approval is required. It is hoped by December 14, 2022, the construction and development teams can be mobilized while the campus is largely vacant due to the holidays. The plan is to install signage and rework parking so when the spring 2023 semester begins it represents a seamless process. A schedule of additional milestones was presented. Confirmation was provided that there have been no geotechnical surprises to this point.
- Next steps include negotiating and finalizing agreements relative to the ground lease and the project financial plan that will be based on occupancy goals and room rates. Negotiations will also occur with a 501(c)(3) organization, Murray State and a developer for financing the project, ongoing operation and maintenance and establishing a relationship for up to 40 years or until the debt is repaid. Style, design, rooms, sizes and amenities will then be finalized.
- Mr. Looney provided clarification regarding the number of beds that are being replaced because there is some discrepancy with current stock. There are currently approximately 2,300 students living on campus. Today, some students are non-binary and have special requirements and many come to the University with anxiety issues and special needs which must be accommodated. There are approximately 300 beds today that are unassignable because private accommodations have been granted for various reasons. Throughout this project a focus has remained on keeping pricing where it currently stands but there was also a focus on student success. Students are more successful when they live on campus and, while the University does not want to alienate anyone, students today have created new challenges and Murray State is being proactive in ensuring it can provide equal access, equalities and ways that they can succeed. Consideration was also given to taking Regents Hall offline and while the numbers supported that action, the University would not be able to provide those opportunities that are valuable to ensure student success. President Jackson added that Springer II/old Franklin had not been used to house students over the past two years and was razed this summer.

In terms of the project structure and how US Bank and RBC Capital Markets will work together, it was indicated there is a Certificate of Participation structure in play in the state of Kentucky. RBC is an investment banker managing the entire financial process, including underwriting the project and taking it out to investors. US Bank is the conduit once funding is issued to administer the funds and assume responsibility for all checks and balances that will be required. These two entities are working hand-in-hand to reach a final agreement on how those funds will be managed. Confirmation was provided that once funding is secured it will be invested along the way based on a draw-down schedule that will be developed to ensure the project is funded as needed but there will be some return on investment for the funds being held by US Bank throughout the process. The University's bonding authority protects it should any of the involved companies go out of business during the process. A document to this effect will be in place and is also required by the investors and companies involved.

In terms of the pedigree for Beyond Owners Group, it was indicated that as the RFP process was conducted this summer there were three bidders interested in the project. These represent housing nonprofits – 501(c)(3) – addressing student housing needs and that is all they do. Murray State's relationship will be with Beyond Owners Group only through the ground lease that will be issued to that entity and also a facility lease back to the University. Beyond Owners Group will carry responsibility from that point moving forward. This firm has extensive experience, a reputation for meeting price and has worked with RISE in the past. Beyond Owners Group is one of few 501(c)(3) national organizations that know what to do and has the savvy to navigate through each project that carries with it unique challenges. They have undertaken several similar projects and have the expertise needed to serve in this role. Beyond will represent the conduit that allows the project to come together and reach fruition. As part of the RFP process, interested parties were required to reveal their experience, provide references and interviews were conducted with each of the three bidders. Confirmation was provided that University representatives visited one of the projects RISE and Beyond Owners Group have facilitated at Appalachian State to replace all their older housing stock (2,300 beds) on campus. Discussions were also held with maintenance staff to provide a sense of how these facilities function and weather over time. Chair Tharpe indicated that renovation of the Curris Center is now even more important to keep students on campus and fill these rooms. President Jackson

was commended for his foresight in this regard. Confirmation was provided that work in the Curris Center began this week. Vice Chair Owens commended the administration for bringing in a local contractor – Ray Black and Son – as part of this process. They have a great deal of experience and are a credible company.

Overview of Tuition and Scholarship Models

Dr. Robertson and Ms. White highlighted the following:

- It is believed that the changes which have been made to the tuition and scholarship models will further enhance student recruitment and retention, along with the housing and dining projects just outlined.
- The Strategic Enrollment Management Plan Phase II Committees commissioned by President Jackson was tasked with looking at recruitment efforts through 2027 and this work included input from faculty, staff and students. Vice President Dudley served as Chair of the Committee that reviewed tuition and Director of Student Financial Services and Bursar Wendy Cain and Senior Associate Director of Recruitment Kendrick Quisenberry served as Co-Chairs of the Committee studying scholarship models and the results of that work were presented.
- The University has a total of 15 regional tuition states. There were seven states added for fall 2022 and those were outlined. Key alumni and community leaders living in the new regional states have been identified and those individuals will assist in getting the word out about the availability of the new regional rate for these students.
- A Subcommittee has narrowed tuition down to three different rates and those were outlined and associated details and key changes were provided. Confirmation was provided that the changes made to the tuition model have been vetted carefully in terms of cost sustainability. *Washington Monthly* has recognized the University in regard to action taken relative to the new tuition model while maintaining quality and value. Confirmation was provided that the new rates are based on students taking 12 – 15 credit hours per semester. Regional Counselors have also been very positive with regard to the new tuition rates. Confirmation was provided that the rankings the University continues to receive confirm the value of a Murray State education.
- The Committee that reviewed the scholarship model recommended changes effective for fall 2023. These include revising the Scholarship Grid to coincide with the admissions test-optional policy change and awarding scholarships based on high school grade point average (GPA), independent of ACT/SAT scores. Students with a 28 ACT or above can earn a higher scholarship award. Students can also receive a scholarship with a 2.75 GPA.
- A graphic was provided for new freshmen scholarship opportunities, effective fall 2023, that students automatically qualify for if they meet the associated criteria. These opportunities include three different academic achievement scholarships on a per academic year basis – Trustee, Regents and Provost – and the associated requirements and award amounts were outlined. This model does not include competitive scholarships for which a student may also be eligible. Confirmation was provided that Governor’s Scholars Program (GSP)/Governor’s School for the Arts (GSA) and Governor’s School for Entrepreneurs (GSE) students cannot stack their awards based on the scholarship model but will receive the scholarship package that is in their best interests. GSP, GSA and GSE students with a 25 ACT and a 3.5 GPA or higher receive a full tuition scholarship and do not fall within the new model due to enhancements which have been made in this regard.
- The new freshmen scholarship notification timeline was outlined and represents a very aggressive approach.

Human Resources Update

Personnel Policies and Procedures Manual – New Section IV P – Parental Leave

Mrs. Hixon reported the following:

- A Paid Parental Leave policy has been approved by the Board based on a recommendation from the administration and the *President’s Task Force on Work/Life Balance* Parental Family Leave Subcommittee. The proposed Family Leave Policy was compared to that of policies from 16 Kentucky and Ohio Valley Conference member institutions. The first reading of the new policy was approved by the Board of Regents in December 2021 and the second reading was approved in March 2022. The new policy became effective April 1, 2022.
- This policy grants up to six weeks of paid parental leave for regular faculty and staff within the first 12 weeks following childbirth or adoption for children under the age of 18. Prior to approval of this policy, faculty and staff were required to use sick, vacation and medical leave for this purpose. Paid Parental Leave can be used in lieu of accrued sick leave, vacation leave or FMLA but employees may extend leave through these options as needed. In order to be eligible, employees must have worked at the University a minimum of six consecutive months. The leave can be used on a continuing basis or intermittently. Regular faculty and staff may utilize Paid Parental Leave on a pro-rated basis. If both parents work at Murray State, they are each entitled to up to six weeks of paid parental leave during the first 12-week period following childbirth or adoption.

- Once Paid Parental Leave was approved, information was provided to campus through the shared governance groups and the Insurance and Benefits Committee. Emails were also sent out to faculty and staff and Branding, Marketing and Communication provided the information through the Racer Nation Information newsletter.
- As of April 1, 2022, Human Resources has processed five Paid Parental Leave requests. Two of those have been for faculty and three were for staff. Four additional requests are in process at this time – three for faculty and one for staff. This benefit approved by the Board has been greatly appreciated.

Board of Regents Self-Assessment Process for 2022 Update

Senior Associate Provost Pervine provided an update on the Board of Regents Self-Assessment Process for 2022. The University's accreditor – the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) – requires governing boards conduct a regular self-evaluation. This was a new requirement added in 2018 and at that time an Assessment Instrument was developed for this purpose. The survey was first administered in 2019. The Assessment Instrument provided in the eBoard book includes three sections for evaluation: Evaluation of the Board of Regents, Evaluation of Board Meetings and Board of Regents Member Self-Evaluation.

The Assessment Instrument will be made available to the Board via an email sent out by Secretary Hunt. That email will include a link to the survey and the intent is to have this available by September 30, 2022. Board members will have until a date in November to complete the evaluation.

Assurance was provided that Board responses are confidential and will go back to Dr. Pervine but will be anonymous. Once all evaluations have been received, Dr. Pervine will compile the results in the form of bar charts, etc. and that will be presented to the Board at the Quarterly Meeting in December.

Chair Tharpe encouraged all Board members to participate in the self-assessment process and complete the survey as soon as possible once it is released.

President's Office

Delegation of Authority Overview

The current Delegation of Authority document put in place in 2014 by then Chair of the Board Deno Curris was included in the eBoard book. This document delegates authority from the Board to the President of the University and clarifies items which are reserved solely for Board action. The document allows management to function more effectively and ensures the President and Board have reached agreement in regard to actions that can be taken by the administration. The Delegation of Authority also allows the President to act in the event of an emergency – in consultation with the Board Chair – on certain items 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.

President Jackson and General Counsel Miller have reviewed the current Delegation of Authority and changes to two of the enumerated items are being recommended. The proposed revised Delegation of Authority was also included in the materials provided to the Board with the changes indicated in red. These revisions will be submitted to the Board for consideration and approval at the Quarterly Meeting tomorrow.

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. The edit suggested is for verbiage to be added at the end of the Delegation item as follows: unless the contract is a renewal of an agreement previously-approved by the Board. An example was provided where making that language addition would be beneficial to University operations so the administration can approve routine renewals without having to wait for another Board meeting to occur.

Delegation of Authority 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). Upon review, individual Board members may request that these be held for approval at the next Board meeting. The edit suggested is that the Delegation item be amended to read as follows: In addition, the Board will 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 Personal Services Contracts necessary for projects previously approved by the Board are not subject to the additional approval in this section.

Delegation of Authority 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. Prior to moving forward, all projects costing over \$200,000 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.

The edit suggested is that Delegation Item #20 to be amended to read as follows: Approve capital projects, as defined by Kentucky statutes and which requires approval by the Kentucky General Assembly, prior to the commitment of funds. Prior to 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 a determination made as to whether further Board approval is required.

The reasoning behind this recommended amendment is that bids received through the University's normal Procurement process may exceed estimated, Board-approved amounts, and many proposals expire on a date certain. This process of delegated approvals will prevent delays and the re-bidding of projects related to project costs.

Confirmation was provided that the reason Personal Services Contracts have historically been renewed by the administration is because the Board approves the University Budget in June. If customary renewals become necessary after the Board has already approved the budget, historically the administration had authority to take that action. The requested language change simply makes this item more explicit in terms of presidential authority. The change is being made to reflect actual practice and eliminate any unintended consequences.

2020 – 2025 Strategic Plan Overview

President Jackson reported that the Strategic Plan plays a key role in the overall SACSCOC reaccreditation process. In 2020, under the leadership of Provost Todd who also chaired the Strategic Planning Committee for faculty, staff and students, the 2020 – 2025 Strategic Plan was approved. The current Strategic Plan was included in the materials provided to the Board and is being updated without changing the actual plan to ensure it will meet SACSCOC requirements. The Strategic Plan includes the Vision Statement for Murray State University which is part of the Board Self-Assessment survey instrument. The Strategic Plan also includes Strategic Attributes – what makes MSU different from other institutions – of which the Board should be aware. There are a number of Strategic Initiatives that have multiple action items which are also included in the Strategic Plan. Veteran Board members have seen the Strategic Plan numerous times but new members were encouraged to familiarize themselves with the document. An action item included in the Strategic Plan related to academic excellence was cited as an example. Information and final data illustrating the outcomes of action items contained in the Strategic Plan will be provided at the Quarterly Meeting in December. The Strategic Plan will also be a focus area included in the Board Self-Assessment survey instrument. The University cannot receive or award federal financial aid if it does not maintain SACSCOC accreditation.

Adjournment

The Board of Regents adjourned for lunch at 12 noon.

Reconvene

Chair Tharpe reconvened the Board of Regents Annual Retreat at 12:52 p.m.

Academic Affairs

Southern Association of Colleges and Schools Commission on Colleges Accreditation Update

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 an opportunity to compare itself to 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.
- The accreditation process is based on a ten-year cycle and the University's last ten-year reaffirmation was conducted in 2014. This means the next reaffirmation process will occur in 2024. The self-study process is currently underway and there are a number of individuals involved in helping prepare the associated report. 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.
- Standards on which the University is required to report were outlined, 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 project that the University developed with the aim of improving student learning. Every school that goes through the reaffirmation process is required to have a QEP in place and Murray State is currently involved in the process of developing its QEP. The Quality Enhancement Plan will revolve around student mental health and well-being and faculty, staff and students are engaged in this process. The admissions process, distance education, the Strategic Plan, athletics and finances are part of this process, in addition to other areas. The QEP will be submitted in September 2023 and the onsite visit will occur April 1-4, 2024. Three to five visitors and the SACSCOC Vice President will be on campus for the on-site visit. The Quality Enhancement Plan will be discussed at that time and meetings will occur with various constituency groups across campus. Some Board members will also be involved as part of this process.

Quality Assurance Commons

Provost Todd reported that under the vision and leadership of Council on Postsecondary Education (CPE) President Dr. Aaron Thompson, the 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. When academic programs accredited at the program-specific levels are also certified through the QA Commons, this creates a new marketing effort. This certification is not only focused on students and families but also on what the General Assembly has indicated universities should be doing. An academic program linked to workforce-ready work skills is viewed favorably by the General Assembly.

The vision for the QA Commons is that all areas will be prepared for the changing world of work and the aspiration is to narrow the gap between higher education and employment. According to a recent college student poll, 86 percent of students state that getting a job was their primary reason for attending college but a leadership IQ study undertaken three years ago revealed that one-half of all new hires fail within eighteen months. Of those failures, 11 percent are due to a lack of hard skills and the rest stem from a lack of soft skills. Such work-ready skills include persuasion, team building, effective communication, listening skills, working on projects together and conflict management. Employers are saying the current college graduate does not

possess these skills. The QA Commons focuses on essential employability qualities for students – that they be communicators, thinkers and problem solvers, collaborators and effective team members, adaptable, principled and ethical, responsible and professional and continuous learners.

Murray State, the University of Kentucky and one community college were the first to go through the QA Commons process with any of their programs. The three programs Murray State presented through the QA Commons process were all based in the Jones College of Science, Engineering and Technology. Those programs are now fully QA-certified and were outlined. The CPE encouraged the universities to continue work in this regard and to this point Murray State has the most QA-certified programs. During 2021-22, the University had seven additional programs go through the QA-certification process. At the end of this semester, Murray State will have at least one program that is QA-certified in each of the colleges and schools. Discussions are occurring with the Deans and others on how to continue to build on progress and identify programs suitable in this regard. Confirmation was provided that this includes the vast majority of programs offered. The goal is to have at least one additional program from each of the colleges and schools to go through the QA Commons certification process this year. Murray State has more QA-certified programs than any university in the United States. Due to this success, the University has been invited to present at the SACSCOC Annual Conference in December. All are very proud of the Provost's Office, Deans and Chairs and key faculty members who are involved as part of this process.

In response to the timeline for a program going through the QA Commons certification process, Provost Todd indicated it typically takes one year because there are a large number of assessments which must be undertaken with alumni, employers of recent graduates, faculty, etc. Following discussions with the Deans, they will be encouraged to take the idea back to their respective units.

Confirmation was provided that the results of this process can include curriculum changes. Documentation which will recognize any certifications a student has earned as a result of graduating from a particular program is being considered and designed. This allows a graduate who has gone through a QA Commons certified program to market themselves in this manner. Confirmation was provided that for the three programs which initially received QA Commons certification three years ago there is already an external body of employer reviewers. Employers of graduates from these three programs have indicated a high satisfaction level and placement rates have increased as a result of this work.

President's Commission on Academic Advising Recommendations

Assistant Provost Ireland reported that her team members include Director of the Center for Student Engagement and Success Peggy Whaley and Coordinator of First-Year Academic Advising Leanna McClure who were unable to be present due the schedule adjustment that was made. This initiative reflects a true partnership between Academic Affairs and Student Affairs with a focus on student success. Work is still in the beginning phases in terms of what the pilot project will involve.

This work resulted from a recommendation received from the *President's Commission on Academic Advising* which was comprised of individuals from every academic area, Student Affairs and other key areas, including students. Advising will be formulated to encompass three parts: the transition experience to college, the retention effort to ensure students are connected and taking the courses they need and maintaining a traditional academic advising function that involves faculty providing career, life and curiosity guidance – representing a true mentorship model. Based on this three-component goal, the *Commission* recommended revising the advising model in many academic areas that relied solely on faculty advising. The overall goal is to implement a dual-advising model. One component would be a new Professional Advisor that would involve a 12-month staff role to help the students at the recruitment and retention functions and ensure from the orientation level they have the tools needed to be successful, while maintaining and enhancing the Faculty Advisor role.

The outcomes and objectives for all recommendations fall under the general guidelines of impacting student success and utilizing retention as a metric. If done correctly, this will have a positive impact on performance funding over time. Specific metrics have also been identified

that involve perception and minimizing credits to degree. There are still several unknowns in terms of how this model will work, including how many students will be assigned to a Professional Advisor. This will depend on how many staff are willing to serve as Professional Advisors. It is also known that if first-time freshman retention is increased by 1 percent it can increase revenue by \$100,000. This also translates through all areas of the academic experience for a student and the associated funding impact. A model showing the division of labor for this initiative was provided and outlined. The model will be tailored to each specific academic area in terms of the role of both advisors based on what works best for students.

The first-year pilot program is currently being implemented and began with hiring the Coordinator for First-Year Academic Advising. Another Professional Advisor has also been hired and work is continuing on building the coalition for advising excellence that will involve constituencies from across campus, including students, and one pilot area will be selected for implementation of the proposed model. The first orientation session for that pilot area will be held in April 2023 but a model and division of labor must be in place so when the first-time freshman and first-time transfer student comes to the University everyone in the unit knows what they are responsible for in order to ensure student success.

It was indicated that among a few faculty there has been some concern with the Professional Advisor title and how that was derived. Ms. Ireland indicated a review of similar positions elsewhere was undertaken and consideration was given to how to differentiate between what a Faculty Advisor does in this role already versus what a Professional Advisor would do. Confirmation was provided that selection of the pilot area will be as specific as it needs to be to make sure students within that area are well taken care of and it is not too large to be manageable. This work will be undertaken in partnership with the selected area and it will not represent a top-down approach which will represent a relationship-building exercise requiring a great deal of communication and analysis of data.

Confirmation was provided that this pilot project will allow the Professional Advisor to focus on the first-year cohort entering the University in fall 2023 and perhaps continuing through the second year. Students will also still work with their Faculty Advisor. It is envisioned that the communication will flow freely among all involved entities. The Faculty Advisor role will in essence remain the same.

It was indicated that this initiative could make a difference to parents and families and appreciation was expressed to all for their work in this regard. It was also indicated that a focus on an intensive onboarding process and advising is critical during the transition period from high school to college but also during the second year. It is hoped this results in an increase in the six-year cohort graduation rate and economic development. Confirmation was provided that the Professional Advisor will serve as an access point for as long as the student needs them but after the first year and past the second year the Professional Advisor will no longer be directly involved with scheduling but this does not necessarily mean that relationship ends.

On behalf of the Board, Chair Tharpe expressed appreciation to Drs. Todd and Robertson and their staff for all they are doing in this regard to ensure student success.

Performance Funding

Dr. Fister reported that performance funding is based on three elements: student success (35 percent), student credit hour production (35 percent) and operational support (30 percent). The Performance Funding Model currently in place puts funding for every public four-year institution in the state in the same pool. The model is based on a three-year rolling average and a graphic depicting how the model works in terms of the three elements of the Performance Funding Model was presented and outlined. Dr. Fister has been discussing this information with various units across campus to ensure all are aware of the significance of the different components of the model. The data presented is centered on when students actually begin their work at Murray State. Student credit hours have the most impact on the Performance Funding Model and represent a weighted matrix. Due to its location, Murray State receives a lot of non-resident students and these are weighted differently than a resident student at the same level taking the same class. Dual credit students are also not included in student credit hours. Currently, Murray State has 925 dual credit students. In terms of operational support, it is based on square footage and a certain percentage of any building must be utilized all the time for an academic class in

order for it to be counted. Under the leadership of Vice President Dudley, the University performs well in terms of direct instruction and student services costs. Full-time Equivalent (FTE) represents students taking 12 to 15 hours but this is only counted for the fall semester. The Integrated Postsecondary Education Data System (IPEDS) collects data in the fall, as does the CPE with regard to FTE.

Performance funding comparisons for this year and since the inception of the model were presented and include the associated weightings. The University is above the sector percent change in four of 11 metrics and received \$3.3 million from the performance funding pool. This represents a volume-driven Performance Funding Model. The volume impact is evident for institutions with lower numbers in terms of metrics that are above the sector percent change but still receive funding. In previous years the University was required to give back 2 percent of its base appropriations into the Performance Funding Model. President Jackson and others – including leadership provided by legislators – were able to convince the Legislature to ensure that the base appropriation for the University was not harmed. This year, \$97 million ran through the Performance Funding Model and of that amount \$75 million is allocated among the public universities. The remaining funding is allocated to the Kentucky Community and Technical College System.

Each of the 11 metrics have different weighting for the two Research I institutions and the remaining six public comprehensive universities. In terms of low-income bachelor's degrees, Murray State received a rating of one – meaning whatever it receives as an average is multiplied by one. The Research I institutions receive 2.35 times more which increases the volume aspect. Even if Murray State increases the number of low-income degrees by twice – which is more than the available students in this category – it cannot jump over the volume hurdle. If the rating is placed at one for every institution and the exact numbers this year are utilized, Murray State would have received \$450,000 in additional funding with no change in performance. There is a sister institution in the state that has not received any funding since the inception of this model and if the rating was placed at one that institution would receive over \$200,000. While some universities would have to give back to the Performance Funding Model, the Research I institutions would be able to maintain approximately the same amount of funding available to them prior to implementation of changes to the Performance Funding Model. President Jackson indicated that performance funding itself is law that is contained in statute but efforts are aimed at negotiating the specific metrics and their weighted averages to ensure everyone's performance is displayed appropriately. Confirmation was provided that the CPE controls this process but the metrics and weighted averages are negotiated. Work is currently underway to develop an improvement plan to increase performance on the metrics but the weighted component of the model will continue to be an issue because it is volume driven. Confirmation was provided that under the current model approximately two-thirds of the available funding goes to the larger institutions due to the multiplier effect and this was predicted from the inception of the Performance Funding Model. Confirmation was provided that discussions have occurred regarding adding additional/altering current metrics. The metric of square footage is discussed often because certain institutions have significantly more square footage than others. Dual credit is also a metric that has been discussed because all institutions are required by law to offer dual credit courses but they are not even part of the Performance Funding Model.

The impact of the credit hours that are being taken is also key to the Performance Funding Model. Advisors need to advise as they see best for the student but an effort is being made to emphasize this not only affects revenue but also scholarships and financial aid available to students. Progression in terms of 30, 60 and 90 hours and FTE are key, as are low-income and underrepresented minority (URM) students. The University is among the top in the state percentage wise of undergraduate degrees in terms of STEM+H. Confirmation was provided that low-income is based on those students who receive a Pell grant. It is also being discussed that this metric should be changed to those students who are Pell-eligible. Confirmation was provided that credit hours include those offered at the regional campuses.

Confirmation was provided that the metrics associated with the Performance Funding Model are negotiated between the Board of Presidents and the CPE. This group agreed to work toward getting the law changed so no universities were harmed by the Performance Funding Model. The same would be true with regard to any metric negotiation. Over the next six months a lot of time will be spent in this regard. It is delegated by law that these operational components will be handled by the CPE and the Legislature would not necessarily be part of changes made in this

regard. Certain legislators who are interested in the Performance Funding Model will be involved in the ultimate decision-making process related to changes that are put in place. This is the same process that was used when the law was changed to protect base appropriations. This issue is very important to the General Assembly and has been for the last many years. Appreciation was expressed to the legislators who assisted the University in this regard.

Appreciation was expressed to Dr. Fister for messaging she is sharing on campus to ensure all understand the Performance Funding Model, the importance of the various metrics for the University overall and how every employee is impacted in some way.

Student Affairs and Enrollment Management

Dr. Robertson, Ms. White and Dr. Fister reported the following:

- Information was provided in the eBoard book relative to offices focusing on student life and the associated services offered through those particular areas. This includes providing resources with a focus on student success, retention and moving students toward graduation while also ensuring a quality campus life experience.
- This work involves the offices of Campus Recreation and Wellness; Career Services; Center for Student Engagement and Success; a full-service Counseling Center; Curris Center and Student Life; Institute for International Studies; Multicultural Initiatives, Student Leadership and Inclusive Excellence; Pride Center (LGBTQIA+ programming); Residence Life and Student Conduct; Recruitment; Student Disability Services; TRiO Programs, Undergraduate Admissions, International Admissions and Transfer Center; Veteran and Military Student Success and the Women's Center.
- The University's current retention rate is 77 percent from freshman to sophomore year – the highest among the public comprehensive universities in Kentucky – and up 2 percent over last year. Underrepresented minority-specific retention is 71.2 percent this year, compared to 60 percent last year, representing a 19 percent increase. Low-income and first-generation retention is 68.2 percent which is up approximately 2 percent. These results are due to the good work of many on campus.
- Murray State has more TRiO programs than any other public university in the Commonwealth.
- The Residential College System was established 25 years ago with eight residential colleges. All students, faculty, staff and administrators are assigned to a residential college in order to foster greater interaction with students. The residential colleges enhance student satisfaction, success and retention through leadership opportunities, engaging programs and a rich social experience. Each residential college is led by a full-time faculty member who serves as College Head. Confirmation was provided that the Residential College Heads receive a stipend for serving the University in this role. A handout was provided regarding the Residential College System and was outlined by Vice President Robertson. The residential colleges represent an important retention component for Murray State – the first public institution to have a comprehensive residential college system. Chair Tharpe expressed appreciation for the presentation because it helps the entire Board understand the importance of the Residential College System to Murray State and its students. Regent McGowan confirmed this to be the case because her residential college was the first way she became involved in campus activities.
- Student activities in early fall include Great Beginnings which was held August 10-17 with a full-slate of in-person activities. The Blue and Gold Celebration was held on August 16 and campus welcomed Hypnotist Tom DeLuca to campus on August 17. The Office of Multicultural Initiatives, Student Leadership and Inclusive Excellence hosted an Open House Mixer on August 19 and continues to offer monthly diversity, equity and inclusion events. The Transfer Center hosted a Cookout on August 17 and an Ice Cream Social was held on August 22. Sorority recruitment was held August 10-14, fraternity recruitment was held August 19-26 and the National Panhellenic Council hosted an Open House on August 18. Career Services hosted an Open House on August 24 and various Career Fairs are occurring this month. Four Career Fairs are being offered because there was a waiting list of potential employers wanting to participate because of how they are treated when they come to campus but also due to the reputation of Murray State students and their past success. Residential college welcome events and cookouts were held on August 14. There have been many Student Government Association, Campus Activities Board, Residential College Association, Black Student Council and International Student Organization campus events and programs and additional information is available on the respective websites. The Silas House Reading event will be held later this evening and Family Weekend is September 23-25. The National Panhellenic Council Plaza Dedication will be held on October 29 as part of Homecoming activities October 28-30. The annual First-Generation Celebration will be held on November 3.
- In terms of the First-Year Academic Advising Model being developed, that initiative is based on a recommendation from the *President's Commission on Academic Advising* and represents a pilot model.
- Mental health programming and resources include students receiving a card listing on- and off-campus mental health resources and crisis hotline numbers. A QR code has also been developed and can be scanned to view additional resources. Faculty and staff have received the same QR code, as well as information to support mental health needs in the classroom. Handouts in both regards were

provided to the Board for review. Racers Empower: Healthy Minds, Healthy Campus continues in partnership with the College of Education and Human Services to offer monthly programming and Pet Therapy. A Counselor has been added to the Counseling Center on campus and additional interns have been hired to help the Counselors. The University has also partnered with KentuckyCare which has provided an additional Counselor for the University to utilize. The diversity of the Counselors has also been enhanced.

- First-Generation programming includes the 4th Annual First-Generation Celebration on November 3, with leadership workshops and a Keynote Speaker who is a Murray State alum. A website is being created listing resources and tips for succeeding as a first-generation student and resources will also be provided for families. A Thrive Center which is being considered was outlined.
- In terms of recruitment, prospective students and their families have become accustomed to personalized communications. The University's Communications Plan in this regard was outlined for first-time freshmen and transfers, Racer Academy students, the regional campuses, *Racer Response* and international and domestic graduate students, including the social media component of this work. Appreciation was expressed to Executive Director Shawn Touney and his team for their assistance in this regard. Students have a lot of choices and it is important to maintain this personalized, regular communication.
- Freshman and underrepresented minority recruitment, undergraduate admissions, international admissions and the Transfer Center have been enhanced through the hiring of Ms. White as the Interim Assistant Vice President for Enrollment Management. Ms. White received a round of applause.
- First-time freshman recruitment initiatives were outlined, followed by those for URM recruitment. Undergraduate and international admissions and transfer student initiatives were also highlighted.
- A regional campuses update was provided. The regional campuses primarily serve adult and non-traditional student populations. These students are place and time bound to the communities in which they live. They would not be the type of students to make life changes to take classes on campus on a daily or weekly basis. Highlighted initiatives included *Racer Academies* which have been developed, new programs and scholarship opportunities, the Swift and Staley Scholarship and the John and Vivian Williams Fund for Excellence.
- A *Racer Academy* update was provided and initiatives in this regard were highlighted for dual credit students.
- An update was provided on graduate and international enrollment in terms of recruitment events, social media marketing and campus/virtual events. A new International Student Recruiter has been hired and this individual has great networks in place and is already on the road recruiting.
- The Yield Marketing Communications Plan was outlined and various aspects were highlighted, including the social media component.
- An Admission Calculator has been developed and a demonstration was provided to the Board.
- A predictive analytics update was provided and outlined. This includes utilizing admitted students with yield to predict first-time freshmen, with a scoring mechanism for FTF, and action/demographics/characteristics with multiple offices providing data. This information has been utilized to develop admit goals for states and counties based on historical and yield data. This information aids recruitment efforts and provides assistance to the Office of Branding, Marketing and Communication. This work represents a concerted and coordinated effort across the University and provides an invaluable tool in terms of where resources should be deployed.
- Current Murray State students come from 48 states, 50 countries and 112 counties (63 percent from the Commonwealth). Data was provided on average high school GPA and ACT score. A chart was provided for Murray State students broken out by first-generation, top 25 percent of their class, first-to-second year retention and underrepresented minority.
- Phase II of the Strategic Enrollment Management Plan was outlined and the Committee undertaking this work is co-Chaired by Drs. Robertson and Fister. Work relative to the Subcommittee addressing barriers, analytics, tuition, scholarships, Academic Affairs, recruitment and admissions was outlined and explained. Confirmation was provided that open access resources are being considered as part of this work.

On behalf of the Board, Chair Tharpe expressed appreciation to these individuals and their staff for all their hard work as it is truly appreciated.

Adjournment

The Board of Regents adjourned for a break at 2:40 p.m.

Reconvene

Chair Tharpe reconvened the Board of Regents Annual Retreat at 2:55 p.m.

Council on Postsecondary Education Diversity Plan

President Jackson reported that each year a Diversity Plan is created for Murray State. This past year the University did not meet all the Diversity Plan metrics but this does not mean the institution is not performing well year over year in certain categories. Like performance funding, the Diversity Plan includes a set of goals that are established and negotiated between the CPE and each institution. Mrs. Duffy reported that the evolution of the Diversity Plan began in 1981 with the Office of Civil Rights citing the Commonwealth of Kentucky for its desegregation efforts. The Commonwealth entered into what was known as the Kentucky Plan which was a voluntary plan focused on access to higher education in the state. Between 1982 and 2010, the CPE has focused on the Desegregation Plan and its subsequent revisions on increasing the enrollment and success of African American students, increasing the number of African American employees on campus and enhancing those efforts at Kentucky State University, with a focus on improving campus climate.

To provide oversight for the Diversity Plan, the Committee on Equal Opportunities (CEO) at the Council on Postsecondary Education was created in 1982 to expand and monitor these initiatives and efforts on other public university campuses in Kentucky. In December 2008, Kentucky was released from the requirements of the Kentucky Plan but sought to continue diversity efforts and initiatives with a statewide Diversity Plan. All institutions agreed efforts should continue to move forward in this regard and those did not need to cease with the sunset of the Kentucky Plan. The CPE has statutory responsibility for providing diversity and equal opportunities through Kentucky Revised Statute 164.020(19) which requires that entity to postpone approval of any new academic programs at a postsecondary educational institution unless it has met the equal educational opportunity goals, as established by the CPE. For an institution not meeting the goals, that entity has an opportunity to submit a Performance Improvement Plan. As such, the CPE directed the Committee on Equal Opportunities, in collaboration with the public institutions, to develop a process which would help ensure significant progress made toward promoting diversity was preserved and further enhanced. Unlike the Kentucky Plan where movement was awarded, progress toward meeting the goals of the Diversity Plan is not determined by an institution's success but by the universities meeting targets developed by the CPE as part of the 60 percent by 2030 Campaign which exists at the heart of the Kentucky Council on Postsecondary Strategic Agenda for Postsecondary Education. The desired outcome of advancing overall admission goals to raise the percentage of Kentuckians with high-quality postsecondary educational degrees or certificates to 60 percent by the year 2030 was established. This concept also represents an essential thread throughout the CPE Strategic Plan, Diversity Plan, etc.

The CPE set goals and established metrics based on 2016 data which represents Murray State at its highest enrollment peak. In terms of diversity evaluation for four-year institutions of higher education, there are numerical and qualitative components. Terms utilized through the CPE plan include LI (low income) and URM (underrepresented minority – individuals who categorize themselves as Latino, American Indian, Alaskan Native, Black African American, Hawaiian or Other Pacific Islander). There are six components of a numerical evaluation – workforce diversity, underrepresented minority (URM) undergraduate (UG) enrollment, URM graduate (GR) enrollment, low-income (LI) and URM bachelor degrees, LI and URM graduate rates and LI and URM retention rates. The data utilized for the current evaluation period is from 2020-21 – which was in the middle of COVID. In terms of overall scoring relative to diversity planning and as noted in state statute, there are 36 total points four-year institutions can earn for the Diversity Plan – 18 numerical points and 18 narrative or qualitative points. Institutions that do not meet this threshold have two options. The first is to not have new academic programs for the year. The second option is to submit a Performance Improvement Plan (PIP) and Murray State chose this option. The University submitted a Performance Improvement Plan which is submitted through the Committee on Equal Opportunities at the CPE for approval. PIP approval provides the institution with the ability to submit new academic programs for the 2022-23 academic year. Review of the PIP for final approval occurs in October of 2022 and the University's understanding is that any programs already approved can move forward. Fall 2022 submissions that are set to begin for fall of 2023 are held in abeyance until CEO approval is received. Submission of a Performance Improvement Plan does not guarantee automatic approval for new programs. Murray State increased in seven of the nine numerical categories for this year but how that is scored will depend on the CPE and that entity has not finalized new goals to date. It is recognized that this process occurs at the CPE in the middle of the academic

year but this does not mean institutional efforts toward diversity and inclusion sit in abeyance and confirmation was provided that the University continues to move forward in this regard.

Relative to performance funding, the University's Low-Income bachelor degrees were above the sector average change by 4.2 percentage points. Despite the University's being awarded funding based on performance in this category, under the Diversity Plan guidelines Murray State received no points for Low-Income bachelor degrees. The year-over-year average for the last five years is positive for Murray State and a numerical data comparison was provided. The yield room for growth in the LI bachelor degree area is flat. The goals for Murray State were set in 2016 when enrollment was at an all-time high but the world has changed a great deal since that time. Unfortunately, the CPE philosophy related to 60 percent by 2030 has not been re-evaluated to reflect nationwide trends such as shrinking high school graduation class sizes. Murray State is one of only four universities that outperformed others in the LI bachelor degrees category and was awarded performance funding dollars accordingly but this did not occur with regard to the Diversity Plan.

In terms of the numerical data comparison, a score of zero means no progress was made; one means progress was made but the goal was not met and a score of two means progress was made and the goal was met. There were only three areas where Murray State experienced a performance gap – LI bachelor, URM bachelor and LI retention. In terms of LI bachelor degrees, to get to the CPE standard, it should be noted that the pool to pull these students from is insufficient to begin with due to shrinking high school classes and other factors. In response, the University has established an advisory group to serve as an advocate for those who need assistance in terms of persistence. With regard to the URM rate, the University increased 20 percent in one year but still did not meet the goal and received only one point in this category. It is September and the University still does not have established targets for the year.

Murray State has worked annually to consistently be proactive to generate projections to reach the goals that have been set for the University and believes it is in a good position for this year. Ultimately, this will be determined by the CPE when they review the University's efforts for 2021-22 in March 2023. Select diversity institutional initiatives that have been developed were outlined to provide a sense of the ongoing engagement of the University community in advancing diversity and inclusion. These efforts include expanding outreach to low-income students and various scholarship opportunities in this regard to enhance recruitment efforts. Confirmation was provided that the Office of Multicultural Initiatives, Student Leadership and Inclusive Excellence is a key partner in this work and initiatives in this regard were also outlined, as well as the work of the *President's Institutional Diversity, Equity and Inclusion Task Force*.

Chair Tharpe indicated he thoroughly reviewed the materials provided to the Board and had discussions with Vice Chair Owens and President Jackson in this regard. It is very difficult to meet certain goals when sometimes the metric upon which the University is being graded does not reflect its efforts in regard to diversity. Appreciation was expressed to Executive Director Duffy and others for their diligent work to enhance and improve diversity efforts on campus and all should stay the course even if it is impossible to meet the mark that has been set for the institution. All are confident the University will continue to invest dollars as it is able in this regard.

Vice Chair Owens asked whether there is a review process in place with regard to the 2016 diversity targets initially put in place by the CPE to ensure they are applicable to the current environment. President Jackson reported that the metrics which have been developed were based on 2016 enrollment data when all universities were at their highest peak in terms of enrollment. Discussions have occurred with the CPE President regarding targets established at that time versus the current enrollment environment. The review process in this regard includes the Diversity Improvement Plan the University submitted to the CPE and negotiations are expected to ensue – much the same as what occurs with performance funding metrics. Any university can always do better but since he has been President Dr. Jackson indicated all have worked diligently to advance this particular area and will continue to do so. Current numbers reflect great improvement relative to the Diversity Plan. Dr. Fister confirmed that the CPE has provided target numbers for 2023-24 and the University was somewhat able to negotiate those metrics. What is not known are the numbers for this year but regression analysis that has been undertaken shows progress in this regard and additional proactive initiatives were outlined. Chair Tharpe

indicated the University needs to continue to craft its own narrative in this arena. Appreciation was expressed to all for their good work relative to diversity efforts.

Athletics

President Jackson introduced the new Director of Athletics Nico Yantko who received a round of applause. A week after Mr. Yantko was hired by Murray State he was recognized nationally by The Athletic as a “Top 40 Collegiate Athletics Rising Star Under 40.” Mr. Yantko expressed appreciation for the opportunity to serve Murray State University as Director of Athletics.

The Inside Track: NCAA Rules for Alumni, Fans and Friends of Racer Athletics

The Inside Track: National Collegiate Athletic Association (NCAA) Rules for Alumni, Fans and Friends of Racer Athletics brochure was included in the materials provided to the Board.

Student-Athletes – Name, Image and Likeness (NIL) Rights Draft Policy and Process

Mr. Yantko reported that work to advance the Name, Image and Likeness Policy continues and a diverse and inclusive plan will be put in place to present opportunities appropriately to student-athletes. General Counsel Miller added that this journey began back in the 1890s with college sports. In 1905, a player had to be an amateur and this held true until 2014. Since 2015, this area has evolved at lightning speed and the example of a basketball player in the 1995 UCLA Championship was cited as an example for the impetus of this work relative to a player’s likeness being utilized for no compensation. A California court agreed and indicated players were entitled to non-cash incentives and that grew into universities being allowed to pay students the full cost of attendance. A few years later, universities are now in a new landscape where students can receive compensation for the use of their name, image or likeness. The state legislatures have advanced this idea even faster and this is what has occurred in Kentucky. A statute was recently passed that requires Kentucky universities to have in place a policy that shows how athletic agreements will be reviewed to ensure they do not penalize a student-athlete for engaging in said agreement. In addition, the National Collegiate Athletic Association would not be able to penalize students for their participation. In response, Murray State developed parameters in terms of what is permissible and what is not. That information has been presented to the Board for review tomorrow and will allow the University to remain in compliance with state law. The draft policy was included in the materials provided to the Board for review. The policy was designed to include flexibility because it is unknown what types of situations may arise. The NCAA rules include that there can be no pay-to-play provision. The NCAA has also taken greater interest in defining a booster.

Mr. Yantko expressed appreciation to all who have been involved in the process to establish an appropriate framework to undertake this work with partners interested in working directly with student-athletes. The University will move forward with clear guidance in place in terms of what can be done and how that work is accomplished between student-athletes and prospective businesses. Within this framework, a strong foundation will be established for the Racer Road Program that has a NIL preparedness pillar that helps develop life and work and career ready skill sets. It is desirable for these businesses to not only look for NIL opportunities for student-athletes but also become invested in these individuals, their career and life. These student-athletes should be viewed as prospective employees and provided with internship opportunities as part of the relationship development process. This is part of the transformational process of developing a world-class student-athlete experience. It is the University’s role to ensure student-athletes have a network around them so they are life ready and career prepared. Athletics can be a catalyst for truly transforming a young person’s life force trajectory and all are working to ensure the framework needed to accomplish this work is in place and adheres to compliance regulations.

Confirmation was provided that the University can help a current student-athlete discuss opportunities that may be present but it cannot do so with an active recruitment component. NIL opportunities cannot be provided as a recruitment tool and this is a critical NCAA requirement. Name, image and likeness opportunities can only exist for current student-athletes but the University can help guide them through the process. An effort will be made to simplify the message as part of this cumbersome process so stakeholders are adequately educated in this regard. Collectives represent a group of individuals or businesses that are creating opportunities

for student-athletes. Within this space, they cannot encourage pay-to-play but there will be a framework in place to allow some fulfillment reciprocated with compensation. For Murray State, there is interest within the community to begin this dialogue but there are also additional avenues available which will allow Coaches to have success in directing resources to student-athletes. There are ways to maximize the pathways forward in areas such as cost of attendance in order to transform these resources directly for the benefit of these young athletes without involving the NIL space. These collectives are out there and will continue to exist for the foreseeable future for all college athletic programs. These alliances do not report to the University but the institution must ensure they adhere to the ground rules it has established to protect student-athletes and staff.

Additional Athletics Updates

Mr. Yantko reported that all fall sports are currently underway. The first home competition for football will be held this year against Jacksonville State and all Regents were encouraged to attend. The University's fan base and Coach Dean Hood are fired up and the team is ready to play. Murray State students are also fired up and will help set the tone for the game for this centennial year. The non-conference schedules for both men's and women's basketball were announced earlier today and are very competitive. The Missouri Valley Conference (MVC) basketball schedules have not yet been finalized. This is due to logistical components the Conference is working through for select institutions and this will be dictated to some degree by television coverage. Athletics may not be the most important thing that occurs on campus but it is the most visible and the value it has for students is immense.

Mr. Yantko is currently working one-on-one and in group settings with various individuals. It is important to get out into the community and region to engage individuals with Athletics as there are nearly 100,000 individuals who live within an hour radius of Murray, Kentucky. The Racers Rally program will be advanced and will be key in getting businesses to represent the University in this regard. Efforts will also be geared toward engaging these individuals as future donors and sponsors who can be a champion for the brand. Areas of focus within the region where fundraising efforts should be directed are being identified as part of this process that is currently underway. This work includes ensuring donors know the University's priorities in order for it to advance in the MVC. There has also been a 10 percent increase in football season ticket revenues and this represents a massive accomplishment by a great team. It is hoped basketball will follow suit.

Over the next few months once one-on-one meetings have been accomplished, Mr. Yantko wants to sit down with President Jackson to determine where Athletics fits structurally and how it can evolve to develop a plan for the conference transition. Confirmation was provided that this process will include metrics for measuring success. Goals for the fundraising process were highlighted, including capital projects, competitive support focused on staff infrastructure and player development and direct resources to student-athletes. He is excited to be at Murray State and looks forward to the opportunity to work with the Board and others.

Chair Tharpe indicated he had the pleasure of serving on the Director of Athletics Search Committee, along with Vice Chair Owens, and discussions centered on student-athletes leaving the University with a four-year degree, ethics and conflict avoidance. All desire to win but also want to win the right way.

University Advancement

Branding, Marketing and Communication

Executive Director Touney reported the following:

- There are approximately 18 full-time staff in the Office of Branding, Marketing and Communication (BMC). Each area under the umbrella of BMC supports full-scale marketing, advertising and branding efforts for the University, including Printing Services for graphic design. BMC attempts to be the best full-scale service unit it can be to contribute to the priorities of Murray State. The unit works with every area on campus to help with website enhancement, videography, developing social media campaigns and design print and public relations to help meet their goals based on where they currently stand. Senior staff members possess over 100 years of combined experienced and appreciation was expressed for all they do.

- Enrollment support is the primary focus of the BMC unit and not a day passes where staff are not working with Vice President Robertson and the Enrollment Management team relative to all student classifications. A great deal of marketing is focused on reaching prospective students and their families and encouraging them to schedule a visit and learn more about Murray State as this represents a very competitive landscape. Each area associated with enrollment requires a unique strategy which must be utilized and resources must be dedicated accordingly. Confirmation was provided that this work is undertaken based on predictive analytics data and best practices.
- BMC helps the units determine how best to use the tools available in the toolbox which is updated and provided campus wide on a regular basis. The University's message is key in all marketing efforts and this is dependent on the respective audiences.
- Printing Services is led by Manager Tobie Tubbs and that full-service unit has been successful in terms of significant revenue and growth on campus through the full-scale, on-campus printing department. The unit can produce retractable banners, postcards, yard signs, programs, invitations for events, stickers and magnets. Printing Services continues to seek out new and innovative options to offer to campus. The quality of the work produced by this unit speaks for itself.
- The website redesign project represented a multi-year endeavor which concluded last November. This resulted in a new look for the Murray State website and enhancements centered around being mobile first, more user-friendly content, web architecture, better search optimization and developing web governance policies. This represented a recruitment-centered project to further assist with enrollment efforts.
- New sponsorship opportunities have also been developed and were outlined, including key market messaging and continued efforts to feature students to further enhance brand awareness. Appreciation was expressed to Regent McGowan for her assistance in this regard. A Racer Playbook that is being developed was also outlined for the Board.

Office of Development

Executive Director Tina Bernot reported the following:

- The Office of Development has full- and part-time staff and many student workers who assist with efforts across campus. Building relationships is a key component of the work of the Office of Development.
- For Fiscal Year 2022, over 15,000 gifts were received and these include those to academics, athletics and other units that impact students and programs. Over 5,000 donors made gifts and pledges for a total commitment of over \$11 million.
- The impact of giving at Murray State reaches across campus and beyond. The office is constituency based and Development Directors work specifically with each school, college and program. Cited as an example was Jessie Munday Jackson who recently passed away. She received a degree in nursing from Murray State in 1961, was from Owensboro, Kentucky, and she established an estate gift that will provide scholarships to nursing students who graduated from Kentucky high schools. Planned gifts and estate gifts tend to be some of the largest gifts these donors make in their entire lifetime but represent a way for them to leave a legacy for students who may work in an area to which they dedicated their entire lives. Lana Porter, a three-degree holder from Murray State, serves on the MSU Foundation Board of Trustees, Inc. She made a new gift to Murray State for the MakerSpace initiative in the University Libraries. During her career Mrs. Porter served as an AT&T executive and is an innovator and a woman before her time who continues to give back to this University. The University also received a lead gift from Kevin and Indya Newell of Clarksville, Tennessee, to the new Racer Basketball Legacy Fund that will support facility improvements and overall program needs. Edna Calhoun McKinney's daughters – MSU graduate Martha Parker and her sister Mary Fitch – came together to give a memorial gift to honor their mother and support future educators. Mrs. McKinney received her degree in Elementary Education from Murray State in 1951.
- The University is also fortunate to receive transformational gifts. Every gift is important to Murray State but when the University has someone with vision and a philanthropical goal to move mountains for the institution that offers tremendous value. The University received one such gift from alumna Karen Jones Squires and her husband Jim to support students in engineering, engineering technology, industrial technology or telecommunications systems, with a preference to female students. Mrs. Jones Squires grew up on the Murray State campus as her dad was a Professor. She has established the Robert "Bob" W. and Caroline "Carol" T. Jones Internship/Academic Scholarship of Excellence.
- Many campaigns are currently underway in the Office of Development. These include the Show Us How You Lovett, Centennial Fundraising, NPHC Plaza Brick, Racer Band Uniform, Friends of Racer Rodeo and Women's Philanthropy Society campaigns. Appreciation was expressed to Regents for roles they have played in these respective campaigns. Efforts will continue to develop additional campaigns and engage new alumni as part of the work of the Office of Development.

Alumni Relations

Director Carrie McGinnis reported the following:

- She recently traveled to Mayfield, Kentucky, to celebrate the 105th birthday of Imogene Monroe, a Murray State alumna, who was a long-time teacher at Mayfield High School. She was one of few women in the Math Club at Murray State in 1937 and served as Secretary/Treasurer. These are the types of relationships the Office of Alumni Relations fosters.
- The mission of the Office of Alumni Relations is to connect, celebrate and engage alumni through communication, activities and events that foster lifelong relationships and support the mission and Strategic Plan of Murray State. The purpose of the office is to coordinate the efforts of alumni on behalf of Murray State, serve as a liaison between the University and its alumni constituency and enable graduates to maintain a close bond with their Alma Mater. By nature of who Racers are, alumni already have the Thoroughbred spirit and passion for their Alma Mater. The Office of Alumni Relations, where appropriate, will try to steer that passion in a direction that will lead Murray State to success as an institution and provide opportunities for life-changing experiences for current and future students.
- The MSU Alumni Association (MSUAA) is supported by the Office of Alumni Relations and is governed by a 19-member Board of Governors which includes many former Student Government Association Presidents. There are three full-time staff in the Office of Alumni Relations – Mrs. McGinnis, Associate Director of Alumni Relations Katie Walker and Executive Assistant Joyce Whitney, in addition to numerous student workers. Current membership on the Board of Governors includes alumni in the immediate region but also from across the United States. The MSUAA includes over 80,000 living alumni throughout the globe and approximately one-half of these alumni live in Kentucky – which means one-half do not. This illustrates the importance of virtual initiatives which are employed, in addition to local events. Active membership is vital to the success of the Alumni Association with annual and lifetime membership options. Approximately 25 percent of the Alumni Relations budget comes from alumni memberships in the MSUAA which is vital to programming and maintaining relationships with alumni.
- As part of the new strategic planning process, initiatives the Office of Alumni Relations is working toward include recruitment, revenue, engagement and affinity. The office also collaborates across campus in any way needed and a listing of major events was provided.
- In Fiscal Year 2022, the Office of Alumni Relations broke a membership revenue record with over \$37,000 raised. Over the past five years, there has been a 57 percent increase in MSUAA membership. Confirmation was provided that there are more annual memberships than lifetime memberships in the Racer Alumni Association because the annual option has been in place longer.
- The newly-initiated Raising Racers Legacy Program has over 800 children enrolled and was outlined.
- A new Podcast has been initiated and additional initiatives looking ahead were outlined, including digital engagements over a one-year period. A new mentoring partnership with Career Services was also outlined. Confirmation was provided that technology is an essential part of this process because that is how new alumni are already engaging in the world.
- This year in honor of the University's centennial, a Presidential Gala will be held on October 29, 2022, and all were encouraged to attend. The centennial book – The Finest Place We Know – has also been published and will be available October 18.

Appreciation was expressed to the Board for all they do to support the mission of these three units on campus. Confirmation was provided that discussions have occurred among members of the Board of Governors regarding the role of graduate alumni as part of overall Office of Alumni Relations efforts.

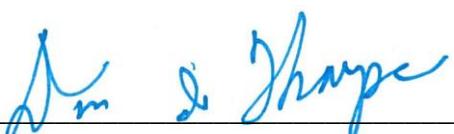
Other Business/Adjournment

Chair Tharpe expressed appreciation to Secretary Hunt for all her hard work in organizing Board meetings and for what she does for individual Regents. She may be the hardest working woman in higher education and the Board appreciates all she does to keep them informed and the information flowing, especially for so many. He has had a lot of Administrative Assistants throughout his life but Secretary Hunt tops anyone he has seen in terms of the amount of work she produces and she is very much appreciated. Secretary Hunt received a round of applause.

President Jackson expressed appreciation to the Board for their time and their support of the University. Regents dedicate their time, treasure and talent to Murray State and it takes everyone around the table to make the University work efficiently.

There being no further business to come before the Board, Chair Tharpe adjourned the Annual Retreat. Adjournment was at 4:30 p.m.


Secretary Jill Hunt


Chair Don I. Tharpe