2) 2023 Board of Regents Teaching Excellence Awards*

3) *Professor Emeritus* Designations*

4) Appointment of Dean Hutson School of Agriculture Dr. Brian A. Parr*

B. Athletics Chair Tharpe

1) Department of Athletics Update (For Information Only)

2) Personnel Changes

a. Contract of Employment Amendment*

b. Contract of Employment Amendment*

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<u>Resolutions of Appreciation</u> **President Jackson**

A. Retiring Faculty and Staff*

B. Dr. Don I. Tharpe*

Board of Regents Organizational Materials

to remember that the federal minimum wage has not increased. Murray State should follow the example set by the University of Kentucky three years ago and commit to raising its minimum wage to $15 per hour. The Massachusetts Institute of Technology Living Wage Calculator shows that a living wage for a single adult without dependents requires $15.45 per hour.

The UCW would also like the Board to address retaining and replacing employees. An employee who stays at a job where pay has steadily declined over 14 years does so out of loyalty to the institution and love for their work. Recent surveys conducted by both the Faculty Senate and Staff Congress reveal that loyalty and love are no longer sufficient incentives to recruit and retain the best employees. According to this year's Faculty Senate Engagement Survey, faculty at every rank rate their intent to turnover as higher than their pay satisfaction. 54 percent of respondents to this year's Staff Perspective Survey stated that in the past year they have considered leaving the University for reasons other than retirement. Responses to open-ended questions in both surveys show widespread frustration with high turnover rates and understaffing. Not only have Murray State employees taken significant pay cuts over the years, they have also been asked to pick up the extra slack when their co-workers leave. Discontinuing faculty and staff positions, including outsourcing, has started to cost the University more than maintaining a well-compensated workforce. In particular, the staff have seen wages stagnate far below market standards. Meanwhile, their departments often have to hire temporary or contract staff to do work that sometimes quadruples the cost of a regular employee. This is bad for employee morale as much as it is for the University's bottom line. In light of this concern, the group is troubled by how the University chose to budget for this year's cost-of-living adjustment – by pushing costs onto departments and cutting vacant lines. Workers who have seen years of pay cuts, high turnover and understaffing are, again, being asked to do more with less. Low faculty and staff morale, high turnover and understaffed departments resulting from years of budget reductions will inevitably erode the world-class education Murray State promises its students.

With regard to transparency and collegiality and in the spirit of shared governance, the Board was reminded that the healthiest workplaces foster transparency. For an organization to succeed, workers must trust they have a voice and must be able to use that voice to express real concerns even when the organization leadership might disagree. Unfortunately, far too many responses to Faculty Engagement and Staff Perspective surveys paint a different picture. Too many workers are expressing fear of retaliation. Too many rumors have spread about workers being blacklisted or worse for organizing for better pay and working conditions. The UCW worries that these perceptions have grown and are typically more damaging than recent reports published by the Paducah-based WPSD news station about the University administration's treatment of that entity. UCW has serious misgivings about the devastating budget reduction being imposed upon the student newspaper as reported in a recent editorial by the Murray State News. As employees dedicated to Murray State's mission, the group wants to emphasize that faculty and staff working conditions affect student learning. When incoming students receive their letter of admission, they are promised "a challenging academic program directed by world-class Professors in a small class environment." Students are told that the "opportunities afforded by a Murray State education are endless." These promises to students can only be maintained if the University is

plus any 2023-24 salary increases approved for all University employees, effective July 1, 2023. Regent McGowan seconded and the roll was called with the following voting: Dr. Evans, yes; Dr. Fitch, yes; Mrs. Gray, yes; Ms. McGowan, yes; Dr. Meinschein, yes; Mr. Owens, yes; Mrs. Roark, yes; Dr. Shemberger, yes; Mr. Waldrop, yes; and Dr. Tharpe, yes. The motion carried unanimously.

President Jackson expressed appreciation to the Board for their confidence in him and the administration and for their kind words in regard to Mrs. Jackson as she is an important part of the team. The role of President in today's public higher education is difficult and Dr. Jackson appreciates the support of everyone present today. There is currently a great deal of change occurring in higher education and that is experienced daily. The issues being experienced at other universities – such as budget challenges – are not occurring at Murray State due to the leadership of this Board, the University administration, faculty, staff and students. The progress occurring at Murray State and the decisions being made are good ones and progress continues. He appreciates the Board's support of the administration, faculty, staff and students.

Report of the President, received

President Jackson reported the following:

Vice Chair Owens moved that the Board of Regents, upon the recommendation of the President of the University, accept the quarterly unaudited Financial and Investment Reports for the period of July 1, 2022, through March 31, 2023, as presented. Regent Shemberger seconded and the motion carried.

(See Attachment #2)

Murray State University Council on Postsecondary Education Diversity Plan Update, received

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

The Diversity Plan includes, but is not limited to, active living and evolving diversity work. This involves ongoing engagement and retooling as necessary.

Formerly the Kentucky Plan, the Diversity Plan received its genesis in 1981with the Office of Civil Rights pushing all of higher education to do more in terms of diversity. That work would span 25 years in the Commonwealth and evolve with meeting all of the goals and objectives in or around December 2008. The Commonwealth desired to continue this work and evolved the Kentucky Plan into the current Diversity Plan.

The Diversity Plan is statutorily mandated with the CPE being able to deny approval of any new academic programs to any institution that has not met established goals. The Committee on Equal Opportunities is the CPE entity that provides leadership and conducts the evaluation. Unlike the Kentucky Plan that looked at progress year over year, Diversity Plan progress is tied to goals that were set in 2015 (pre-pandemic) by the CPE. Murray State – like all other institutions in the Commonwealth – looked at the two major components of the Diversity Plan which amount to 18 numerical points and 18 qualitative points. The numerical categories the CPE Committee on Equal Opportunities reviews includes undergraduate underrepresented minority (URM) enrollment, graduate URM enrollment, URM retention and low-income (LI) retention, URM six-year graduation rate, LI six-year graduation rate, URM degrees, LI degrees and overall workforce diversity (faculty and staff leadership). In considering these components, the institutions have an opportunity to talk in a narrative format about what they are doing that cannot necessarily be quantified, as well as those components that can be quantified (such as enrollment). This year Murray State received 28 out of a possible 36 points. Even though the University met its goal, it does not intend to rest on those laurels. MSU is constantly looking for ways to improve and how to move the dial on the various components.

program represented a truly collaborative team effort among units from across campus. This program began in 1983 and was designed to be focused on rising seniors (and some juniors that summer).

Academic Program Changes, approved

Provost Todd reported that the following academic program changes were presented to the Academic Council during the 2023 Spring Semester.

Applied Statistics	Applied Statistics
Commercial Banking	Forensic Accounting
Cybersecurity Analyst	
Diverse Student Populations	
Medical and Health Humanities	

On behalf of the Academic Excellence and Scholarly Activities Committee, Regent Gray moved that the Board of Regents, upon the recommendation of the President of the University, approve the above-named faculty as Regents Teaching Excellence Awardees for 2023. Regent Meinschein seconded and the motion carried.

Full Board Action 2023 Board of Regents Teaching Excellence Awards, approved

On behalf of the Academic Excellence and Scholarly Activities Committee, Regent Shemberger moved that the Board of Regents, upon the recommendation of the President of the University, approve the following faculty as Regents Teaching Excellence Awardees for 2023:

Dr. Najib Sahyoun ..... Arthur J. Bauernfeind College of Business
Dr. Alison Brown .....College of Education and Human Services
Dr. Jana Hackathorn..... College of Humanities and Fine Arts
Dr. Thérèse Saint Paul ..... College of Humanities and Fine Arts
Mr. Jacob Hildebrant.....Jesse D. Jones College of Science, Engineering and Technology
Dr. Joshua Ridley .....Jesse D. Jones College of Science, Engineering and Technology
Dr. Megan Taylor ..... Hutson School of Agriculture
Dr. Jennifer Rogers .....School of Nursing and Health Professions

Vice Chair Owens seconded and the motion carried.

***Professor Emeritus* Designations, approved**

Provost Todd reported that the rank of *Professor Emeritus* is assigned to Assistant Professors, Associate Professors or Professors who have limited or terminated their responsibilities as ranked faculty members after ten or more years of distinguished service to Murray State University. The following faculty are being recommended for *Professor Emeritus* designation:

Tony Brannon	*Agricultural Science*	***1988 - 2022***
Terry Canerdy	*Veterinary Technology and Pre-Veterinary Medicine*	***1984 - 2022***
Cindy Clemson	*Adolescent, Career and Special Education*	***1993 - 2023***
James Clinger	*Political Science and Sociology*	***2002 - 2023***
Katy Garth	*Nursing*	***1993 - 2023***
Randal Keller	*Occupational Safety and Health*	***1996 - 2023***
Suguru Nakamura	*Biological Sciences*	***2003 - 2022***
Paula Waddill	*Psychology*	***1994 - 2023***
Timothy Wallin	*English and Philosophy*	***2012 - 2023***

These appointments have the support of the Provost and Vice President for Academic Affairs.

On behalf of the Academic Excellence and Scholarly Activities Committee, Regent Roark moved that the Board of Regents, upon the recommendation of the President of the University, approve extending the honorary title of *Professor Emeritus* to the above-

produced 800,000 engagements around the MVC Tournament.
The M Club has been revived and there are over 600 individuals who have re-engaged. A new element will be brought on board in the fall – the former letter winner and engagement celebration.
The Winner's Circle has been revived and is now recognized as an official student organization. The goal is to have representation from every student organization or entity on campus in an effort to

approve the successor agreement to the Contract of Employment for Women's Soccer Head Coach Matt Lodge. Regent Fitch seconded and the motion carried.

Full Board Action Soccer Head Coach Matt Lodge Contract of Employment Amendment, approved

On behalf of the Athletics Committee, Chair Tharpe moved that the Board of Regents, upon the recommendation of the President of the University and the Director of Athletics, approve the successor agreement to the Contract of Employment for Women's Head Soccer Coach Matt Lodge, extending his contract to December 31, 2025. Regent Shemberger seconded and the roll was called with the following voting: Dr. Evans, yes; Dr. Fitch, yes; Mrs. Gray, yes; Ms. McGowan, yes; Dr. Meinschein, yes; Mr. Owens, yes; Mrs. Roark, yes; Dr. Shemberger, yes; Mr. Waldrop, yes; and Dr. Tharpe, yes. The motion carried unanimously.

Vice Chair Owens reported that he and Chair Tharpe had the privilege of serving on the Search Committee for the new Director of Athletics. All appreciate Director Yantko's leadership of the Department of Athletics. He has an excellent team in place that is doing a great job.

Adjournment

The Athletics Committee adjourned at 10:52 a.m.

Audit and Compliance Committee

Tom Waldrop – Chair
Ellie McGowan
Leon Owens
Emily Roark
Don Tharpe

Regent Waldrop called the Audit and Compliance Committee to order at 10:52 a.m. and reported all other members were present. There is no business before the Audit and Compliance Committee but he wanted the Board to know that Rhonda Henderson, Internal Auditor, has been promoted to another position on campus and the search for her replacement is underway.

Adjournment

The Audit and Compliance Committee adjourned at 10:54 a.m.

Marketing and Com Regent Waldrop

The University received over $500,000 for student success and support which is incredibly important to the student experience. Not only are students learning in the classroom and participating in

On behalf of the Marketing and Community Engagement Committee, Regent Gray moved that the Board of Regents, upon the recommendation of the President of the University and the Committee on Naming of Campus Facilities, Programs and Activities, approve the honora

Projects in progress include extensive work in the Curris Center. The Ribbon Cutting for the Center for Student Involvement was held at the end of April and that space is essentially finished with the exception of some branding. All of the restrooms in the facility have undergone a transformation and are now functional. On the second floor of the Curris Center new doors still need to be installed on one of the restrooms but that will have to wait until the flooring project is complete. The third floor of the Curris Center is complete with the exception of some branding. The eSport Lounge is nearing completion with the furniture anticipated to arrive on June 8. At that point the remaining electrical work can be completed and additional wallpaper installed. Branding will also be added to this space. The Atrium space in the Curris Center is being transitioned to the new Welcome Center. At this point all of the floor tiles have been removed and the sunken lounge area has been raised so it is at the same level as the Welcome Center. Decorative wall horses

Work is currently underway to renovate floors 8 – 10 in Regents Hall. Renovations in this facility will represent a phased approach and the majority of work will be undertaken in the summer. The project includes removing the original built-in closet system and replacing the vanities because they are currently all one unit. It is expected the current phase will be completed in the fall.

Asset Preservation funds are also being utilized to undertake projects in White Hall. This includes replacement of the building boiler. As a separate project, the hydronic piping that feeds hot and cold water throughout the building must be replaced. Air handler replacement must also be undertaken in this facility. The boiler system is the only one of the projects that has been readied for bid, with the goal of having it replaced in time for the next heating season in October.

The fence around the Athletics area on Highways 641 and 121 is being upgraded and a shield added to each post to provide protection from wear and tear from mowers and weed eaters.

Work is underway on a few projects in the Sorority Suites. The roof replacement is the first project to be undertaken, followed by fencing repairs and replacement of building elements that are missing. The monuments will also be cleaned and repaired. Separate from the campus fiber ring project, there is also a fiber project for the Sorority Suites. Part of this work will include courtyard landscaping that SSC, in conjunction with Horticulture on campus, will help undertake. SSC will award a scholarship to a Murray State student for the successful design of that courtyard space.

The utility infrastructure project is also included on the Asset Preservation list. Everything the University has runs on electricity and its importance cannot be overstated. Gas can be used to heat buildings but an electric blower is required to distribute warm air throughout the facilities. Currently the University runs its own utilities but does not have utility-grade technicians to keep systems functioning. The systems are old and need upgrades and the University is actively trying to determine how to accomplish that without having to shut down campus for a month or two at a time to install new infrastructure. Redundancy is not currently built into the system but funding for this purpose has also been identified.

Stewart Stadium needs new electrical switchgears and this represents a project that has been underway for some time. An effort is being made to ensure sufficient Asset Preservation funding is set aside to complete this project in its entirety.

Carr Hall and Racer Arena represent two projects that have been designed and bid. They came in over budget and were paused at that time to try to determine the best method to move those projects forward. Work is underway to identify additional Asset Preservation funding and the next ask in the Capital Campaign may help to bring this project to fruition.

A listing of needed Asset Preservation projects was provided and involve almost every single building on campus.

Work at Woods Park is being undertaken utilizing a phased approach. Phase I construction is almost complete, with the exception of work on the monument on the corner. Work will then begin on installing additional sidewalks, lighting and park benches. It is hoped this work will be completed in the fall. Workers had to be pulled off this project to work on the 16th Street bridge.

The indoor hitting and practice space project at Stewart Stadium is well underway. New lighting has been installed and preparation work

final at this point. Reinvestment of Asset Preservation funds is the first priority, followed by additional monies to construct the School of Nursing and Health Professions building due to cost inflation. The target for breaking ground for this facility is March 2024. A second pool of Asset Preservation funds is the third priority. The final Capital Plan must be submitted in November.

On behalf of the Buildings and Grounds Committee, Vice Chair Owens moved that the Board of Regents, upon the recommendation of the President of the University, approve the *2024 2030 Six-Year Capital Plan* and the Capital Budget Requests (General Fund, Agency Bond Fund and Non-general Fund) for the 2024 – 2026 State Biennial Budget as presented. Regent Waldrop seconded and the motion carried.

Full Board Action *Six-Year Capital Plan*, approved

On behalf of the Buildings and Grounds Committee, Regent Fitch moved that the Board of Regents, upon the recommendation of the President of the University, approve the *2024 2030 Six-Year Capital Plan* and the Capital Budget Requests (General Fund, Agency Bond Fund and Non-general Fund) for the 2024 – 2026 State Biennial Budget as attached. Regent Shemberger seconded and the motion carried.

(See Attachments #3 –

pre-pandemic levels. In the University's backyard, the graduating senior classes have been larger than in the past year which goes against the national trend. High school enrollment is expected to begin to decline significantly in 2026 and this represents a challenge all universities will be facing. Racer Nation Orientation registrations for first-time freshmen and transfer students has been extremely positive and in some cases the sessions have twice as many students registered than last year. The Communications Plan developed in this regard with Executive Director Tourney and his team has been instrumental in this effort and various highlights and initiatives were outlined. Road Scholars visits also play a critical role in recruitment efforts. Appreciation was expressed to Director Youngblood and his team for the appearance of campus as that also plays a large role in successful campus visits. A video of Racer Nation Orientation, produced by Manager of Digital Media Services Jeremy McKeel

determine if they are necessary or if changes can be made to the contracts to reduce costs.
- Several other areas of the University are being reviewed for budgetary efficiencies.

Chair Tharpe indicated that budgets are hard to manage, especially with associated moving targets and the administration relies heavily on staff to help monitor those expenditures as this work must be undertaken on a micro level. If positions are not filled it could mean the Deans may have deemed they are no longer necessary or chose to reassign those dollars. He is not sure simply looking at the numbers can tell the full story of these decisions that are being made. President Jackson reminded the Board that every 1 percent in salary increases amounts to over $800,000 and that is a major component of being able to provide a COLA increase in an environment where there are few new dollars and no new state-appropriated dollars.

Regent Evans indicated that as a constituency Regent for staff she does want to keep salaries and benefits at the forefront of discussions because that is what employees express concerns about the most. What is being proposed does not represent a true COLA which are based on national indexes. It would make more sense to call it a salary adjustment because that is what this Board is doing – adjusting salaries according to what can be done within the confines of the budget. The adjustment being proposed this year is very much appreciated but she hopes employees don't have to wait 20 more years before seeing another significant adjustment to wages. President Jackson indicated that over the past two years the administration has done everything it can to invest in faculty and staff at this University and will continue to do so. Health insurance increases have not been passed on to employees over the last three to four years and benefits have not been reduced.

On behalf of the Finance Committee, Regent Shemberger moved that the Board of Regents, upon the recommendation of the President of the University, approve the 2023-24 University Summary Budget, Executive Summary and Salary Roster as presented. Regent Fitch seconded and the motion carried.

Full Board Action 2023-24 University Summary Budget, Executive Summary and Salary Roster, approved

On behalf of the Finance Committee, Vice Chair Owens moved that the Board of Regents, upon the recommendation of the President of the University, approve the attached 2023-24 University Summary Budget, Executive Summary and Salary Roster. Regent Meinschein seconded and the the roll was called with the following voting: Dr. Evans, yes; Dr. Fitch, yes; Mrs. Gray, yes; Ms. McGowan, yes; Dr. Meinschein, yes; Mr. Owens, yes; Mrs. Roark, yes; Dr. Shemberger, yes; Mr. Waldrop, yes; and Dr. Tharpe, yes. The motion carried unanimously.

(See AttacnB

motion carried unanimously.

(See Attachment #11)

Capital Equipment Purchase Authorization Microscope, approved

Vice President Dudley reported that through grant funding, Murray State University is requesting interim authorization for the purchase of an LSM 980 Airyscan 2 Confocal Microscope, manufactured by Carl Zeiss Microscopy, LLC. The cost estimate for this purchase is $587,682. This project will not use current General Funds or funds allotted for another purpose. The majority of this purchase will be funded with federal dollars from a National Institutes of Health grant with the remaining portion being funded from indirect cost revenue received from other third-party grants. The microscope will be installed in the Biology Building on the main Murray State campus and w

Gray, yes; Ms. McGowan, yes; Dr. Meinschein, yes; Mr. Owens, yes; Mrs. Roark, yes; Dr. Shemberger, yes; Mr. Waldrop, yes; and Dr. Tharpe, yes. The motion carried unanimously.

(See Attachment #12)

Surplus Property Disposition, approved

Meinschein seconded and the roll was called with the following voting: Dr. Evans, yes; Dr. Fitch, yes; Mrs. Gray, yes; Ms. McGowan, yes; Dr. Meinschein, yes; Mr. Owens, yes; Mrs. Roark, yes; Dr. Shemberger, yes; Mr. Waldrop, yes; and Dr. Tharpe, yes. The motion carried unanimously.

Housing Project Update, received

Vice President Dudley provided an update on the Public-Private Partnership (P3) housing project with the following highlights:

This project has been underway for some time and the Board has acted on multiple items, most recently a Pre-Development Agreement (PDA) with RISE. This PDA has been in place since last June and included a not to exceed amount. In December, the Board approved extending the PDA due to market conditions, availability of materials and labor, 30-year interest rates and timeline for being able to complete the project. The project was paused at that point in time.

All are aware there is a need for new residence halls and improvements in this regard but interest rates have not tempered well which directly affects cost and labor availability remains a concern.

Part of the PDA was to establish designs and undertake pre-development work, including surveying, reviewing underground utilities and placement of the facility. All of this work has been undertaken relative to the project.

What is being considered today is the feasibility of moving forward with the Pre-Development Agreement. In order to ensure the best interests of the University are protected, it is recommended that the PDA be allowed to lapse on June 30, 2023. The project was going to be financed with bonds but based on the current cost of capital investment and an unprecedent and historic increase in interest rates, this appears to no longer be feasible due to unknown risk factors. The design plans that have already been developed will be used to further study the project and determine a schedule and priorities of moving forward with a goal of presenting this plan to the Board in the fall if risk factors can be mitigated.

President Jackson indicated that the Board has discussed this project in detail over the last couple of years. The economic climate has changed a great deal over that time and there have been ten interest rate increases. Supply chain issues have improved somewhat but costs remain fluid. There are many variables associated with a P3 project and the administration would like to study the issue further in order to bring a plan back to the Board in late summer/early fall. The University gained legislative approval to undertake the project through a P3 arrangement or on its own. It will be important to rebid the project to determine what has changed in the market over the past several months. Work continues to improve housing on campus and this includes planning and reviewing housing stock. At some point the University will need to construct new housing but for this fall an 8 to 10 percent increase in housing costs is being predicted but there is some capacity in this regard. The desire in 8

2023-24 Faculty Promotion Recommendations, approved

Regent Shemberger indicated she will be passing on this vote as she is included among the faculty being recommended for promotion. She further stated that no one gets to where they are alone. MSU colleagues support one another and each of the individuals being recommended for promotion has a story as to how they arrived to this point. Being a faculty member in higher education today is not easy but it is rewarding. Academics is what the institution does and represents why everyone is here. Faculty weather the challenges but know when something is accomplished it will be to the benefit of this University and its students. This includes research and service that is undertaken to inform teaching. These faculty members have worked very

Sara Cooper.....English and Philosophy
Christopher Craig.....Management, Marketing and Business Administration
Summer Cross.....Nursing
Andrea Darracq.....Biological Sciences
Kevin Elliott.....Political Science and Sociology
Robert Fritz.....Global Languages and Theatre Arts
Laura Hoffman.....Veterinary Technology and Pre-Veterinary Medicine
Raymond Horton.....English and Philosophy
Amy McCann.....Music
Michelle Panchuk.....English and Philosophy
Eleanor Rivera.....History
Janice Thurmond.....Nursing
Firm Faith Watson.....University Libraries

also create implementation solutions that include current compensation and financial impact, as well as the findings from the compensation analysis.

Vice President Dudley reported that implementation will represent a phased-in approach over a period of years. Evergreen Solutions will help the University determine how to budget for any recommended changes, as well as how to maintain the plan that is developed.

There are four project phases, with the first being outreach. This includes project initiation and collection of appropriate client data which includes all faculty and staff salaries, extra compensation, Human Resources' policies, current pay structure and the promotion process for faculty (in close consultation with the Provost's Office). Appreciation was expressed to DirectorBTp9046006eir aytin w

WHEREAS, he has exemplified outstanding leadership on the Board of Regents, serving as Chair from July 1, 2022 – June 30, 2023, and as Vice Chair from July 1, 2021 – June 30, 2022; and

WHEREAS, Dr. Don I. Tharpe has been an invaluable member of the Audit and Compliance Committee and has served as Chair since his appointment to the Board in 2017; and

WHEREAS, he has served as a member of the Athletics Committee since 2018, serving as Chair in 2022-23, and he has also been a member of the Ad Hoc Presidential Evaluation Processes Review Committee since 2020, serving as Chair in 2022-23; and

WHEREAS, he has provided transformational leadership as a member of the Buildings and Grounds Committee since 2018 and the Finance Committee since 2021 and served as an invaluable member of the Enrollment Management and Student Success and Legislative and Economic Development Committees in 2017; and

WHEREAS, Dr. Don I. Tharpe served as an ex-officio member of the Murray State University

Presented to Jill Hunt
The best Board Secretary ever.
My journey would not have been possible without your assistance.
Dr. Don I. Tharpe, 2022-23 Chairman, Murray State University Board of Regents

Ms. Hunt received a round of applause.

Board of Regents Organizational Materials

2023-24 Election of Board of Regents Officers and Reaffirmation of Treasurer, elected and reaffirmed

Chair Tharpe stated that in accordance with the *Bylaws* of the Board of Regents, all officers are elected annually at the Spring Quarterly Meeting and shall serve for one year, commencing July 1 following their election. A separate election shall be conducted for each of the officers: Chair, Vice Chair and Secretary. The Treasurer is appointed by and serves at the pleasure of the Board. Chair Tharpe read aloud the Procedural Guidelines for the Election of Officers which were provided in the eBoard book.

Chair Tharpe declared that nominations were in order for Chair of the Board of Regents, beginning July 1, 2023, through June 30, 2024. The Secretary called the roll and Dr. Evans nominated Leon Owens. All other members passed. There being only one nomination, Leon Owens was unanimously elected Chair, according to the *Bylaws* of the Murray State University Board of Regents, effective July 1, 2023. Regent Owens received a round of applause.

Chair Tharpe declared that nominations were in order for Vice Chair of the Board of Regents beginning July 1, 2023, through June 30, 2024. The Secretary called the roll and Dr. Evans nominated Virginia Gray. All other members passed. Chair Tharpe indicated there being only one nomination, Virginia Gray is unanimously elected Vice Chair, according to the *Bylaws* of the Murray State University Board of Regents, effective July 1, 2023. Regent Gray received a round of applause.

Chair Tharpe declared that nominations were in order for Secretary of the Board of Regents beginning July 1, 2023, through June 30, 2024. The Secretary called the roll and Dr. Evans nominated Jill Hunt. All other members passed. Chair Tharpe indicated there being only one nomination, Jill Hunt is unanimously elected Secretary of the Board, according to the *Bylaws* of the Murray State University Board of Regents, effective July 1, 2023. Ms. Hunt received a round of applause.

Chair Tharpe stated that, as is customary during the Spring Quarterly Meeting, the Board is asked to reaffirm the appointment of a Treasurer to the Board of Regents beed. Chair

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Vice President Dudley stated that three programs on campus are currently using drones in their teaching and this represents a growing trend. General Counsel Miller drafted a Board policy, as well as a policy to be included in the *Personnel Policies and Procedures Manual*. General Counsel Miller reported that the Federal Aviation Administration (FAA) has issued administrative regulations in regard to drone use. The FAA worked diligently to merge the use of low-flying, remotely-operated drones within their regulations for flying aircraft. The changes the FAA has made will help with student learning and teaching, especially since there are more departments taking advantage of this opportunity. The Hutson School of Agriculture is at the forefront of using drone technology for working with field management. Flexibility has been built into the policy as regulations may change over time. In furtherance of providing the safest possible learning and living environment for members of the campus community, the University administration proposes the adoption of new *Board of Regents Policy Manual Section 2.29* to address the use of remotely-operated aircraft systems (drones) on campus property. This policy is proposed in conjunction with a new section of the University's *Personnel Policies and Procedures Manual*, addressed separately, which will contain additional information for pilots and operators of drones on campus.

Regent Shemberger moved that the Board of Regents, upon the recommendation of the President of the University and the University General Counsel, approve the new *Board of Regents Policy Manual Section 2.29 Remotely-Operated Aircraft Systems/Drones* (first reading) as presented. Regent Fitch seconded and the motion carried.

(See Attachment #13)

Revised *Board of Regents Policy Manual – Section 6.4 – Staff Congress* (first reading), approved

Regent Evans recognized the Staff Congress Executive Committee, specifically the Credentials and Elections Committee, that undertook the majority of the work on the policy being proposed today. The overall goal of the policy change is to align the number of staff members with the number of positions in vice presidential areas. This will provide a better balance of staff and also help with future Staff Congress elections. President Jackson expressed appreciation to Regent Evans and Staff Congress for their work in this regard.

The Staff Congress approved changes to its *Bylaws*, specifically *MSU Staff Congress Bylaws Article I Section 3 Representation* on May 17, 2023. The proposed changes to the Staff Congress *Bylaws* were recommended in order to provide a more equitable campus representation as a result of changes in FTE in the current recognized categories. The revised *Bylaws* modify the representation categories from employment classifications to one based upon the University's organizational structure. The proposed representation was developed through a review of the FTE totals for each of the organizational areas of campus. The FTE totals were provided by Human Resources. MSU Staff Congress, as expressed in its revised *Bylaws*, requests revisions to the *Board of Regents Policy Manual Section 6.4 Staff Congress* as outlined in the document provided in the eBoard book.

Vice Chair Owens moved that the Board of Regents, upon the recommendation of the President of the University, approve the revised *Board of Regents Policy Manual Section 6.4 Staff Congress* as presented in this first reading. Regent Evans seconded and the motion carried.

(See Attachment #

The Executive Council of the MSU Student Government Association, with assistance from the 2022-23 freshman Senators Tiler Ware, Karsen Starks and Enrollment, Management and Student Success Committee Senate Chair Emma Gage have presented *Resolution 92-23-R1: Resolution to Amend Article III Section 5 and Article VII Section 1 of the Student Government Association Constitution* which would, upon passage, extend the qualifications for students to run and vote for the two freshman Senator positions. These changes, if adopted, would enable student eligibility to be based off of both academic classification and how many credit hours the student has earned after high school graduation; allowing for students who have completed dual-credit courses in high school the opportunity to participate in freshman Senator elections.

This referenced Resolution was introduced in the Student Senate on February 15, 2023, and passed unanimously on March 8, 2023. The amendment then appeared on the general election ballot and received a plurality vote. If the proposed SGA Constitution changes are approved by the Board, *Section 6.9 Student Government Association Constitution* of the *Board of Regents Policy Manual* will need to be updated to reflect the revised Student Government Association Constitution.

Vice Chair Owens moved that the Board of Regents, upon the recommendation of the President of the University, approve the changes to the Student Government Association Constitution as outlined in the attached document and approve the revision of the *Board of Regents Policy Manual Section 6.9 Student Government Association Constitution* (first reading) to reflect those changes. Regent Roark seconded and the motion carried.

(See Attachment #15)

Proposed Flexible Work Arrangements Policy Update, received

Vice President Dudley and Director Hixon provided an update on the status of the proposed Flexible Work Policy with the following highlights:

Discussions regarding a Flexible Work Policy arose as a result of the pandemic and have been ongoing for over a year. Current statute indicates that, "The purpose of state universities and colleges is to give instruction at the college level, in residence and through extension study, in academic, vocational and professional subjects and in the science and art of teaching, including professional ethics, to conduct training schools, field service and research and to render such supplemental services as conducting libraries and museums, dormitories, farms, recreational facilities and offering instruction in such general and cultural subjects as constitute a part of their curricula."

The Faculty and Staff Insurance and Benefits Committee established a separate subcommittee to review the proposed Flexible Work Arrangements policy, specifically to provide suggestions and recommendations. The University administration compared the proposed policy to 18 Kentucky public and Missouri Valley Conference institutions in order to identify any potential discrepancies. The majority of those institutions utilized for comparison purposes have in place some sort of policy in this regard. Certain positions on the MSU campus – from a recruitment and retention standpoint – are not eligible for flexible work and this represents a critical component of the policy.

The proposed policy would be for regular staff only which represents one of the best practices found among the other universities studied. Within the policy, flexible work arrangements would not exceed one fiscal year for any individual approved for such a plan. The policy would allow for re-evaluation at the end of that one year to ensure the arrangement is still working for the institution and the employee. The flexible work arrangement is not intended for incidental or brief periods of time that can best be managed through use of leave or other arrangements with the supervisor. Flexible work arrangements are also not intended to be implemented on a week-by-week basis.

As stated, a flexible work plan is not feasible within some departments or for certain positions, including but not limited to, those that require a physical presence on campus and/or require specific working hours or shift work.

Any request for a flexible work plan must be supported and submitted by the supervisor and recommended by the administrative head and Dean and/or Director, in consultation with Human Resources. A Flexible Work Arrangement Agreement must be completed detailing the work plan so both the employee and supervisor have very clear expectations. The flexible work plan must support the mission of the University and department and it must not affect services provided to the campus community or contribute to the need for departments to incur overtime. There must be no negative impact to the department or services being provided to students. Ultimately, final approval by the appropriate Vice President or President will be required.

A minimum of six consecutive months of service completed in the position is required in order to be eligible for a flexible work plan, unless such an arrangement is recommended by the supervisor/ administrative head. This requirement is waived if a new or open position is designated for flexible work. There are compliance requirements for flexible work outside of Kentucky as there are various

employment laws specific to each state and workers' compensation laws must also be taken into consideration.
If the Flexible Work Arrangements Policy moves forward, supervisory training will be required on how to effectively manage the flexible work environment.
It is anticipated that a proposed policy will be presented to the Board of Regents at the next Quarterly Meeting.
Confirmation was provided that the elements just outlined were discussed with the Insurance and Benefits Committee and at the administrative level but the Insurance and Benefits Committee still has questions about the six-month requirement and also which positions would be eligible for such an arrangement.
Confirmation was provided that the Insurance and Benefits Committee approved and put forward its recommendation in regard to a Flexible Work Arrangements Policy. Vice President Dudley previously shared with the Committee that the policy had not been approved by the President or General Counsel and this work must occur before anything can move forward and be presented to the Board.

This update was provided for informational purposes only and required no Board action.

Closed Session

Chair Tharpe requested a motion for the Board to go into Closed Session pursuant to Kentucky Revised Statute 61.810(1)(c) for discussions regarding pending litigation against the University. Regent Shemberger so moved, seconded by Regent Fitch, and the motion carried. Closed Session began at 4:45 p.m. Secretary Hunt and General Counsel Miller remained in Closed Session.

Open Session/Reconvene

Chair Tharpe requested a motion for the Board to reconvene in Open Session. Vice Chair Owens so moved, seconded by Regent Gray, and the motion carried.

Chair Tharpe reconvened the Quarterly Meeting and Committee meetings of the Board of Regents at 5:57 p.m. and reported that no action was taken during Closed Session.

Supplemental Materials

President Jackson reported that supplemental materials were included in the eBoard book as follows: "Good News" Report (Spring 2023); Quarterly Branding, Marketing and Communication Report (January – March 2023) and Sponsored Programs – Grants and Contracts Report. The Litigation Status Report prepared by General Counsel Miller was provided in a separate, confidential eBoard book. These reports were provided for informational purposes only and required no Board action.

Other Business

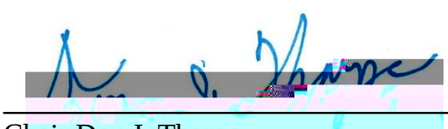
Chair Tharpe thanked his fellow Board members for their preparedness and participation. He appreciates their kind words, gifts, time and friendship. Their service is very much appreciated. Go Racers!

Adjournment

There being no further business to come before the Board, Chair Tharpe requested a motion to adjourn. Regent Gray so moved, seconded by Regent Fitch, and the motion carried.

The Board of Regents Quarterly Meeting and Committee Meetings adjourned at 6 p.m.

Secretary Jill Hunt



Chair Don I. Tharpe