# 9:00 a.m., February 26, 2021 UC Ballroom

### Via LiveStream at https://semo.edu/board/live-meeting

#### **Open Session Agenda**

#### Welcome, Call to Order and Roll Call

ACTION ITEMS:	Attachment
<ul> <li>1-O. Consideration of Approval of Minutes for:</li> <li>Open Session Meeting of December 18, 2020</li> </ul>	A
2-O. Consideration of Approval of Resolutions of Honor for Retirees	В
3-O. Consideration of Approval of Professional Pilot Program Fees	С
4-O. Consideration of Acceptance of Final Single Audit Report from Rubin Brown for Year Ending June 30, 2020	D
5-O. Consideration of Approval of Contract for University Banking Service for the period July 1, 2021 through June 30, 2025	es E
6-O. Consideration of Approval of FY2022 Residence Life Room and Boa Rates	rd F
7-O. Consideration of Approval of Amended Board of Regents By-Laws	G

#### Attachment **REPORT ITEMS:** 8-O. University President's Report verbal 9-O. Student Presentation Η 10-O. Report from Student Government Representative verbal 11-O. Report from Faculty Senate Chair verbal 12-O. Report from Institutional Research verbal 13-O. Progress Report on Contracts and Facilities Management Projects Ι 14-O. FY21 Operating Budget to Actual Report J

#### **ACTION ITEM:**

- 15-O. Consideration of Motion for "Closed Session for Appropriate Considerations:"
  - A. RSMo 610.021.1 pertaining to legal actions, causes of action or litigation involving a public governmental body and confidential/privileged communications between the Board and its attorneys
  - B. RSMo 610.021.2 pertaining to leasing, purchase or sale of real estate by a public governmental body
  - C. RSMo 610.021.3 pertaining to the hiring, firing, disciplining or promotion of Personnel
  - D. RSMo 610.021.12 pertaining to documents related to a negotiated contract
  - E. RSMo 610.021.13 pertaining to personnel records, performance ratings

#### **ACTION ITEMS:**

- 16-O. Reconvene Open Session
- 17-O. Announcement of Actions Taken in Closed Session
- 18-O. Consideration of Motion to Adjourn Board of Regents Meeting

<sup>\*</sup>Accessible to Physically Handicapped or Disabled

# MINUTES OF THE OPEN SESSION OF THE SOUTHEAST MISSOURI STATE UNIVERSITY BOARD OF REGENTS HELD ON THE EIGHTEENTH DAY OF DECEMBER 2020

The Board of Regents for Southeast Missouri State University convened Open Session on Friday, December 18, 2020, at approximately 9:04 a.m., in the University Center Ballroom, on the campus of Southeast Missouri State University. Mr. Edward P. Gargas, President of the Board of Regents called the meeting to order. Regents present were: Mr. Edward P. Gargas, President of the Board of Regents; Ms. Tina L. Klocke, Vice President of the Board of Regents; Mr. Phillip M. Britt; Mr. James P. Limbaugh; Mr. Vivek Malik; Mr. Lloyd F. Smith; and Ms. Lauren Kohn, Student Representative to the Board of Regents. Regents Klocke and Malik participated via Zoom web conference. Quorum having been established, Board President Gargas welcomed those in attendance and outlined the Board's various agendas for the meeting.

Also present were: Dr. Carlos Vargas, President of Southeast Missouri State University; members of the University's Executive Staff; Ms. Pam Sander, University Controller; Dr. Matthew Kearney, Director of Student Financial Services; Mr. Floyd Davenport, Assistant Vice President of Information Technology; Dr. Diane Wood representing Faculty Senate; Mr. Logan Phillips representing Student Government; and Mr. Ted Williamson from RubinBrown also attended. Dr. Brad Sheriff, Board Treasurer; Mr. Christopher R. Martin, Board Secretary; and Mr. Al Spradling, Legal Counsel were present too. A representative from *The Arrow* was present and the meeting was broadcast publicly via webcast. Board President Gargas presided.

#### CONSIDERATION OF CONSENT AGENDA

Board President Gargas introduced consideration of approval of the Consent Agenda, which included the following items:

- Open Session Minutes of September 28, 2020
- Consideration of Approval of Appointments to the Show Me Center Board of Managers
- Consideration of Approval of Appointments of the Missouri Innovation Corporation Board of Directors
- Consideration of Approval of Appointment to the River Campus Board of Managers
- Consideration of Approval of Conferring Degrees for Summer and Fall 2020
- Consideration of Approval of Academic Program Changes:
  - o MS Applied Education
  - o Post Master's Certificate Psych-Mental Health Nurse Practitioner
  - o Post Master's Certificate Nurse Educator Certificate

A motion was made by Regent Limbaugh and seconded by Regent Britt to approve the Consent Agenda and all of the items included therein [Attachments A-F]. The motion carried unanimously.

#### CONSIDERATION OF APPROVAL OF REVISED FEE STRUCTURE

Board President Gargas called upon Dr. Brad Sheriff, Vice President of Administration and Finance, to present a motion to approve a revised fee structure for the Premium Immersion and the Online Intensive English programs effective with the fall 2021 semester. [Attachment G].

Dr. Sheriff directed the Board to the materials in Attachment G, including Attachment 1 with regard to competitor programs and Attachment 2 that outlined estimated revenues and expenses. Dr. Sheriff stated that the proposed revisions are in part because of changing delivery models necessitated by COVID-19, which then prompted review and evaluation of the University's existing fee structures. Specifically, with the continued challenges facing international enrollments, the University's Office of International Education and Services believes there is an opportunity for growth via an online Intensive English Program. Dr. Sheriff shared that an online program was piloted in fall 2020. The revised fee structure would result in a flat program fee of \$2,750 per 8-week session for the Premium Immersion Program and the Online Intensive English Program.

A motion was made by Regent Britt and seconded by Regent Limbaugh to approve a revised fee structure for the Premium Immersion and the Online Intensive English programs effective with the fall 2021 semester [Attachment G]. The motion carried unanimously.

#### CONSIDERATION OF APPROVAL OF ACCEPTANCE OF ANNUAL AUDITS

Board President Gargas called upon Dr. Brad Sheriff, Vice President of Administration and Finance, to present a motion to approve the acceptance of the University's annual financial statement and the System Facilities financial statement for the year ending June 30, 2020. [Attachment H].

Dr. Sheriff directed the Board to the materials in Attachment H and introduced Mr. Ted Williamson from RubinBrown LLP for a review of the materials and to answer questions from Regents. Mr. Williamson started by making comments regarding the single audit and noted that he will need to make an additional presentation to the Board in February because some forms are not yet available from the IRS that are necessary to report some of the resources received from the CARES Act. Regent Limbaugh asked if this delay was unique to Southeast or one shared by all universities to which Mr. Williamson said everyone is experiencing this delay. Mr. Williamson then proceeded to review required disclosures and communications and shared that RubinBrown was issuing an unmodified clean opinion. He also summarized a report on internal control and an opinion specific to systems facilities, which he said is required for bonding requirements. Mr. Williamson informed the Board that there is material in their packet regarding a report for NCAA, but clarified this is an item that does not need Board approval.

In reviewing the various materials in Attachment H, Mr. Williamson said that the audit team did not find any transactions that were unusual in nature and that no difficulties were encountered in performing or completing the audit. Mr. Williamson reported that there was one finding with regard to the University's transition to self-insurance but noted the issue has been resolved and

addressed appropriately by University Administration. Beyond the one finding, Mr. Williamson noted no other findings or deficiencies were identified. In concluding his remarks, he reviewed the Schedule of Assets, Schedule of Liabilities and Net Position, the Schedule of Revenues, and the Schedule of Expenses.

Following the report and review of materials, discussion with Regents ensured. Regent Smith asked if the finding with regard to the self-insurance transition would be corrected in the current fiscal year, to which Mr. Williamson said it would. In follow-up, Regent Smith asked if the University has catastrophic insurance. In response, Dr. Sheriff said the University has stop-loss coverage in place that kicks in after a certain amount. Seeking clarification, Regent Limbaugh inquired if that is the same as re-insurance for self-insured program and Dr. Sheriff said it is. Regent Limbaugh then inquired about the University's bond rating and asked if the University is at risk of downgrade because of the markets and impacts of COVID-19. Dr. Sheriff commented that the University's ratings have not changed and are still at a high level as reported to the Board in summer 2020; however, he noted that the University will be visiting with S&P again soon now that the audit is complete and that it is possible the University could see a downgrade, not because of the actions or happenings of the University but because of the outlook for higher education as a whole industry.

A motion was made by Regent Limbaugh and seconded by Regent Klocke to approve the acceptance of the University's annual financial statement and the System Facilities financial statement for the year ending June 30, 2020 [Attachment H]. The motion carried unanimously.

#### UNIVERSITY PRESIDENT'S REPORT

Board President Gargas called upon University President Vargas to deliver his University President's Report. During the University President's report he referred members of the Board to a handout that included updates and notes of accomplishments of various units, office and divisions of the University. He also addressed recent conversations on campus regarding the University's handling of sexual assault cases. University President Vargas reiterated comments he shared with members of the campus community via a letter to faculty, staff and students that sexual assault is not tolerated at Southeast Missouri State University and that he will be calling on student leaders, faculty and others to come together and help the University review its policies and procedures on the topic of sexual assault. He stated that the topic is very important to him and said that he will be working intensely on it to ensure the University is consistent in what it says, improves its education and communication, and works to maintain a fair process for all parties involved. In response to University President Vargas' comments, Student Representative Kohn stated that she had been following many of the conversations on social media, and has seen a number of good comments and suggestions made. She pledged her support and noted her interest in being involved. University President Vargas thanked Student Representative Kohn for her comments, and told the Board he would keep them informed.

#### STUDENT GOVERNMENT PRESENTATION

University President Vargas introduced, Mr. Logan Phillips, President, Southeast's Student Government Association (SGA) to provide an update.

Mr. Phillips thanked University President for the introduction and stated that SGA is working on two main projects (1) an evaluation of SE Link, which included a survey to students and others to see what they liked about the platform and how it could be improved; and (2) a mass text messaging system. Mr. Phillips noted that SGA is also working to create an online funding request form for student organizations to improve SGA's process and organizations' access to money. He also shared that SGA's College Representatives continue to have events and identify other unique ways to engage their constituents in an effort to improve campus life and engagement on campus.

Following the remarks, Mr. Phillips and the Board engaged in discussion. Board President Gargas asked if the mass text messaging system is something SGA would control or would it tie into other facets of the University. In response, Mr. Phillips suggested that SGA's thought is the system would be controlled by them as a means to spread word about events and other activities on campus. Regent Limbaugh asked Mr. Phillips how students are handling the semester. Mr. Phillips shared that there is a sense of frustration because everyone wants to get back to normal and as the semester came to a close there was a growing opinion that students were ready for the break and that many of them are looking forward to a chance to rest and to spend time with family in preparation for the spring semester. Regent Smith asked about the availability of COVID vaccines for students, to which University President Vargas, Board Secretary Martin and Regent Limbaugh all offered thoughts. Regent Smith asked Mr. Phillips to convey to students that the Board and University leadership want to get back to normal as soon as possible. In response, Mr. Phillips stated that it has not gone unnoticed what the Board of Regents and others have done during the semester to support students.

Concluding his remarks, Mr. Phillips shared that he recently spoke to University President Vargas in response to the dialogue on sexual assault and he offered his ideas and feedback and noted SGA's willingness to be a part of the conversation moving forward if appropriate.

#### **FACULTY SENATE PRESENTATION**

University President Vargas introduced, Dr. Diane Wood, Chair of Faculty Senate to provide an update.

In her remarks, Dr. Wood recapped how faculty worked with the University to pivot very quickly last spring to remote learning, which helped with transitions and executions during the fall 2020 semester. She commented about the work of the University's Emergency Response Team (ERT) to help create a safe environment, which she contributed in part for the success of the semester. Dr. Wood noted that students have been amazing during the semester and that everyone on campus seemed to understand what needed to be done to get through the semester. Her comments then transitioned to academic program prioritization and the role that Faculty Senate played in the process. Dr. Wood shared that the process was a difficult one, and at times, a personal challenge for some faculty because of the decisions that needed to be made. In the end, she commented an overall belief that the faculty that saw the data and participated in the process viewed it as an education experience and everyone stayed focused on the goal of strengthening and improving the University's programs. Dr. Wood commented about the budget

and the challenges that seem to persist at Southeast and other institutions and cautioned against further cuts if they are necessary. Prior to concluding her report, Dr. Wood shared some remarks on the sexual assault conversations that University President Vargas and Student Government President Phillips addressed. She shared her personal experiences and comments, and stated that the only way the University and others will begin to affect change is if cultural changes are made to impact how the topic is viewed and addressed. Dr. Wood encouraged University leaders to use the current conversations as an opportunity to do an institutional self-reflection, and to encourage additional conversations across campus.

#### DEPARTMENTAL PRESENTATION

University President Vargas introduce Mr. Floyd Davenport, Assistant Vice President for Information Technology to provide an update to the Board of Regents.

Mr. Davenport provided some background on information technology (IT) at Southeast, noting it is an organization that serves the needs of the campus and they work in partnership to collaborate with others on campus to support the effective use of technology on campus. He shared that there are four different units that encompass IT – user services, campus infrastructure, application services and academic technologies. In his remarks, Mr. Davenport commented about the impact of the COVID-19 pandemic on IT – specifically the support for over 800 zoom accounts, new virtual private networks, new software to allow students the ability to remote into computer labs, new technology for classroom, and more. Following these comments, there was brief dialogue between Mr. Davenport and Student Representative Kohn about the use of Zoom over other tools such as Skype or Microsoft Teams.

Moving on from the pandemic, Mr. Davenport then reviewed accomplishments and projects supported by IT from 2017 to present, such as support for new CRMs, the identification of a new LMS, and upgrades to the campus wireless network. He then reviewed new software applications used by the University and discussed new projects on the horizon such as full implementation of the new LMS, back-up solutions, data warehouse upgrades, review of the workflow reporting platform, ITV migration, and more.

Following his report, Mr. Davenport took questions from the Board. Regent Smith asked whether the Sikeston and Kennett Regional Campuses are tied into the main campus IT infrastructure, and Mr. Davenport said they were. Board President Gargas asked about capacity and bandwidth, specifically, whether the regional campuses have the same as main campus. In response Mr. Davenport said they do not but that work is on-going to increase capacity at regional sites just like has been done on the main campus in recent years. In follow-up, Board President Gargas inquired about IT Governance and required disclosures to which Mr. Davenport offered some comments in reply.

#### PROGRESS REPORT ON CONTRACTS AND FACILITIES MANAGEMENT

Board President Gargas called upon Dr. Brad Sheriff, Vice President of Finance Administration, to provide a progress report update on Contracts and Facilities Management Projects. [Attachment I].

Vice President Sheriff called the Board's attention to the following items on Attachment I:

- Abe Stuber Track Drainage Mitigation
- University Center Audio/Visual Upgrades
- Division of Youth Services Building Improvements
- Student Rec Center Projects
- Towers West and North Elevator Upgrades

#### OPERATING BUDGET TO ACTUAL REPORT

Board President Gargas called upon Dr. Brad Sheriff, Vice President of Finance Administration, to provide the Operating Budget to Actual Report. [Attachment J].

Vice President Sheriff called the Board's attention to the following items on Attachment J. In reviewing the material, Vice President Sheriff made comments about state appropriations and provided clarifications about students fees, others sources of income, estimated income and estimated expenditures, which Dr. Sheriff noted includes equipment and operations.

During discussion, Regent Smith asked for clarification with regard to funds marked for one-time use. In response, Dr. Sheriff commented that the FY21 budget was built using one-time funds, some of which will likely come from the University's current projected surplus. Regent Limbaugh asked whether there are conversations taking place with the state regarding appropriations. Dr. Sheriff noted that the University has not seen anywhere near the decrease in appropriations that was factored into the budget, and that many of the funds withheld from the University at the start of the fiscal year have been released. University President Vargas and Board Secretary Martin also offered some comments on state appropriations.

#### CONSIDERATION OF MOTION FOR CLOSED SESSION

A motion was made by Regent Limbaugh and seconded by Regent Klocke to recess the Open Session and convene Closed Session for the consideration of the following:

- A. RSMo 610-021.1 pertaining to legal actions, causes of action or litigation
- B. RSMo 610-021.3 pertaining to the hiring, firing, disciplining or promotion of personnel

A roll call vote was taken. Voting in favor were Regents Britt, Gargas, Klocke, Limbaugh, Malik, and Smith. The motion carried.

The Open Session was recessed at approximately 11:16 a.m.

## ANNOUNCEMENT OF ACTIONS TAKEN IN CLOSED AND CLOSED EXECUTIVE SESSIONS

Upon reconvening the Open Session at approximately 1:40 p.m. Board President Gargas called on Secretary Martin to make the following announcements regarding the Board's Closed Session:

- By a vote of 6 to 0 the Board approved the minutes of the Board's September 25, 2020 closed session meeting. Regents Britt, Gargas, Klocke, Limbaugh, Malik, and Smith voted to approve.
- Pursuant to RSMo 610.021.3 pertaining to hiring, firing, disciplining or promotion of personnel and by a vote of 6 to 0 the Board approved personnel actions for August, September and October 2020. Regents Britt, Gargas, Klocke, Limbaugh, Malik, and Smith voted to approve.
- The Board also had conversations with legal counsel per RSMo 610.021.1 pertaining to legal matters.
- By a vote of 6 to 0 the Board voted to adjourn Closed Session and convene Closed Executive Session for matters related to RSMo 610.021.13 regarding to performance ratings and records pertaining to employees and RSMo 610.021.1 pertaining to legal actions and communications between a public governmental body or its representatives and attorneys. Regents Britt, Gargas, Klocke, Limbaugh, Malik, and Smith voted to approve.

The following announcements were made with regard to the Closed Executive Session:

- Pursuant to RSMo 610.021.13 regarding performance ratings and records pertaining to employees, the Board of Regents heard an update from University President Vargas on 2020-2021 goals included in his performance appraisal.
- Pursuant to RSMo 610.021.1 pertaining to legal actions and communications between a
  public governmental body or its representatives and attorneys the Board of Regents
  discussed legal implications of Board policies and procedures and institutional
  governance.

#### CONSIDERATION OF NAMING REDHAWKS TENNIS FACILITY

Board President Gargas called upon Dr. Trudy Lee, Vice President for University Advancement to present a motion to approve a request from the Southeast Missouri University Foundation to

approve naming the Redhawks Athletics facility the "John C. Bierk Tennis Complex" in recognition of a major gift from Dr. John Cashion Bierk. [Attachment K].

Dr. Lee referred Regents to the materials in the packet marked Attachment K and provided some background on Dr. Bierk. Following Dr. Lee's remarks, Regent Limbaugh offered some comments on Dr. Bierk and provided some personal reflections on interactions with him.

A motion was made by Regent Limbaugh and seconded by Regent Smith to approve the request from the Southeast Missouri University Foundation to approve naming the Redhawks Athletics facility the "John C. Bierk Tennis Complex" in recognition of a major gift from Dr. John Cashion Bierk [Attachment K]. The motion carried unanimously.

#### CONSIDERATION OF AMENDED BOARD OF REGENTS BY-LAWS

Board President Gargas called upon Regent Phillip Britt to present a motion to approve Amended and Restated By-Laws of the Board of Regents of Southeast Missouri State University. [Attachment L].

Regent Britt referred his colleagues to the material behind Attachment L. He discussed the review completed by the By-Law Review Committee a recommendation to amend to the By-Laws to clarify language regarding frequency of meetings. Brief conversation then ensued regarding additional revisions to provide for Committees. Regent Klocke offered some comments on potential Committees, after which the Board agreed additional conversation and evaluation was necessary.

A motion was made by Regent Britt and seconded by Regent Klocke to table approval of the Amended and Restated By-Laws of the Board of Regents of Southeast Missouri State University [Attachment L] to the Board's February 26, 2021 meeting. The motion carried unanimously.

## CONSIDERATION OF APPROVAL OF PROGRAM PRIORITIZATION RECOMMENDATIONS

Board President Gargas called on Dr. Mike Godard, Provost, to present a motion to authorize and approve the deletion of various academic programs, options, certificates, and minors as part of the program prioritization process. [Attachment M].

Dr. Godard referred Regents to materials behind Attachment M in their Board packet and provided an overview of the process used for program prioritization. As part of his comments, he reminded Regents of a report shared at the June 22, 2020 Board of Regents meeting and outlined the participants in the process – Department Committees, Chairs, Colleges Councils, Deans, and Faculty Senate. Dr. Godard explained that if the requested actions were approved by the Board of Regents, the next step would include submitting appropriation notifications to the Missouri Department of Higher Education and Workforce Development and to the Higher Learning Commission.

Following his remarks, Dr. Godard engaged in discussion with the Board. Regent Smith inquired about the number of programs proposed for deletion, asking if the University has acted on multiple requests at the same time in the past. In response, Dr. Godard stated that the process included a comprehensive, holistic, review of all programs at the University looking at what is offered and why. He further explained that many of the programs proposed for deletion are options within academic programs, and the process is to streamline what the University is doing. In follow-up, Regent Smith asked how many students will be impacted by the deletion of programs related to Agriculture. Dr. Godard explained that the requested action with regard to Agriculture is really focused on an option and that currently the University has seven options under the program in question and that the requested action is simply to eliminate one of the options, while preserving the other six. Regent Smith then asked about the proposed deletion of the BFA in Dance and whether there will still be pathways for the students to pursue and whether the requested action will impact accreditation. Dr. Godard commented that the requested action will not impact accreditation and that students will still have a pathway to a degree via the dance major.

A motion was made by Regent Britt and seconded by Regent Malik to authorize and approve the deletion of various academic programs, options, certificates, and minors as part of the program prioritization process [Attachment M]. The motion carried on a vote of 5 to 1 with Regent Smith voting in opposition.

#### ELECTION OF BOARD OF REGENT OFFICERS

Board President Gargas shared with his colleagues that it is time to hold elections for Board of Regent President and Vice President.

Board President Gargas opened the floor for nominations for Board of Regents President. Regent Klocke nominated Regent Edward P. Gargas for the office of Board of Regents President. The nomination was seconded by Regent Britt. No other nominations were received. Regent Gargas was elected as Board President by acclimation for a term beginning January 1, 2021 through December 31, 2022.

Board President Gargas opened the floor for nominations for Board of Regents Vice President. Regent Britt nominated Regent Tina L. Klocke for the office of Board of Regents Vice President. The nomination was seconded by Regent Limbaugh. No other nominations were received. Regent Klocke was elected as Board Vice President by acclimation for a term beginning January 1, 2021 through December 31, 2022.

#### 2021 BOARD MEETING DATES

Prior to entertaining a motion to adjourn, Board President Gargas referred to Attachment N in the Board packet, which he noted includes a list of future Board meeting dates. He called on Board Secretary Martin for brief comments and encouraged any questions be directed to Secretary Martin. Board Secretary Martin noted that if any of the dates need changed, notification will be provided to Regents.

#### CONSIDERATION OF MOTION TO ADJOURN

A motion was made by Regent Limbaugh and seconded by Regent Smith to adjourn the meeting. The motion carried unanimously.

The motion carried unanimously.	
The meeting adjourned at approximately 2:02 p.m.	
	Christopher R. Martin
	Secretary, Board of Regents
APPROVED:	
ATTROVED.	
Edward P. Gargas	
President, Board of Regents	
Southeast Missouri State University	



# BOARD OF REGENTS MOTION CONSIDERATION FORM

#### February 26, 2021

#### **Open Session**

#### I. Motion to be Considered:

Approve issuing Resolutions of Honor for the following faculty and staff members who have retired or are retiring from Southeast Missouri State University:

#### Faculty:

- Ali, Mohammed, Professor, Chemistry and Physics (1994-2020)
- Bornstein, Allan, Professor, Biology (1988-2020)
- Cobb, Michael, Professor, Chemistry and Physics (1996-2002; 2003-2020)
- Cook, Martha, Associate Professor, Communication Disorders (1999-2020)
- Deiermann, Paul, Associate Professor, Mathematics (2000-2020)
- Eckart, Gabriele, Professor, Communication Studies and Modern Languages (1999-2020)
- Golike, Susan, Professor, Mass Media (1994-2020)
- Gordon, Peter, Professor, Marketing (1980-2020)
- Graham, Melissa, Instructor, Elementary, Early and Special Education (2008-2020)
- Green, Gloria, Associate Professor and Chairperson, Nursing (1979-1982; 1983-2021)
- Gunn, Sharon, Professor, Elementary, Early and Special Education (2006-2020)
- Hayward, Albert, Associate Professor, Political Science, Philosophy and Religion (1987-2020)
- Horst, Carol, Instructor, Art and Design (2008-2020)
- Ray, Julie, Professor and Chairperson, Elementary, Early and Special Education (2002-2021)
- Slattery, Annette, Instructor, Kinesiology, Nutrition and Recreation (2008-2020)
- Summary, Rebecca, Professor, Accounting, Economics and Finance (1983-2020)
- Tikoo, Mohan, Professor, Mathematics (1984-2020)
- Wiles, Judith, Professor and Chairperson, Marketing (1980; 1981; 1984-2021)

Recommended By:		1-10 mm
Student Government		Chairperson
Faculty Senate		Dean
Administrative Council		Academic Council
VP, Enroll. Man. & Stu. Suc.		Provost /
VP, Finance & Admins VP, University Advancement		President
Board Action on:		Postpone:
Motion By:		Amend:
Second By:		Disapprove:
Vote: Yeas:	Nays:	Approve:
187		Secretary:

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• Zhang, Xuesong, Professor, Computer Science (2000-2020)

#### Staff:

- Cerchio, Robert, Assistant Director, Holland College of Arts and Media (2006-2020)
- Clark, Tracie, Administrative Assistant, Nursing (1996-2006; 2009-2020)
- Franklin, Stephen, Custodial Technician, Facilities Management (1993-2020)
- Gill, Larry, Carpenter Journeyman, Facilities Management (1987-2020)
- Gleeson, Karen, Senior Administrative Assistant, Athletics (2012-2020)
- Golightly, Nancie, Custodial Technician, Facilities Management (2014-2020)
- Greable, Debra, Custodial Technician Lead, Facilities Management (1995-2020)
- Hale, Larry, Budget Analyst, Facilities Management (1996-2020)
- Haman, Sheila, Cashier, Student Financial Services (2010-2020)
- Henckell, Mary, Director of Academic Technology, Information Technology (1996-2020)
- Helton, Francine, Manager of Parking Services, Public Safety (1990-2020)
- Hutson, Helen, Custodial Technician, Facilities Management (2001-2020)
- Jenkins, Sherri, Senior Administrative Assistant, Harrison College of Business and Computing (1978-2020)
- Kelley, Gregory, Maintenance Custodian, Sikeston Regional Campus (2000-2020)
- Lott, Joni, Senior Administrative Assistant, Research and Sponsored Programs (1999-2020)
- McGaugh, Janie, Administrative Assistant, History and Anthropology (1996-2020)
- McIntosh, Larry, Custodial Technician, Facilities Management (2013-2020)
- Mangels, Kathy, Vice President, Finance and Administration (1995-2020)
- Matthew, Cynthia, Assistant Director, Regional Professional Development Center (2004-2005; 2014-2020)
- Miller, Eugenia, Academic Advisor II, Academic Advising (2004-2020)
- Stidham, Paula, Custodial Technician, Facilities Management (2013-2020)
- Williams, Susan, Custodial Technician, Facilities Management (2003-2020)

#### II. Background:

The Board of Regents traditionally honors individual faculty and staff members at the University's annual Employee Recognition Program with the presentation of Resolutions of Honor. This year's recognition program will be held May 7, 2021. The program will recognize those faculty and staff who have retired or will retire between October 1, 2020 and October 1, 2021, and those who retired prior to October 1, 2020 but did not notify the University of their intended retirement until after the deadline to be included in last year's program (January 1, 2020). University Administration will review and approve the content of all resolutions prior to their presentation.



# BOARD OF REGENTS MOTION CONSIDERATION FORM

#### February 26, 2021

#### **Open Session**

#### I. Motion to be Considered:

Approve Professional Pilot Program fees effective with the Fall 2021 semester.

#### II. Background:

Starting in fall 2021, students will have the ability to earn a Bachelor of Science in Professional Pilot. Southeast is partnering with US Aviation Group (USAG), a world-class professional flight training provider since 2006. USAG will provide courses offering flight instruction, in fulfillment of the degree requirements for the Program, at the Cape Girardeau Regional Airport, where USAG will have aircraft, training devices, and personnel.

Students will pay hourly fees for the flight and related training provided by USAG. The total amount paid will vary based on a student's progress, but based on the average time required by USAG students, fees over the course of the Program will total \$66,030.00 (based on current costs provided by USAG). See table on next page for a schedule of average costs per student per course. USAG anticipates renegotiating hourly rates annually to adjust for changes in fuel cost, other input costs, and CPI adjustments.

These are not University fees. The University will charge them to and collect them from students in the Program. (Upon receipt of regular billings from USAG, the University will remit the proceeds of the fees to USAG in settlement of its invoiced expenses.) Hence, University Administration requests and recommends approval of the fees with the recognition that they may vary by student and that they will be adjusted regularly based on USAG's costs of partnering with the University to provide the Professional Pilot Program.

Recommended By:	
Student Government	Chairperson
Faculty Senate	Dean
Administrative Council	Academic Council
VP, Enroll. Man. & Stu. Syg.	Provost
VP, Finance & Admin. Market VP, University Advancement	President
Board Action on:	Postpone:
Motion By:	Amend:
Second By:	Disapprove:
Vote: Yeas: Nays:	Approve:
Vote: Yeas: Nays:	Secretary:

Board of Regents Motion Consideration Form (Enrollment Fee) February 26, 2021 Page 2 of 2

#### Schedule of Average Costs per Student per Course

Course	Average Cost
Private Pilot Course	\$12,125
Instrument Rating Course	\$9,560
Commercial Pilot Course	\$29,155
MEI – Piper Seminole	\$11,505
(OPTIONAL)	
CFI Flight Instruction	\$7,295
CFII Pilot Course	\$4,145
Turbine Training Sim	\$3,750
Total Training Cost	\$66,030



#### **BOARD OF REGENTS**

#### MOTION CONSIDERATION FORM

February 26, 2021

#### **Open Session**

#### I. Motion to be Considered:

Approve the acceptance of the University's Single Audit for the year ending June 30, 2020, from RubinBrown, LLP.

#### II. Background:

The Single Audit evaluates whether the University has complied with applicable laws and regulations for each major federal program as defined under Title 2 U.S. Code of Federal U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance), and whether there are any material weaknesses or significant deficiencies in the University's internal control structure surrounding the administration of federal awards. The report includes an unmodified opinion on compliance. Several individual audit reports are contained within the Single Audit Report (Attachment 1) which address various requirements concerning the University's management of federal grant programs. There were no material instances of noncompliance found. However, there was one significant deficiency identified related to internal control over financial reporting. Finding 2020-001 noted the University should record a claims liability for claims reported but not paid by the University. In addition, the University should also record a liability for the estimate of claims incurred but not reported on June 30, 2020. The Single Audit Report and Finding 2020-001 were presented in draft form at the December 18, 2020 meeting because the Compliance Supplement Addendum related to COVID funding had not been issued at that time. The Single Audit was completed after the release of the Compliance Supplement Addendum on December 22, 2020. The final Single Audit Report includes an unmodified opinion on compliance and no additional findings.

Recommended By:	
Student Government	Chairperson
Faculty Senate	Dean
Administrative Council	Academic Council
VP, Enroll. Man. & Stu. Syc	
VP, Finance & Admin, VP, University Advancemen	
Board Action on:	Postpone:
Motion By:	Amend:
Second By:	Disapprove:
Vote: Yeas:	Nays: Approve:
Abstentions:	Secretary:

SINGLE AUDIT REPORT JUNE 30, 2020

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One North Brentwood Suite 1100 \$1, Louis, MO 63105 T: 314.290.3300 E: info@rubinbrown.com www.RubinBrown.com

CERTIFIED PUBLIC ACCOUNTANTS & BUSINESS CONSULTANTS

Independent Auditors' Report On Internal Control Over Financial Reporting And On Compliance And Other Matters Based On An Audit Of Financial Statements Performed In Accordance With Government Auditing Standards

Board of Regents Southeast Missouri State University Cape Girardeau, Missouri

We have audited, in accordance with the auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards* issued by the Comptroller General of the United States, the financial statements of the business-type activities and discretely presented component unit of Southeast Missouri State University, as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise Southeast Missouri State University's basic financial statements, and have issued our report thereon dated November 16, 2020.

#### Internal Control Over Financial Reporting

In planning and performing our audit of the financial statements, we considered Southeast Missouri State University's internal control over financial reporting (internal control) as a basis for designing the audit procedures that are appropriate in the circumstances for the purpose of expressing our opinions on the financial statements, but not for the purpose of expressing an opinion on the effectiveness of the University's internal control. Accordingly, we do not express an opinion on the effectiveness of the University's internal control.

A deficiency in internal control exists when the design or operation of a control does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, misstatements on a timely basis. A material weakness is a deficiency, or a combination of deficiencies, in internal control, such that there is a reasonable possibility that a material misstatement of the entity's financial statements will not be prevented, or detected and corrected on a timely basis. A significant deficiency is a deficiency, or a combination of deficiencies, in internal control that is less severe than a material weakness, yet important enough to merit attention by those charged with governance.

Board of Regents Southeast Missouri State University

Our consideration of internal control was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control that might be material weaknesses or significant deficiencies and therefore, material weaknesses or significant deficiencies may exist that have not been identified. Given these limitations, during our audit we did not identify any deficiencies in internal control that we consider to be material weaknesses. We did identify a deficiency in internal control, described in the accompanying Schedule of Findings and Questions Costs as item 2020-001 that we consider to be a significant deficiency.

#### **Compliance And Other Matters**

As part of obtaining reasonable assurance about whether the University's financial statements are free from material misstatement, we performed tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements, noncompliance with which could have a direct and material effect on the financial statements. However, providing an opinion on compliance with those provisions was not an objective of our audit, and accordingly, we do not express such an opinion. The results of our tests disclosed no instances of noncompliance or other matters that are required to be reported under *Government Auditing Standards*.

#### University's Response to Findings

The University's response to the finding identified in our audit is described in the accompanying Schedule of Findings and Questions Costs. The University's response was not subjected to the auditing procedures applied in the audit of the financial statements and, accordingly, we express no opinion on it.

#### Purpose Of This Report

KulinBrown LLP

The purpose of this report is solely to describe the scope of our testing of internal control and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the entity's internal control or on compliance. This report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the entity's internal control and compliance. Accordingly, this communication is not suitable for any other purpose.

January 29, 2021



One North Brentwood Suite 1100 \$1, Louls, MO 63105 f: 314.290.3300 E: inforrubinibrown.com www.RubinBrown.com

CERTIFIED PUBLIC ACCOUNTANTS & BUSINESS CONSULTANTS

Independent Auditors' Report On Compliance For Each Major Federal Program; Report On Internal Control Over Compliance; And Report On The Schedule Of Expenditures Of Federal Awards Required By Uniform Guidance

Board of Regents Southeast Missouri State University Cape Girardeau, Missouri

#### Report On Compliance For Each Major Federal Program

We have audited Southeast Missouri State University's (the University) compliance with the types of compliance requirements described in the *OMB Compliance Supplement* that could have a direct and material effect on its major federal programs for the year ended June 30, 2020. The University's major federal programs are identified in the summary of auditors' results section of the accompanying schedule of findings and questioned costs.

#### Management's Responsibility

Management is responsible for compliance with federal statutes, regulations, and the terms and conditions of its federal awards applicable to its federal programs.

#### Auditors' Responsibility

Our responsibility is to express an opinion on compliance for the University's major federal programs based on our audit of the types of compliance referred to above. We conducted our audit of compliance in accordance with auditing standards generally accepted in the United States of America; the standards applicable to financial audits contained in Government Auditing Standards, issued by the Comptroller General of the United States; and the audit requirements of Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Those standards and the Uniform Guidance require that we plan and perform the audit to obtain reasonable assurance about whether noncompliance with the types of compliance requirements referred to above that could have a direct and material effect on a major federal program occurred. An audit includes examining, on a test basis, evidence about the University's compliance with those requirements and performing such other procedures as we considered necessary in the circumstances.

Board of Regents Southeast Missouri State University

We believe that our audit provides a reasonable basis for our opinion on compliance for each major federal program. However, our audit does not provide a legal determination of the University's compliance.

#### Opinion On Each Major Federal Program

In our opinion, the University complied, in all material respects, with the compliance requirements referred to above that could have a direct and material effect on its major federal program for the year ended June 30, 2020.

#### Report On Internal Control Over Compliance

Management of the University is responsible for establishing and maintaining effective internal control over compliance with the types of compliance requirements referred to above. In planning and performing our audit of compliance, we considered the University's internal control over compliance with the types of compliance requirements that could have a direct and material effect on each major federal program to determine the auditing procedures that are appropriate in the circumstances for the purpose of expressing an opinion on compliance for each major program and to test and report on internal control over compliance in accordance with Uniform Guidance, but not for the purpose of expressing an opinion on the effectiveness of internal control over compliance. Accordingly, we do not express an opinion on the effectiveness of the University's internal control over compliance.

A deficiency in internal control over compliance exists when the design or operation of a control over compliance does not allow management or employees, in the normal course of performing their assigned functions, to prevent, or detect and correct, noncompliance with a type of compliance requirement of a federal program on a timely basis. A material weakness in internal control over compliance is a deficiency, or combination of deficiencies, in internal control over compliance, such that there is a reasonable possibility that material noncompliance with a type of compliance requirement of a federal program will not be prevented, or detected and corrected, on a timely basis. A significant deficiency in internal control over compliance is a deficiency, or a combination of deficiencies, in internal control over compliance with a type of compliance requirement of a federal program that is less severe than a material weakness in internal control over compliance, yet important enough to merit attention by those charged with governance.

Our consideration of internal control over compliance was for the limited purpose described in the first paragraph of this section and was not designed to identify all deficiencies in internal control over compliance that might be material weaknesses or significant deficiencies. We did not identify any deficiencies in internal control over compliance that we consider to be material weaknesses. However, material weaknesses may exist that have not been identified.

The purpose of this report on internal control over compliance is solely to describe the scope of our testing of internal control over compliance and the results of that testing based on the requirements of the Uniform Guidance. Accordingly, this report is not suitable for any other purposes.

### Report On Schedule Of Expenditures Of Federal Awards Required By Uniform Guidance

We have audited the financial statements of the business-type activities and discretely presented component unit of the University as of and for the year ended June 30, 2020, and the related notes to the financial statements, which collectively comprise the University's basic financial statements. We have issued our report thereon dated November 16, 2020, which contained unmodified opinions on those financial statements. Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the basic The accompanying schedule of expenditures of federal awards is financial statements. presented for purposes of additional analysis as required by the Uniform Guidance and is not a required part of the financial statements. Such information is the responsibility of management and was derived from and relates directly to the underlying accounting and other records used to prepare the basic financial statements. The information has been subjected to the auditing procedures applied in the audit of the financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the schedule of expenditures of federal awards is fairly stated in all material respects in relation to the basic financial statements as a whole.

RulinBrown LLP

January 29, 2021, except for paragraph 10, which is as of November 16, 2020

#### SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS For The Year Ended June 30, 2020

Federal Grantor/Pass-Through Grantor	Program Or Cluster Title	Grant Number	Federal CFDA Number	Federal Ex <u>p</u> enditures	Expenditures To Sub- Recipients
United States Department of Agriculture					
Passed through Natural Resources Conservation Services	Conservation Compliance FY19	N/A	10.072	\$ 40,299	\$
Passed through Missouri Department of Agriculture	Specialty Crop 18	AM17010XXXXG015	10.170	4,402	_
Passed through Arkansas State University	Resilient Cropping year 1 FY18	2018-70001-27817	10.326	22,269	_
Direct	Ag Advanced Tech 19	29-016-155563610	10.351	10,726	_
Passed through Missouri Department of Health and Senior Services	Child and Adult Care Food Program: USYC Food Program	ERS4611-2646	10.558	48,489	_
Passed through Natural Resources Conservation Services	BMP for Water Quality 19	NR186424XXXXG012	10.902	23,147	_
Direct	Organic Horticulture 17	69-6424-17-010	10.912	4,636	
Total United States Department of Agriculture				153,968	_
United States Fish and Wildlife Service Direct  Total United States Fish and Wildlife Services	Landscape Conservation 18	F17AC01005	15.678	3,765 3,765	_
Federal Transit Administration  Passed through Cape Girardeau County Transit Authority Passed through Cape Girardeau County Transit Authority Passed through Cape Girardeau County Transit Authority	Federal Transit Cluster: Shuttle Service 2020 COVID-19 - Shuttle Service 2020 Shuttle Bus Purchase 2018	NIA NIA NIA	20.507 20.507 20.507	123,788 76,873 48,450	_ _ _
Total Federal Transit Administration	Total Federal Transit Cluster			249,111	<u></u>

# SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS (Continued) For The Year Ended June 30, 2020

Federal Grantor/Pass-Through Grantor	Program <u>Or</u> Cluster <u>Title</u>	<u>Grant N</u> umb <u>er</u>	Federal CFDA Number	Federal <u>Exp</u> enditure <u>s</u>	Expenditures To Sub- Re <u>cipie</u> nts
National Endowment for the Humanities					
Passed through the Missouri Humanities Council	Promotion of the Humanities Programs				
	Faulkner and Marquez 2019	2167	45.129	\$ 1,531	s —
Total National Endowment for the Humanities			_	1,531	
National Science Foundation					
Direct	Research and Development Cluster:				
	Powder Xray Diffractometer	1919985	47.049	50,711	
	NSF DEB Conferences 20	2021054	47.074	26	
	Total Research and Development Cluster		-	50,737	
				33,,31	
Total National Science Foundation			-	50,737	
Small Business Administration					
	Small Business Development Center:				
Passed through University of Missouri - Columbia	SBDC 2020	N/A	59.037	78,433	_
	SBDC Portable Assistance 2019	C00063534-1	59.037	32,610	
	SBTDC 2019	C00063862-3	59.037	22,498	
Total Small Business Administration			_	133,541	
United States Department of Education					
Passed through University of Central Missouri	Mideast Meets Midwest 17	POL001-SEMO	84.016	735	_
Direct	Student Financial Aid Cluster:				
	Federal Supplemental Educational Opportunity Grant Program FY19	P007A182382	84.007	32,886	_
	Federal Supplemental Educational Opportunity Grant Program FY20	P007A192382	84.007	367,073	_
	Federal Work Study Program FY20	P033A192382	84.033	255,312	_
	Federal Perkins Loan Program	N/A	84.038	4,475,847	_
	Federal Pell Grant Program FY19	P063P181752	84.063	2,451	_
	Federal Pell Grant Program FY20	P063P191752	84.063	14,443,893	
	Federal Direct Loan Program FY19	P268K191752	84.268	241,519	
	Federal Direct Loan Program FY20	P268K201752	84.268	36,517,915	
	Transition to Teaching (TEACH) FY20	P379T201752	84.379	49,761	
	Total Student Financial Aid Cluster		_	56,386,657	

#### SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS (Continued)

#### For The Year Ended June 30, 2020

Federal Grantor/Pass-Through Grantor	Program Or Cluster Title	Grant Number	Federal CFDA Number	Federal Expenditures	Expenditures To Sub- Recipients
Direct	Trio Cluster: Student Support Services 2018 Student Support Services 2019 Student Support Services Supplement 2019 McNair Post-Baccalaureate Achievement 2019 Total Trio Cluster	P042A100954 P042A151250-18 P042A151250-18 P1217A170269-18	84.042 84.042 84.042 84.217	\$ 9 293,771 52,300 260,613 606,693	\$  
Passed through Missouri Department of Elementary and Secondary Education	Pathways 2019	N/A	84.048A	678	
Direct	CCAMPIS Redhawk FLT 20	N/A	84.335A	79,590	_
Direct Direct	COVID-19 - Higher Education Emergency Relief Fund - Student COVID-19 - Higher Education Emergency Relief Fund - Institution	N/A N/A	84.425E 84.425F	2,026,302 3,415,107 5,441,409	
Total United States Department of Education				62,515,762	
United States Department of Health and Human Services Passed through Missouri Department of Health and Senior Services	Alzheimer's Evaluation Survey	N/A	93.051	400	_
Passed through Missouri Department of Health and Senior Services	Addressing Asthma 2018 Addressing Asthma 2019 Addressing Asthma 2020	DH100020001 AOC18380069 AOC18380069-2	93.070 93.070 93.070	1 3,903 27,028 30,932	 
Passed through Missouri Department of Health and Senior Services	Community Health Worker 19 Community Health Worker Year 4	AOC19380216 AOC19380216	93.426 93.426	703 30.025 30.728	  

#### ${\bf SCHEDULE\ OF\ EXPENDITURES\ OF\ FEDERAL\ AWARDS\ (\it Continued\rm)}$

For The Year Ended June 30, 2020

Federal Grantor/Pass-Through Grantor	Program Or Cluster Title	Grant Number	Federal CFDA Number	Federal Expenditures	Expenditures To Sub- Recipients
Passed through Missouri Department of Health and Senior Services	Bootheel MCH Focus Group 19	N/A	93.870	\$ 52,769	s –
Passed through Missouri Department of Mental Health	Block Grants for Prevention and Treatment of Substance Abuse:				
	Southeast Regional Support Center 2018	SDA420P1209	93.959	7,092	
	Southeast Regional Support Center 2019	SDA420P1209	93.959	1,663	_
	Southeast Regional Support Center Tobacco 18	N/A	93.959	1,274	_
	Southeast Regional Support Center Tobacco 2020	N/A	93.959	5,447	_
	Partnership for Success 2019	SDA420P1209	93.959	89,912	_
	Partnership for Success 2020	N/A	93.959	109,849	_
	MHFA Training 2018	N/A	93.959	2,407	*****
	PRC C2000 20	N/A	93.959	163,837	*******
	PRC MHFA 20	N/A	93.959	174	_
	Coalition Support FY20	N/A	93.959	3,000	_
			-	384,655	
Passed through Mississippi County Health Department	Resource Mapping 20	N/A	93.912	5,469	_
Total United States Department of Health and Human Services				504,953	
Total Expenditures of Federal Awards			=	\$ 63,613,368	\$ <u>—</u>

# SOUTHEAST MISSOURI STATE UNIVERSITY NOTES TO SCHEDULE OF EXPENDITURES OF FEDERAL AWARDS June 30, 2020

#### 1. Basis Of Presentation

The accompanying Schedule of Expenditures of Federal Awards (the Schedule) presents the activity of all federal awards programs of Southeast Missouri State University (the University) for the year ended June 30, 2020. The information in this Schedule is presented in accordance with Title 2 U.S. Code of Federal Regulations Part 200, Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards (Uniform Guidance). Therefore, some amounts presented in the Schedule may differ from amounts presented in, or used in the preparation of, the financial statements.

#### 2. Basis Of Accounting And Relationship To The Financial Statements

Federal financial assistance revenues from the Federal Work Study, the Federal Pell Grant Program and the Federal Supplemental Educational Opportunity Grant programs are reported in the University's financial statements as federal grant revenues. The activity of the Federal Direct Loan Program is not included in the University's financial statements, as the benefits of this program are awarded directly to students and not to the University.

Amounts reported in the accompanying Schedule are presented using the accrual basis of accounting, which is described in Note 2 to the University's financial statements. Related federal financial reports are prepared on the cash basis of accounting.

#### 3. Loan Programs

The following schedule represents loans advanced by the University for Federal Direct Loans and loans advanced plus loans outstanding as of the beginning of the year for Federal Perkins Loans, for the year ended June 30, 2020:

	Amount Reported			
	CFDA# on SEFA			
Student Financial Aid:				
Department of Education:				
Federal Direct Loans	84,268	\$	36,759,434	
Federal Perkins Loans	84.038		4,475,847	

The above amounts are included as federal expenditures in the Schedule.

Notes To Schedule Of Expenditures Of Federal Awards (Continued)

#### 4. Indirect Costs

The Department of Health and Human Services has approved a maximum provisional indirect cost rate of 49%. The University recovers indirect costs at the maximum rate of 49% of salaries and wages including fringe benefits under federal programs that allow full indirect cost reimbursement, and recovers indirect costs at varying rates below 49% on other federal programs that do not follow full indirect cost recovery. Total indirect costs recovered under all federal programs were \$221,204 for the year ended June 30, 2020.

# SOUTHEAST MISSOURI STATE UNIVERSITY SCHEDULE OF FINDINGS AND QUESTIONED COSTS

For The Year Ended June 30, 2020

#### Section I - Summary Of Auditors' Results

pe of report the auditor issued on whether the financial statements audited were presented in accordance with	Unn	nodifie	ed Opi	inion
			_	
Material weakness(es) identified?	***************************************	yes	<u>X</u>	no
Significant deficiency(s) identified?	X	yes		none reported
ncompliance material to financial statements noted?		yes	X	no
deral Awards				
ternal control over major programs:				
Material weakness(es) identified?		yes	X	no
` '		yes	X	none reported
	Unmodified Opinion			
y audit findings disclosed that are required to be reported in accordance with section 2 CFR 200.516(a)?		yes	<u>X</u>	no
Student Financial Aid Cluster: CFDA #84.007 - U.S. Department of Education - Federal				lucational Opportunity
CFDA #84.033 - U.S. Department of Education - Federal CFDA #84.063 - U.S. Department of Education - Federal CFDA #84.268 - U.S. Department of Education - Federal CFDA #84.038 - U.S. Department of Education - Federal CFDA #84.379 - U.S. Department of Education - Teacher	Work Pell C Direc Perki Assis	Study Frant I t Loan ns Loa stance	Prog Progr Prog an Pro for C	am gram ogram
CFDA #20.507 - U.S. Department of Transportation – Fe				
Dollar threshold used to distinguish between type A and ype B programs:				ncy Kener Fund
	generally accepted accounting principles: ternal control over financial reporting: Material weakness(es) identified? Significant deficiency(s) identified? oncompliance material to financial statements noted? deral Awards ternal control over major programs: Material weakness(es) identified? Significant deficiency(s) identified? Significant deficiency(s) identified? pe of auditors' report issued on compliance for major programs: us audit findings disclosed that are required to be reported in accordance with section 2 CFR 200.516(a)? entification Of Major Programs: Student Financial Aid Cluster: CFDA #84.007 - U.S. Department of Education - Federal CFDA #84.063 - U.S. Department of Education - Federal CFDA #84.268 - U.S. Department of Education - Federal CFDA #84.038 - U.S. Department of Education - Federal CFDA #84.379 - U.S. Department of Education - Teacher Federal Transit Cluster: CFDA #20.507 - U.S. Department of Transportation - Fe	pe of report the auditor issued on whether the financial statements audited were presented in accordance with generally accepted accounting principles:  ternal control over financial reporting:  Material weakness(es) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Material weakness(es) identified?  Material weakness(es) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Pe of auditors' report issued on compliance for major programs:  Ly audit findings disclosed that are required to be reported in accordance with section 2 CFR 200.516(a)?  Mentification Of Major Programs:  Student Financial Aid Cluster:  CFDA #84.033 - U.S. Department of Education - Federal Supp Grant  CFDA #84.033 - U.S. Department of Education - Federal Pell C CFDA #84.038 - U.S. Department of Education - Federal Direc CFDA #84.038 - U.S. Department of Education - Federal Perkic CFDA #84.039 - U.S. Department of Education - Teacher Assis Education  Federal Transit Cluster:  CFDA #20.507 - U.S. Department of Transportation - Federal  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425 - U.S. Department of Education - Higher Education  CFDA #84.425	pe of report the auditor issued on whether the financial statements audited were presented in accordance with generally accepted accounting principles:  Iternal control over financial reporting:  Material weakness(es) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Material weakness(es) identified?  Material weakness(es) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Pe of auditors' report issued on compliance for major programs:  Ly audit findings disclosed that are required to be reported in accordance with section 2 CFR 200.516(a)?  CFDA #84.007 - U.S. Department of Education - Federal Supplement CFDA #84.063 - U.S. Department of Education - Federal Pell Grant CFDA #84.063 - U.S. Department of Education - Federal Direct Loan CFDA #84.038 - U.S. Department of Education - Federal Direct Loan CFDA #84.039 - U.S. Department of Education - Federal Perkins Loa CFDA #84.039 - U.S. Department of Education - Federal Perkins Loa CFDA #84.039 - U.S. Department of Education - Federal Transit Cluster:  CFDA #84.030 - U.S. Department of Education - Federal Transit CFDA #84.0507 - U.S. Department of Transportation - Federal Transit CFDA #84.0507 - U.S. Department of Education - Higher Education Entertal Collar threshold used to distinguish between type A and type B programs:	pe of report the auditor issued on whether the financial statements audited were presented in accordance with generally accepted accounting principles:  Iternal control over financial reporting:  Material weakness(es) identified?  Significant deficiency(s) identified?  Material weakness(es) identified?  Significant deficiency(s) identified?  Material weakness(es) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Significant deficiency(s) identified?  Pe of auditors' report issued on compliance for major programs:  yes X  Unmodified Op yes X  Wes Y  Wes X  Unmodified Op yes X  Unmodified Op yes X  Wes Y  Wes X  Unmodified Op yes X  Wes Y  Wes X  Unmodified Op yes X  Wes Y  Wes Y  Wes Y  Wes Y  Wes Y  Unmodified Op yes X  Unmodified Op yes X  Wes Y  Wes Y  Unmodified Op yes X  Wes Y  Wes Y  Wes Y  Wes Y  Unmodified Op yes X  Unmodified Op yes X  Wes Y  Wes Y  Unmodified Op yes X  Wes Y  Unmodified Op yes X  Wes Y  W

# SOUTHEAST MISSOURI STATE UNIVERSITY SCHEDULE OF FINDINGS AND QUESTIONED COSTS (Continued) For The Year Ended June 30, 2020

#### Section II - Financial Statement Finding

#### Finding 2020-001 Significant Deficiency

*Criteria:* The University should implement a control over the health care self-insurance plan to ensure the claims liability is captured accurately at year-end.

*Condition:* During the audit, we noted the University implemented a health care self-insurance plan which became effective on January 1, 2020. At June 30, 2020, the University should record a claims liability for claims reported but not paid by the University. In addition, the University should also record a liability for the estimate of claims incurred but not reported at June 30, 2020.

*Cause:* Due to the implementation of the plan during the current year, management did not have a standard procedure in place to ensure the liability was recorded at year-end.

**Effect:** The self-insurance claims liability was not recorded which resulted in a significant audit adjustment.

#### *Identification as a repeat finding:* Not applicable

**Recommendation:** University management should ensure that the appropriate documents are obtained from the insurance provider at the end of the year in order to record the claims liability.

*Views of Responsible Officials:* As noted, the University implemented a new, self-insured health insurance plan effective January 1, 2020. University management is working with its benefits consultant and its third-party claims administrator to ensure that it will timely receive year-end claims liability reports in the future. These reports will support the accurate reconciliation and recording of year-end claims liabilities.

#### Section III - Federal Award Findings And Questioned Costs

None Noted



#### CORRECTIVE ACTION PLAN

Finding 2020-001

Personnel Responsible for Corrective Action: Controller, Pam Sander

Anticipated Completion Date: June 30, 2021

Correction Action Plan: As noted, the University implemented a new, self-insured health insurance plan effective January 1, 2020. University management is working with its benefits consultant and its third-party claims administrator to ensure that it will timely receive year-end claims liability reports in the future. These reports will support the accurate reconciliation and recording of year-end claims liabilities.

#### SOUTHEAST MISSOURI STATE UNIVERSITY SUMMARY SCHEDULE OF PRIOR AUDIT FINDINGS For The Year Ended June 30, 2020

None Noted



#### **BOARD OF REGENTS**

#### MOTION CONSIDERATION FORM

#### February 26, 2021

#### **Open Session**

#### I. Motion to be Considered:

Approve the award of a contract for University banking services to Commerce Bank for the period July 1, 2021, through June 30, 2025.

Approve the award of a contract for the University's branch banking and ATM service to US Bank for the period July 1, 2021, through June 30, 2025.

#### II. Background:

State statutes require that the University bid daily banking services every four years. The University's banking services were last bid in 2017, resulting in a contract award to Commerce Bank for the period of July 1, 2017, through June 30, 2021.

The University issued Request for Proposal 5963 (RFP) earlier this year for the University's daily banking services. The RFP included also provided potential vendors the opportunity to bid on the University's branch banking and ATM service and/or the Foundation's banking services, neither of which is required by statute to be bid.

Both Commerce Bank and US Bank submitted responsive proposals in response to the University daily banking services portion of the RFP. A formal evaluation of the bids received from the two banks was completed based on objective and subjective factors including cost of routine banking services, MasterCard/Visa/Discover discount rate charged, repurchase interest revenue, experience, reliability, and services provided. The bid evaluation, summarized in

Recommended By:					
Student Government		Chairperson			
Faculty Senate  Administrative Council  VP, Enroll. Man. & Stu. Suc.		Dean			
		Academic Council			
		Provost			
VP, Finance & Admin. VP, University Advance	ement /	President_			
Board Action on:		Postpone:			
Motion By:		Amend:			
Second By:		Disapprove:			
Vote: Yeas:	Nays:	Approve:			
Abstentions		Secretary:			

Board of Regents University Banking Services Motion February 26, 2021 Page 2 of 2

Attachment 1, shows that Commerce Bank provided the best proposal for University banking services.

Only US Bank submitted a responsive proposal in response to the branch banking and ATM service portion of the RFP. A formal evaluation of the bid was completed and is summarized in Attachment 2. US Bank has operated the branch located in the University Center as well as oncampus ATMs since July 1, 2013. This business is less a banking service provided to the University and more a service provided on behalf of the University to its faculty, staff, and students.

Finally, the RFP also resulted in a recommended award for Foundation banking services. Foundation staff conducted their own evaluations in addition to those of the University and will present the recommendation to the Foundation's Board of Directors in February.

## Request for Proposal 5963 University Banking Services

## Fee Analysis

	Commerce Bank		US Bank	
Depository Service Charges	\$	40,097	\$	35,360
Earnings Credit to Offset Depository Service Charges				(33,750)
Merchant Services		2,999		2,693
Subtotal		43,096		4,303
Extended Net Cost - 4 years		172,384		17,212
Interest Revenue		<u>162,000</u>		0
Final Revenue (Expenses) - 4 years	\$	(10,384)	\$	(17,212)
Cost Points		30		18

Both banks are well-established. Three references and audited financial statements were provided for the previous two fiscal years and they both have branch banks located in the city limits of Cape Girardeau.

The summary of the evaluation of proposals for University banking services follows:

	Cost	Experience and Reliability	Proposed Method of Performance	Total Points
Commerce Bank	30	40	30	100
U S Bank	18	40	20	78

## Attachment 2

# Request for Proposal 5963 University Branch Banking and ATM

# Fee Analysis

	US Bank
Branch Facility Revenue	\$ 24,000
Full-Service ATM Revenue	<u>1.000</u>
Subtotal	25,000
Extended Net Revenue - 4 Years	\$ 100,000
Cost per ATM Withdrawal Accounts Not at Offeror's bank	\$3 per withdrawal



# BOARD OF REGENTS MOTION CONSIDERATION FORM

## February 26, 2021

## **Open Session**

#### I. Motion to be Considered:

Approve the proposed fiscal year (FY) 2022 Residence Life room and board rates, effective fall 2021.

### II. Background:

In May 2020, the Board of Regents approved an average combined room and board rate increase of 1.94 percent for FY21; including a 1.70 percent room rate increase and a 2.52 percent increase in board rates.

For FY22, the proposed increase in the average room rate is 1.95 percent increase and the proposed average increase in the board rate is 3.03 percent. As shown in Attachment I, an average combined room and board rate increase of 2.31 percent is requested for FY22.

The table that follows shows the percent change in room and board rates for fiscal years 2017 through 2021. During this five-year period, room rates increased an average of 2.25 percent.

Annual Percentage Increase

	Room Rate	<b>Board Rate</b>	Room and Board Rate
FY21	1.70	2.52	1.94
FY20	3.97	0.49	2.83
FY19	1.53	2.00	1.69
FY18	1.97	3.50	2.51
FY17	1.51	3.53	2.30
	2.14	2.41	2.25

Recommended By:		
Student Government		Chairperson
Faculty Senate		Dean
Administrative Counc	il // <	Academic Council
VP, Enroll. Man. & St	u. Suc. Choresh .	Provost
VP, Finance & Admin		12
VP, University Advan	cement	President_
Board Action on:		Postpone:
Motion By:		Amend:
Second By:		Disapprove:
Vote: Yeas:	Nays:	Approve:
	7.27	Secretary:

Board of Regents Motion Consideration Form (FY2022 Room & Board Rattes) February 26, 2021 Page 2 of 2

#### Room Rates

The Residence Life system is comprised of 21 buildings including 12 residence halls, a five building Group/Greek Housing community, and four buildings in the Greek Village that are leased to fraternity housing corporations. Nine of the 12 residence halls are currently occupied.

As new residence halls and the Greek Village were added to the housing system, the University gradually began the process of closing older facilities with significant deferred maintenance. The residence halls not currently in use include Cheney Hall, closed in FY16, Henderson Hall, closed in FY19, and Dearmont Hall residential spaces, closed in FY20. The University will continue to maintain Cheney and Henderson Halls as closed indefinitely. The academic space in Dearmont Hall will continue to operate in FY22. Additionally, Dearmont will continue to be used as temporary housing for residential students who are required to quarantine because of exposure to COVID-19 or isolate when testing positive for COVID-19.

For several years, private rooms have been offered to students at a room rate that reflects 1.5 times the rate of a double occupancy room. For an increasing number of students, a private room is the desired living environment. Private rooms are offered in every residence hall based on space availability.

To meet growing demand for private rooms, Dearmont Hall was converted to a single-room residence hall in FY15. After Dearmont Hall closed as a residential living space, the University converted some floors in the Towers community-style buildings, Towers South and Towers East to single rooms. The demand for single rooms has grown in the Greek/Group Housing area as well. Many of the students living in this community are in their second or third year of living on campus. This, coupled with the room size, presents an opportunity to contract rooms in Greek/Group Housing as single rooms. Consequently, the proposed rates include a new single room rate for Greek/Group Housing.

#### **Board Rates**

In accordance with the terms of the University's dining contract with Chartwells Educational Dining Services, the cost paid by the University to Chartwells will increase in FY22 by 3.00 percent. The proposed increase to the board rates will be used to offset this contractual increase and for expenses incurred by the University to maintain dining facilities and equipment.

As shown in Attachment 1, students have nine meal plan options, including four classic and four premium plans, and a block plan. The meal plans include 5, 10, 15 or 19 meals weekly and between \$116 and \$270 in flex dollars each semester. Traditional classic meal plans provide students with one meal during each mealtime (breakfast, lunch, dinner) up to their total number of meals per week. With a premium meal plan, students can use more than one meal during a single meal period. Unused flex dollars from the fall semester can be used in the spring semester. The block plan includes 90 meals each semester that can be used at Towers Café. The block plan can be used at any mealtime and more than one meal can be used in a single meal period.

The room and board rates reflected in this motion were prepared in coordination with the University's Budget Office. The proposed rates, projected occupancy and planned operations have resulted in an FY22 balanced budget that will be presented to the Board at a later date.

#### FY22 ROOM & BOARD RATES

ROOM CONTRACTS

RATES

			1	Aweraged	Awenage	Totali
			Awaillable	Phojectedi	Private	Paidl
	FY21	IFY 222	Beds	Осспринсу	Rooms	Beds
Denrmant Singles (closed)	\$6,300	\$6,500	0	0	0	0
Group/Greek Double	\$5,764	\$5,950	1877	94	0	994
Group/Greek Single	\$8,646	\$6,900	1006	96	0	96
Fowers East Double	\$5,184	\$5,400	201	17/6	3	117799
Towers East Single	\$7,184	\$6,900	85	711	0	711
Fowers South Double	\$5,184	\$5,400	204	11776	3	117799
Towers South Single	\$7,184	\$6,900	90	76	0	76
Community-style Subtotal *	\$6,100	\$6,110	873	689	6	695
Dobbins Center	\$7,084	\$7,300	178	166	2	168
<b>LaFerla</b>	\$6,832	\$7,050	254	223	6	229
Meriek	\$6,832	\$7,050	299	253	6	259
Myers	\$6,664	\$6,850	193	150	10	160
Towers North	\$6,664	\$6,850	193	166	4	170
Towers North double w/private bath	\$7,664	\$7,850	60	52	0	52
Towers West	\$6,664	\$6,850	189	160	4	164
Towers West double w/private bath	\$7,664	\$7,850	60	52	0	52
Vandiver	\$6,664	\$6,850	293	191	24	215
Suite-style Subtotal	\$6,970	\$7,167	1719	1413	56	1469
Average *	\$6,659	\$6,789				
		1.95%	2592	2102	62	2164

<sup>\* %</sup> rate shange excludes Group/Greek singles due to occupancy type change, Dearmont Hall, closed in FY20, is also excluded.

BOARD CONTRACTS

RATES

201112 0011-11120-2	141725		
	FY21	FY22	
CLASSIC PLANS			7
19 Meals+\$116 Flex	\$3,280	\$3,380	
15 Meals+\$140 Flex	\$3,027	\$3,120	
10 Meals+\$160 Flex	\$2,677	\$2,760	
5 Meals+\$270 Flex	\$2,312	\$2,380	
PREMIUM PLANS			
19 Meals+\$116 Flex	\$3,456	\$3,560	
15 Meals+\$140 Flex	\$3,192	\$3,290	
10 Meals+\$160 Flex	\$2,807	\$2,890	
5 Meals+\$270 Flex	\$2,418	<b>\$2,</b> 490	
RESIDENTIAL BLOCK PLAN			
90 Block plan	\$1,896	\$1,950	
AVERAGE *	\$2,896	<b>S2,984</b>	3.03%

<sup>\* %</sup> rate change excludes 90 block plan new in FY20

COMBINED ROOM & BOARD RATES (with 15 premium meal plan)

	FY21	FY22
Group/Greek Double	\$8,956	\$9,240
Group/Greek Singles	\$11,838	\$10,190
Towers Community Double	\$8,376	\$8,690
Towers Community Single	\$10,376	\$10,190
Dobbins Center	\$10,276	\$10,590
LaFerla	\$10,024	\$10,340
Merick	\$10,024	\$10,340
Myers	\$9,856	\$10,140
Towers Suite Double Room	\$9,856	\$10,140
Towers Suite Double w/Private Bath	\$10,856	\$11,140
Vandiver	\$9,856	\$10,140
AVERAGE	\$9,851	\$10,079

2.31%



## **BOARD OF REGENTS**

#### MOTION CONSIDERATION FORM

## February 26, 2021

## Open Session

#### I. Motion to be Considered:

Approve the attached Amended and Restated By-Laws of the Board of Regents of Southeast Missouri State University.

## 11. Background:

At the February 17, 2017 Board of Regents Meeting, Board President Knudtson appointed a committee of Regents Britt, Gargas, and LaFerla to work with the University's Legal Counsel to draft Board of Regents policies and procedures. From February 17 through May 11, the By-Laws Committee worked with Counsel Spradling and Board Secretary Martin to prepare and review proposed Board By-Laws. The Board considered proposed By-Laws at their May 12, 2017 meeting. Following discussion with Counsel regarding legal implications, and feedback from Regents, the By-Laws were tabled to the June 26, 2017 Board of Regents Meeting where they were approved.

In response to operational questions raised by Regents regarding the University's COVID-19 response, and to review roles and responsibilities assigned to the Board of Regents and delegated to the University President, Board President Gargas appointed a By-Law Review Committee consisting of Regents Britt, Malik, and Smith at the Board's July 17, 2020 meeting. At the Board's August 11 and September 25, 2020 meetings, Board President Gargas and Regent Britt reminded and encouraged colleagues to review the By-Laws and provide their individual feedback to the Committee. The Board of Regents discussed draft revisions and potential legal and operational implications of the proposed Amended and Restated By-Laws at their December 18, 2020 meeting. Action was tabled to allow for further review and revisions, specifically, addition of language regarding Board Committees.

Recommended By:	5 J. C. C. Confe
Student Government	Chairperson
Faculty Senate	Dean
Administrative Council	Academic Council
VP, Enroll. Man. & Stu. Suc.	Provost
VP, Finance & Admin.	5
VP, University Advancement	President
Board Action on:	Postpone:
Motion By:	Amend:
Second By:	Disapprove:
Vote: Yeas: Nays:	Approve:
Abstentions:	Secretary:

Board of Regents Motion Consideration Form (Amended and Restated By-Laws) February 26, 2021 Page 2 of 2

The By-Law Review Committee recommends adoption of the attached Amended and Restated By-Laws of the Board of Regents of Southeast Missouri State University (Attachment 1), which seeks to amend:

- 1. Article V, Section 5.3 Regular Meetings, to clarify and formalize the frequency of Board of Regents meetings; and
- 2. Article IV to allow for Standing Committees.

The By-Law Review Committee recommends restating all other By-Laws sections and provisions without change.

#### **AMENDED AND RESTATED BY-LAWS**

#### **OF**

#### BOARD OF REGENTS SOUTHEAST MISSOURI STATE UNIVERSITY

Southeast Missouri State University Board of Regents is vested by law (Chapter 174.010 et seq, Missouri Revised Statutes) with all powers and authority to effectively govern and set policy for Southeast Missouri State University in accordance with the laws of the State of Missouri and with the Regulations and Rules of the Board of Regents. In order to more effectively discharge its responsibilities and duties in connection therewith, Southeast Missouri State University Board of Regents hereby adopts these By-Laws.

#### ARTICLE I

#### THE BOARD

Section 1.1- Name. The Board of Regents is a public body corporate called "The Southeast Missouri State University Board of Regents," with all the powers of a body corporate under the laws of the State of Missouri. The Board of Regents shall be referred to hereinafter as the "Board".

Section 1.2 - <u>Composition</u>. The Board is composed of six voting Regents and that not more than three (3) of said board, excluding the State Commissioner of Education, shall be of the same political party plus one non-voting student Regent all of whom are appointed by the Governor of the State of Missouri. The appointed members shall be confirmed by the Senate of the State of Missouri. Appointment of six of the members shall be in accordance with the dictates of § 174.050, RSMo.

The Student Regent shall be permitted to attend closed meetings of the Board, unless excluded in accord with Missouri law. The student shall be enrolled full-time at the University, be a citizen of the United States and a resident of the state of Missouri. The student shall be selected from a panel of three names submitted through the University President to the Governor by the University's president of the Student Government after consultation with the University President. For the purposes of this section, the term "full-time" shall be consistent with the University's definition of full-time status.

Section 1.3 - <u>Powers and Duties of the Board.</u> The board shall serve as the governing body of Southeast Missouri State University. It shall select the President of Southeast Missouri State University to serve at the pleasure of the Board and shall hold the President responsible for the University's operation and management, performance, its fiscal accountability, and its compliance with federal and state laws and regulations. The Board may adopt regulations, rules and policies consistent with the University mission, with law, the regulations and rules of the Coordinating Board for Higher Education of the State of Missouri, in order to effectively fulfill its obligation under the law.

The powers granted under Chapter 174 RSMo. shall include, but are not limited to, the power to the following:

- 1. sue and be sued;
- 2. complain and defend in all courts;
- take, purchase, and hold real estate, and sell and convey or otherwise depose of the same;

- 4. condemn and appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization, in the same manner and with like effect as is provided in Chapter 523, RSMo, relating to the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank or railroad purposes;
- 5. make and use a common seal and to alter the same.

Other powers shall include, but shall not be limited to, the following:

- Determine and periodically review and adopt the purposes and the mission of the University.
- Adopt By-Laws, rules, and regulations for the governance of its members, officers, agents, and employees and require adherence to such rules.
- Establish, review and approve new academic programs or changes to existing ones.
- Appoint the President of the Board and any other officers of the Board in accordance with these Bylaws and applicable law.
- Authorize the granting of diplomas and conferring of degrees based upon the recommendation of the President of the University.
- Approve the annual budget and tuition and fees, regularly monitor the
  University's financial condition, and establish policy guidelines affecting all
  institutional assets, including investments and the physical plant. The budget

- shall not be modified except with approval of four (4) voting members of the Board.
- Authorize the construction of new buildings and major renovations of existing buildings.
- Authorize the incurring of debts by the University and securing thereof by mortgage and pledge of real and personal property, tangible and intangible.
- Contribute to the University's fund-raising goals and participate actively in strategies to secure sources of support.
- 10. In the event of vacancy in the position of the President of the University, appoint a special Presidential search committee to submit nominations for candidates to the office in accordance with procedures determined by the Board. If a vacancy occurs, the Board may select an interim President of the University until a new President is selected.
- 11. Serve actively as advocates for the University in appropriate matters of public policy in consultation with the President of the University and other responsible parties, as the Board shall dete1mine.
- 12. Periodically assess its own performance, in order to set an example for the University community and to seek ways to strengthen its effectiveness as a corporate body.
- 13. Approve the Institutional Strategic Plan.
- 14. Exercise such other authority as from time to time may be conferred upon the Board in accordance and compliance with the applicable laws and regulations

- of the State of Missouri.
- 15. Upon conclusion of term of office or earlier resignation of Board members in good standing, the Board of Regents may confer the title of Regent Emeritus.
- To approve the grant of tenure based on the recommendation of the University President.

#### ARTICLE II

#### THE REGENTS

- Section 2.1 <u>Term of Office.</u> The six voting Regents shall serve for staggered six year regular te1ms as provided by law and shall remain in office until their successor is appointed by the Governor of the State of Missouri. The Student Regent appointed will serve a two-year term consistent with Section 174.055.1 RSMo. Reappointments and extensions of the six year te1ms are at the discretion of the Governor.
- Section 2.2 <u>Vacancies.</u> Vacancies shall be filled by the appointment by the Governor of the State of Missouri as appropriate under the law, subject to confirmation of the Senate of the State of Missouri.
- Section 2.3 <u>Compensation</u>. Regents shall receive no compensation, but may be reimbursed upon request for travel and per diem expenses provided by Missouri law.

#### Section 2.4 - **Regent Communication & Information.**

Individual Board members have no legal standing or authority to act on behalf
 of the Board or the University. Only the full Board as a governing body is

- vested with such authority. The Board President shall not take a position on state or federal legislation without prior consultation of the full Board, and such authorization may be subject to limitations established by the Board.
- All requests for information on all issues coming from the Board or from an individual Board member should be made through the Board President,
   Secretary of the Board or through the University President.
- c. Should any member of the Board of Regents request access to information maintained by the University, such member shall be entitled to the information requested, except information or records that are protected by confidentiality by federal or state law or that information specifically excluded by a majority vote of all of the members of the Board of Regents.

  Such request shall be directed to the University President or the Secretary of the Board of Regents.

#### ARTICLE III

#### OFFICE OF THE BOARD

Section 3.1 - Offices. The officers of the Board shall be the Board President, Board Vice President, Secretary and Treasurer. The Board President, and Board Vice President shall be Regents and the Secretary and Treasurer of the Board may be recommended by the University President and approved by the Board of Regents. The Treasurer shall not be a Board member.

Section 3.2 - Selection. The Board shall select its Board President and Board Vice President from the appointed members every two years at the December annual meeting. In the event of a vacancy in either the office of the Board President or Board Vice President, a special meeting will be called as soon as practical to hold an election to fill the vacant position(s). At the election of the Board President and Board Vice President at the annual meeting, the voting for the Board President and Board Vice President shall be by secret ballot to be tabulated and confirmed by the Secretary of the Board. In case of a tie, a run-off election will be held immediately between the tied candidates. In the case of an on-going tic, the Board President will make the final decision of the winning candidate and make the announcement to the Board.

Anyone on the Board may nominate himself or herself for either office, subject to a valid second of the nomination. Except as otherwise provided in these By-Laws, the incumbents of the Board President and Board Vice President shall each serve for two years beginning January 1<sup>st</sup> immediately following the election at the December annual meeting.

Section 3.3 - **Term of Office.** Each office of the Board President and Board Vice President will be for a term of two years commencing on January 1<sup>st</sup> of the succeeding year and ending on December 31st, two years after the election. Each officer may serve two consecutive terms for a total of four years maximum during one appointment period. If an officer's Board term expires on December 31<sup>st</sup> before their office te1m

expires the following year, a special election will be called as soon as practical to fill the unexpired term of office. Vacancies during a term of office shall be handled as set forth hereinafter.

Section 3.4 - <u>Vacancy During Term.</u> In the event a vacancy in the position of Board President or Board Vice President prior to the expiration of the two year term of the incumbent, the vacancy shall be filled as provided in this section.

The Board Vice President then serving, if any, shall fill the vacancy in and succeed to the position of Board President upon a vacancy in that position. If there is no Board Vice President then serving, the Board shall select a successor to serve as Board President. The Board shall elect a new Board Vice President to fill the vacancy in that position. The person filling a vacancy in the unexpired term of the Board President or Board Vice President shall serve for the following period.

- a. If the vacancy occurs during the first six months of the first year of any two-year term, the person filling the vacancy shall serve for the remainder of the unexpired term.
- b. If the vacancy occurs during the second six months of the first year of any two-year term, the person filling the vacancy shall serve for the remainder of those six months, plus two years beginning on the January 1 first occurring after the vacancy.
- c. If the vacancy occurs in the first six months of the second year of any two-year term, the person filling the vacancy shall serve for the remainder of the second

- year of the unexpired term, plus one year beginning on January 1 first occurring after the vacancy.
- d. If the vacancy occurs in the second six months of the second year of any twoyear term, the person filling the vacancy shall serve the remainder of those six months, plus two years beginning on January 1 first occurring after the vacancy.

In the event that the filling of a vacancy during the unexpired term requires election of a successor, the Board shall elect the successor at a special meeting called by the Board President or Secretary for that purpose or at the next regular Board meeting, which ever occurs first.

A vacancy shall be deemed to occur upon the incapacity, death, resignation or removal of the incumbent. Incapacity (which includes abandonment) shall be deemed to occur when, for any reason and regardless of intent, the incumbent does not or cannot fulfill the material duties of the position for thirty consecutive days or forty-five days total in any six-month period, unless the Board resolves not to treat such circumstance as a vacancy. Incapacity shall also occur upon the incumbent acknowledgment in writing that he or she intends not to perform or is or will be unable to perform the material duties of the position for at least either of such period of days, unless the Board resolved not to treat such circumstances as a vacancy. Removal shall be deemed to occur upon the exercise of a legal right to remove the incumbent. The Secretary shall notify the Regents upon the occurrence

of a vacancy. If questioned, the Board's determination, made at a special meeting held for that purpose within fourteen days after the Secretary's notice, shall be binding.

Section 3.5 - **Board President.** The duties of the Board President shall include presiding at all meetings of the Board, calling special meetings of the Board, appointing committee chairs, determining the composition of all Board committees, attesting to actions of the Board and otherwise serving as spokesperson for the Board. The Board President shall perform such duties in consultation with the University's President.

The Board President serves as the Board's official spokesperson for media inquiries regarding Board matters. However, the Board President may delegate this responsibility to another Board member, or to the University President when deemed appropriate. The University President and Board Secretary should be advised of media inquiries received by the Board. The Board President and University President will work jointly to approve press releases pertaining to Board business matters. However, the full Board will be informed of these releases. In the event of emergency matters, the President of the Board shall have the power to sign contracts on behalf of the University, subject to ratification by the Board.

3.6 - **Board Vice President.** The duty of the Board Vice President is to act as Board President during the temporary absence, incapacity or disability of the Board President (not meeting the definition of a vacancy) and succeed the Board President in the event of a vacancy during the unexpired term of the Board President. The Board Vice President may or may not be elected to succeed the incumbent at the expiration of the incumbent's

full two-year term as Board President.

3.7 - <u>University President.</u> The University President shall serve as the Chief Executive Officer of the University. The University President shall be responsible for the operation and administration of the University, including efficient and effective budget and program administration and management leading the University to accomplish its education missions and goals, monitoring educational and financial performance, consulting with the Board in a timely manner on matters appropriate to its policy making and fiduciary functions, and serving as the University's key spokesperson. The University President shall cause to have a board agenda with supporting documentation prepared at least seven (7) calendar days prior to a scheduled meeting and distributed to the various Board Members. Any Board Member may, prior to the meeting discuss any item on the agenda or request other matters to be added for discussion consistent with these By-Laws. The University President shall have the authority to execute all documents on behalf of the University and the Board consistent with the law, Board policies and the best interests of the University.

Without limiting the generality of the aforesaid authority, the Board delegates the following specific authority to the University President:

- a. To exercise a general superintendence and control, subject to approval of the Board, over all the affairs of the University, and bring such matters to the attention of the Board as are appropriate to keep the Board fully informed in meeting its policy-making responsibility, and such other matters as the Board shall from time to time direct;
- b. Consistent with the express and implied authority arising from his/her

responsibility to exercise general superintendence over all the affairs of the University, but subject to any limitations otherwise established by specific policies or action of the Board, the University President is authorized to sign all contracts, construction contracts, purchase orders, matters related to real estate, agreements, applications, reports or other legal documents on behalf of the University, whether with individuals, for- profit or non-profit entities, governmental agencies or departments at the federal, state or local level, or intentional organizations or entities;

- To select for employment all administrators, faculty, teachers, non-academic employees, temporary employees and graduate, resident, and other student assistantships and employment;
- d. Approve the employment of all University leaders, defined for this purpose as the members of the President's leadership team and academic deans.
- e. To make all academic appointments, reappointments, rank, promotions, terminations and discipline of all employees subject to the grievance and appeal procedures of the University; to change salaries and assignments of faculty and staff and to accept resignations of employees;
- f. To recommend to the Board all grants of tenure;
- g. To ensure compliance with the standards of regional accreditation;
- h. Exercise oversight of the University's intercollegiate athletic program to ensure compliance with NCAA and conference rules;
- 1. To insure the appropriate supervision, direction and organization of all

- employees of the University;
- J. To be the primary liaison between the University; the Coordinating Board for Higher
   Education; the Missouri Department of Higher Education; local, state and federal agencies; the General Assembly; and the Governor of the State of Missouri, concerning the affairs of the University;
- To prepare and present to the Board for its approval, an annual budget for the operations of the University;
- To maintain expenditures of the University in balance with available
  revenues or should such occasion arise to recommend the declaration of a
  financial exigency, and suspension or elimination of programs, or a reduction
  in force designed to meet such exigency;
- m. To attend all meetings of the Board, so far as his/her duties will pe1mit, but
   may be excused by the Board if necessary;
- n. To report, at each regular meeting of the Board, upon the progress, condition
  and needs of the University, and recommend such measures as in his/her
  judgment will promote the University's interests;
- o. To formulate, establish, and enforce student admission standards;
- p. To approve Business Procedures of the University. Business procedures provide interpretation and implementation of University Business Policies, which have been approved by the Board;
- To be the primary spokesperson for the University at public affairs, and media contacts;

- To confer all degrees authorized by the Board of Regents and recommend to the Board the conferring of honoraly degrees;
- s. To delegate, in whole or in part, his/her administrative authority granted under the By-Laws, or Business Policies and Procedures, to such other officers, faculty, and employees of the University as he/she may designate, either by general or specific delegation, with the right to revoke such delegation at any time;
- t. To administer the affairs of the University in accordance with applicable federal, state, and local laws and regulations;
- To perform all other acts not herein enumerated which are necessary and reasonable appertaining the administrative functions of the University President.

Section 3.8 – <u>Secretary.</u> The Secretary of the Board, nominated by the President of the University and confirmed by a majority of the members of the Board of Regents, shall be responsible for giving notice of all meetings of the Board and its committees, setting the agenda and compiling the supporting documents for meetings of the Board in consultation with the President, recording and maintaining the minutes of any Board or committee meeting, including a record of all votes cast, in accordance with Chapter 610 of the Missouri Revised Statutes, executing or attesting to all documents that have been executed by the Board. The President of the University may nominate an Assistant Secretary to perform the duties of Secretary as necessary. The Assistant Secretary shall be confirmed by a majority of the members of the Board of Regents.

Section 3.9 - <u>Treasurer.</u> The Treasurer of the Board, nominated by the President of the University and confirmed by a majority of the members of the Board of Regents, shall maintain the custody of and be responsible for all monies and securities of the university; shall keep a full and accurate accounting thereof showing the financial transactions of the university including its accounts, liabilities, financial conditions, and report of investments; and shall see that expenditures are duly authorized and documented by receipts and vouchers. The treasurer shall deposit all monies received in the name of the university in the depositmy authorized by the Board of Regents.

Section 3.10 - <u>University General Counsel.</u> The University's General Counsel shall be appointed by the Board to serve at the Board's direction.

#### ARTICLE IV

#### **COMMITTEES**

Section 4.1 - <u>Committees.</u> The Board shall establish standing and ad hoc committees, as it deems appropriate to discharge its responsibilities. The President of the Board shall appoint members of the committees and their chairs, except the Executive Committee, which committee shall be composed as set out in Section 4.2. Each committee shall consist of no less than three members. Members of the committee shall hold office until the appointment of their successors. Any vacancies on the standing committees shall be filled by appointment of the Board President.

Section 4.2 - <u>Executive Committee.</u> The executive committee shall consist of the Board President, Board Vice President, the University President and Board Secretary. <u>The University President will consult the Executive Committee, when the Board is not in session,</u>

for decision-making not specifically designated in these By-Laws when necessary and appropriate. Acting with unanimous agreement of the two voting members of the Board of Regents serving on the Executive Committee, the Committee may ratify: (1) an action that is needed to protect the University's interests, which would be compromised by delay; and (2) an action that is administrative in nature, is necessary for the University's efficient functioning and continued operations, is consistent with the roles and responsibilities delegated to the University President in Section 3.7 above, and does not compromise any significant interest or prerogative of the Board. The Executive Committee shall not act on matters reserved for the Board of Regents outlined in Section 1.3 above. The Executive Committee will inform the full Board of all actions it takes as soon as is practicable after the action is taken. A complete record of all actions of the Executive Committee shall be kept by the Secretary of the Board, and a copy of such record shall be submitted to each member of the Board in advance of the next regular meeting of the Board. Actions of the Executive Committee may be ratified, approved, or modified at the next regular meeting of the Board, but any modification thereof shall be prospective only. If, at its next regular meeting, the Board takes no action on an Executive Committee action, the record of which was submitted to the Board prior to that regular meeting, such action shall be deemed ratified by the Board.

Section 4.3 – **Standing Committees.** In addition to the Executive Committee, the following are established as permanent, standing committees of the Board of Regents:

a. Finance and Audit: This committee shall be charged with overseeing the

University's financial condition and all matters related to audit of funds, and

Commented [MCR1]: Alternative Names:

- -Finance and Facilities Committee
- -Budget and Audit Committee
- -Finance and Administration Committee

ensuring that the University's budget, fee schedule, assets, infrastructure, and financial obligations are aligned with the University's strategic objectives. The Committee shall review the annual budget recommended for approval and the annual audit report. The Finance and Audit Committee will receive information and proposed policies from the University's administration, and discuss and develop recommendations on specific matters, including, but not limited to, bids, contracts, budgets, and other related matters for consideration by the Board as a whole.

b. Academic and Student Affairs: This committee shall be charged with overseeing the University's strategic initiatives including, without limitation, the University's academic and co-curricular programs and offerings. The Academic and Student Affairs Committee will be responsible for considering, reviewing, and reporting to the Board all relevant issues regarding academic or student affairs and make recommendations for consideration by the Board as a whole.

Section 4.43 - Ad Hoc Committees. Ad Hoc committees shall be appointed by the Board President upon authority of the Board with such powers and duties and period of services as the Board President may determine providing that no Ad Hoc committee shall be created to act upon any matter appropriate to be acted upon by a standing committee. The officer of any Ad Hoc committees, shall be appointed by the Board President and shall perform their duties in consultation with the University President.

Section 4.53 – <u>Quorum Committee Meetings</u>. A quorum of any committee for the conduct of business shall be majority of members then serving on the committee, and any committee so convened may act by majority vote of the members in attendance.

Commented [MCR2]: Alternative Names:

-Academic and Student Engagement Committee -Programs and Planning Committee

- a. Meetings of Board committees will be held as determined by the Committee
   chair. All such meetings will be held in compliance with Chapter 610, RSMo,
   the Sunshine Law, as now existing or thereafter amended.
- b. With the exception of the Executive Committee, committees shall be non-voting except that a committee may (i) vote to close its meetings by an affirmative public vote of a majority of a quorum of the committee as authorized by the Sunshine Law; and (ii) vote to make a recommendation to the entire Board by an affirmative vote of a majority of a quorum as authorized by the Sunshine Law.
- c. Committees are intended to provide an opportunity for members of the
   administration and Board of Regents to engage in review and analysis that
   would normally not be practical within the constraints of a meeting of the

   Board as a whole, and will thus serve to both expedite and facilitate the meeting of the Board as a whole.
- d. Committees may convene in-person, by telephone or electronically via webbased or some other tele-conference capability.
- e. A quorum of any Committee for the conduct of business shall be majority of members then serving on the Committee, and any Committee so convened may act by majority vote of the members in attendance, if such vote is undertaken in accordance with Section 4.5(b) above.

#### ARTICLE V

#### **MEETINGS**

Section 5.1. –  $\underline{\text{Meetings.}}$  All meetings of the Board and its committees shall be

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open to the public at all times, and no resolution, regulation, or formal action shall be considered binding except as taken or made at such meeting in accordance with Missouri law unless the matter being discussed falls within the provisions of law allowing closed sessions. At the discretion of the Board President, any member of the Board may participate in any meeting by teleconference or other technology allowing all participants in the meeting to hear and be heard by one another and allow the public attending the meeting to hear all participants.

Section 5.2 - <u>Annual Meeting.</u> The meeting in December in conjunction with the winter commencement program shall be the annual meeting of the Board of Regents.

Section 5.3 - Regular Meetings. The Board shall meet at least once (1) time per quarter. The meeting in May in conjunction with the spring commencement program will always be a scheduled regular meeting. Other meetings may be scheduled as required by the Board and the University President. The number and timing of the meetings are not established and will be held as required.

Section 5.4- Special Meetings. Special meetings of the Board may be held at the call of the Board President, the University President or upon request of three Regents. The University President or his/her Secretary shall send written notice of such special meeting to all Regents, along with a statement of the purpose of the meeting, at least 72 hours in advance. No matter may be considered at a special meeting that is not included in the call of that meeting, except by an affirmative vote of the majority of the Regents at the meeting.

Section 5.5 - **Quorum.** A quorum for the conduct of business of the full Board shall consist of four Regents. A quorum having been established, no business shall be transacted without a majority vote of all Regents present, except as othelwise provided by these By-Laws.

Section 5.6 - **Rules of Procedure.** Except as modified by these By-Laws or any other specific resolution, the rules of policy enacted by the Board, Robert's Rules of Order, newly revised, as in effect at the time, shall constitute the rules of parliamentary procedure applicable to all meetings of the Board and its committees.

#### Section 5.7 - Agenda and Proceedings.

- a. Agenda Preparation and Distribution: In the preparation and handling of the agenda for Board meetings, the President of the University and the President of the Board, in conjunction with the Board Secretary, shall prepare an agenda for each regular meeting. The agenda shall be distributed to Board members with the Notice of the meeting. A copy of the agenda shall also be placed in a prominent location in the room where the Board meeting is to be held so that it will be accessible to members of the public in attendance at the meeting.
- b. Requests for Agenda Placement: Other than Board Members: Individuals other than Board members may request the Board to place an item on the agenda of any regular meeting by filing a written request with the Board Secretary not less than thirty (30) calendar days prior to the meeting date at which the matter is requested to be considered. The request shall be

accompanied by a written summary of the subject matter of the proposed agenda topic describing the relevance of the topic, as well as providing any supporting documentation which the individual making the request believes is pertinent to and will assist the Board in its deliberations concerning the request. The Board Secretary shall forward the request to the President of the Board and to the President of the University. The President of the Board shall determine whether the item shall be placed on the agenda or referred to the administration for disposition. If the item is not placed on the agenda, the Board Secretary shall notify the Requestor of the disposition of the request at the next regularly scheduled Board meeting.

- c. Requests for Agenda Placement, Board Members: Board members may request an item to be placed on the agenda by submitting a written request with the Board Secretary at least ten (10) calendar days prior to the meeting of the Board, subject to the same procedure applicable to non-Board members above. Board members shall not ask matters to be considered on the agenda at a convened session under the item of new business unless the majority of the Board members approve such request.
- d. Consent Agenda: Items shown on the established agenda for a meeting of the Board may be placed upon a consent agenda whereby all items placed thereon are approved by summary action of the Board. Items may be placed on the consent agenda by the President of the Board, the President of the University, or the Chairperson of any committee of the Board electing to place such items on the consent agenda, provided the same is accomplished no less than twenty-four (24) hours prior to the meeting of the Board, and that the Board Secretary shall present such consent agenda to the members of the Board immediately prior to the convening of the meeting, provided, however, that any member of the Board may remove any item from the consent agenda by notifying the President of the Board of the election to remove the item any time prior to a vote being taken on the consent agenda. The consent agenda requires approval by a vote of the majority of the Board in attendance for passage and adoption of each item on the consent agenda.

- e. <u>Open Meetings Requirement:</u> All meetings and notices of meetings of the Board, or committees appointed by and which report to the Board, shall conform to the Missouri Open Meetings statute, and to the policy for open and closed meetings adopted by the Board in compliance with said statute.
- f. <u>Closed Meetings:</u> The Board, upon majority vote at any duly constituted meeting thereof, may close to the public its deliberations, records and vote concerning any of the following matters:
  - Legal actions, causes of action, or litigation, leasing, purchase or sale
    of real estate where public knowledge of the transaction might
    adversely affect the consideration therefore;
  - ii. Any proceedings involving physical or mental health, scholastic probation, expulsion or graduation, or deliberations relating to the hiring, evaluation, firing, discipline or promotion of personnel employed by the University; and
  - iii. All other deliberations, records or votes as authorized by the MissouriOpen Meetings statute, § 610.021, RSMo.
- g. <u>Right to Control:</u> The President of the Board shall retain the authority to control the order of the meeting.

Section 5.8 - <u>Appearances Before the Board.</u> Individuals or representatives of the groups who desire to appear before the Board regarding any item being considered on a meeting agenda of the Board of Regents must submit their request to the Secretary of the

Board, One University Plaza, Cape Girardeau, Missouri 6370I, specifying the agenda item about which they wish to speak. Such a request, along with the requestor's name and contact information, any group or faction representative, and any supporting documentation, must be submitted at least three working days prior to the start of the meeting. The University President, in consultation with the Board President and complying with law, shall determine whether the item will be heard and when, (at what meeting and when on the agenda) it will be heard, and may require a representative of a group or faction if many members request to be heard. There will be no more than a five-minute time limit on any presentation; the aggregate time of all public comments of the meeting need not exceed 15 minutes. The Board President or the University President may decline to hear any matters determined by the University President and Board President not relating to a particular agenda item or that is outside the Board's jurisdiction, or because it is not practicable for a particular meeting.

#### ARTICLE VI

#### **MISCELLANEOUS**

Section 6.1 - <u>Conflict of Interest Policy.</u> Regents stand in a fiduciary relationship to the University. Therefore, Regents shall act in good faith, with due regard for the University, and shall comply with the fiduciary principles and Missouri law. The Board shall adopt a written Conflict of Interest Policy, to be included in the Board Operating Procedures or other policies, which shall be reviewed periodically and revised as necessary.

- a. Business, Financial or Property Interests: A Regent shall avoid entering into or maintaining any business or financial interests, transactions, acquisition or sale of property interests which are or may be in conflict with those of the University; or,
- b. Disclosing Confidential Information: A Regent shall refrain from using confidential information obtained in their capacity as a Regent in any manner with intent to result in financial gain for himself or any other person, or any business with which he is associated. Confidentially, as detc1mined by the Board and as provided by law, shall apply to all members and representatives on the Board; or
- c. Contracts: A Regent shall avoid any interest, direct or indirect, in any
  contract for the purchase of land, buildings, supplies or services for the
  University; or,
- d. Gifts: A Regent shall not accept gifts or benefits from any person holding contracts for supplies or services to the University, or from any bidder on contracts for such services or supplies. However, this provision shall not apply to acceptance of gifts, benefits, gratuities, amenities, or favors based on obvious family, friendship, or personal relationships where the circumstances make it clear that it is those relationships rather than the business of the University, which are the motivating factors; or

- e. Family or Associates Relationships: A Regent shall avoid all appearances of impropriety in all actions, and particularly should not allow conduct, or judgments or actions to be influenced by family or associates relationships.

  The term "family" is defined as spouse, parents, grandparents, siblings, children, aunts and uncles or others living in the Regent's household. The term "associates" is defined as any organization, corporation, partnership, or joint venture in which the Regent is an officer, director, employee, member, partner, trustee, controlling stockholder or consultant; or
- f. Political Considerations: The Board of Regents is not a political forum. Therefore, a member of the Board shall avoid any comment or action in connection with University affairs, which might reasonably be perceived as an attempt to advance or enhance any political party, political cause, or political aspirations of any person. If any conflict exists between the statute and these Bylaws, or policy resolutions of the Board, the statute shall be controlling.

Section 6.2 - <u>Indemnification.</u> Whenever any civil (including administrative) or criminal action or threat of action has been asserted against a current or former Regent or President for any act or omission arising out of and in the course of the performance of his or her University duties and responsibilities, the University shall defray all costs of defending such action or threat of action, including reasonable attorney fees and expenses together with costs of appeal and shall save harmless and protect such person from any financial loss resulting from the performance of his or her duties and responsibilities unless:

- a. Indemnification prohibited by law, or
- b. The Board determines by vote of at least 2/3's of its members then serving that said individual acted in bad faith or willful misconduct. Claims based on such actions or omissions may be settled prior to, during or after the filing of the suit or commencement of other formal process thereon.

Section 6.3 - <u>Limitation of Liability.</u> The Board is a public body corporate primarily acting as an instrumentality or agency of the state pursuant to Missouri law for purpose of sovereign immunity.

Section 6.4 - <u>Attendance.</u> To promote the effectiveness of the Board's functioning, all Regents shall attend all meetings of the Board; provided, however, that when necessary, such attendance may be by electronic, real-time participation (e.g. conference call, Skype, Zoom, or like interactive audio/video linkage). The Board President may excuse a Board member from attendance, and members shall advise the Board President and Board Secretary of their request for such an excused absence as soon as they are aware of an impending scheduling conflict. If the Board President refuses to excuse a Board member from attendance, a majority vote of the remaining members of the Board in attendance may excuse a Board member from attendance of a meeting after the Board member requests to be excused for unforeseen circumstances. A Board member missing three consecutive meetings, without good cause or excuse, may be sanctioned pursuant to these By- Laws.

Section 6.5 - <u>Interference with Administration.</u> The Board of Regents shall deal with University Vice Presidents, Directors and Employees who are subject to the direction and supervision of the University President or his/her subordinates solely through the University President, and neither the Board or its members shall give orders to any such Vice President, Director or Employee, either publicly or privately.

Section. 6.6 - <u>Amendments.</u> These By-Laws may be amended at any regular meeting of the Board by the affirmative vote of not less than 2/3's of the members of the Board then serving, provided that notice of any proposed amendment, including a draft thereof, shall be filed in writing with the Secretary and a copy of the draft shall be mailed to each Regent at least ten days prior to the meeting to which the amendment is to be voted on.

Section 6.7 - <u>Suspension of Operating Procedures.</u> Any provision of these By-Laws may be suspended in connection with consideration of a matter before the Board by an affirmative vote of not less than 2/3's of the members of the Board then serving.

Section 6.8 - **Proxies.** The use of proxies for purposes of determining a quorum for voting, or for other purposes, is prohibited.

Section 6.9 - **Regent Oath and Sanctioning.** Each member of the Board of Regents is required to take an oath to discharge faithfully, impartially, honestly, and to the best of his or her abilities the duties of the Regent.

Any Regent of the Board may be sanctioned upon the affirmative unanimous vote of all voting Regents of the Board then in office, excluding the Regent proposed for sanctioning (the "Subject Regent"), at any regular or special meeting of the Board called for that purpose. Sanction may be appropriate for conduct detrimental to the University, unexcused absences

from three (3) consecutive meetings of the Board of Regents, lack of sympathy with its objectives, or refusal to render reasonable assistance in carrying out the University's purposes. A Subject Regent shall be entitled to written notice at least five (5) days before the meeting at which such sanction is to be voted on. He or she shall be entitled to appear before and be heard at such meeting. After a unanimous vote of the members of the Board, excluding the subject Regent, the President of the Board joined by the President of the University shall send a letter to the Governor of the State of Missouri recommending removal of the subject Regent from the Board and requesting action to replace the subject Regent immediately.

These <u>Amended and Restated</u> By-Laws adopted this \_\_\_\_ day of \_\_\_\_\_\_\_\_\_, 2017

2021 by <u>Resolution of</u> the Board of Regents of Southeast Missouri State University.

JAY B. KNUDTSONEDWARD P. GARGAS,

PRESIDENT

Board of Regents, Southeast Missouri State University

ATTEST:

SECRETARY: CHRISTOPHER R. MARTIN

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# DATERAION RICHARDSON

## CONTACT

**PHONE:** 816-878-9975

EMAIL:

Daterraionrichardson7@gmail.com

#### **COMMUNITY SERVICE:**

Mentor at Alma Schrader Elementary 2018-Present

Mentor – Lewis and Clark Elementary 2016-2017

Donation – Boys and Girls Club, Cape Girardeau, 2018-2020

#### EXTRACURRICULAR:

Student-Athlete Activity Council 2018-Present SEMO Football Leadership Council 2018-Present Student-Athlete at SEMO 2017-Present

## SKILLS

Communication
Management
Teamwork
Leadership
Adaptability
Accountability
Always Willing to Learn

## **EDUCATION**

Southeast Missouri State University - May 2021
Corporate Communication
Criminal Justice

Cumulative GPA: 3,197

President's List Fall 2020

#### **WORK EXPERIENCE**

**United States Marshal Service – Eastern District** *Internship*, 2020

Kansas City Police Department Ride along, 2017

Forward Living, LLC – CNA Caregiver August 2017 - Present

#### **AWARDS**

Southeast Missouri State University Dean's List Spring 2019, Fall 2019, and Spring 2020

**Pre-Season Second-Team All-OVC Defensive Line** 2019

Student-Athlete Advisory Committee Athlete of the Year 2013, 2014, 2015, 2016, and 2017

Pre-Education Fundamentals Certification 2017



## **BOARD OF REGENTS**

## **REPORT ITEM**

February 26, 2021

## **Open Session**

# PROGRESS REPORT – Contracts and Facilities Management Projects

Part I – Contracts in Excess of \$100,000

The following contract(s) and/or purchase order(s) in excess of \$100,000 for which provisions have been made in the annual operations or capital budgets or designated fund balances of the University or subsequent projects approved by the Board of Regents were executed:

	ANTICIPATED		AWARD
PROJECT	COMPLETION	VENDOR	AMOUNT

# Part II – Facilities Management Capital Projects Update Report A. STATE FUNDED CAPITAL IMPROVEMENT PROJECTS

PROJECT	ANTICIPATED COMPLETION	STATUS
Tunnel 10, 14, 15, 16, 25 Repair/ Replacement	2 Phases by Fall 2023	Federal Budget Stabilization Fund (FBSF) approved and awarded January 2021. Professional services contract in progress.

# B. UNIVERSITY FUNDED AND MAINTENANCE & REPAIR CAPITAL IMPROVEMENTS OVER \$50,000

PROJECT	ANTICIPATED COMPLETION	STATUS		
Abe Stuber Track Drainage Mitigation	Spring/Summer 2021	Contract for professional services issued to Koehler Engineering November 2020. Design in progress.		
General Construction Contract	Multiple projects 2020/2021	Installation of ADA door operators at Rhodes Hall complete.		
General Electrical Contract	Multiple projects 2020/2021	No projects at this time.		
General Plumbing Contract	Multiple projects 2020/2021	Houck South Press Box drain line replacement – complete.		

Facilities Management Progress Report February 26, 2021 Page 2 of 2

PROJECT	ANTICIPATED COMPLETION	STATUS
University Center Audio - Video	December 2020	Project is complete and under warranty.
Kent Cooling Towers 3 & 4 Repairs	Spring 2021	PO issued to Midwest Machinery.

Note: Shading indicates completed projects.



# **Neighborhood Solar**



## **Program**

# Inception

"Grid Modernization Bill" or Missouri Senate Bill 564 passed in 2018



Ameren's Smart Energy Plan creates a cleaner and stronger energy grid



Neighborhood Solar Program is included in the Smart Energy Plan along with other clean energy, energy storage, smart meter, grid improvement, and economic development programs

# Objectives

- Collaborate with community organizations to host solar generation
- Increase awareness of solar energy at the local level
- Create workforce development and educational opportunities

Neighborhood Solar website:

https://www.ameren.com/missouri/business/clean-energy-customer-programs/solar/neighborhood-solar Smart Energy Plan website:

https://www.ameren.com/missouri/company/smart-energy-plan



# **Neighborhood Solar**



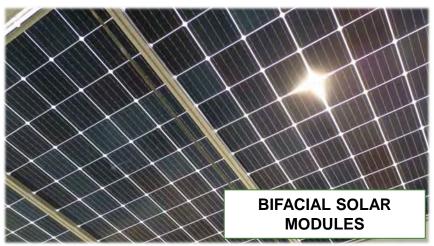
## **Overview**

# Big Picture

- Ameren's and its contractor install solar canopies and electrical equipment
- Solar Canopies connect to new solar transformer and output solar energy directly to the grid
- Solar Canopies produce energy for 25 years with the ability to extend up to 10 years

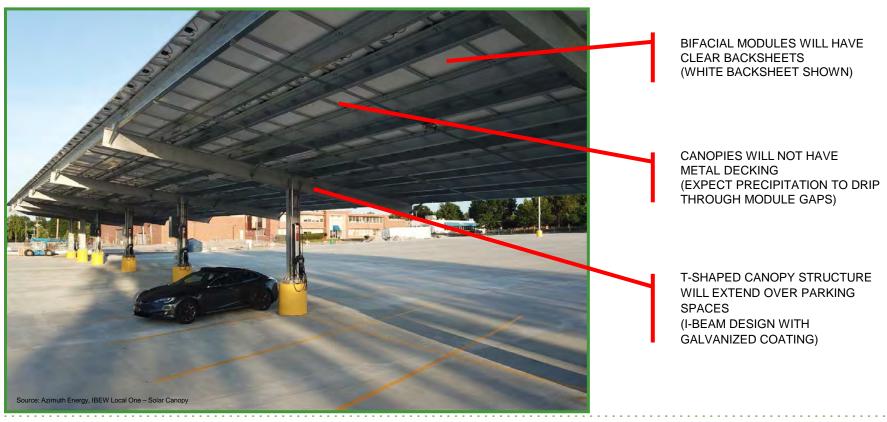
# Equipment

- Solar canopies
- Bifacial solar modules
- Inverters, AC distribution equipment
- Transformer



# **Ameren**

## **Underside**



# **Ameren**

## **Elevation**



CANOPIES WILL NOT HAVE METAL DECKING (EXPECT PRECIPITATION TO DRIP THROUGH MODULE GAPS)

NO GUTTERS OR DOWNSPOUTS INCLUDED.

SNOW GUARDS WILL BE INCLUDED.

MINIMUM CLEARANCE HEIGHT WILL BE AT LEAST 13'-6" (BOTTOM OF I-BEAM TO PARKING LOT)



**Equipment** 



LED LIGHTING WILL BE INCLUDED (TIED INTO AMEREN'S SOLAR DISTRIBUTION)

ELECTRICAL COMPONENTS MAY BE MOUNTED AT AN OPERABLE HEIGHT (ACCORDING TO CODE OFFICIALS)

UNPAINTED CIRCULAR CONCRETE FOUNDATIONS ARE STANDARD (PAINTED FOUNDATIONS ARE ACCEPTABLE UPON REQUEST)

## **Construction & Duration**

- Duration depends upon project size, allowable space for construction, and weather
  - Less Than 500kW: Typically 2 to 4 weeks per 100 kW
  - Greater than 500kW: Typically 1 to 3 weeks per 100 kW





# **SEMO: Show Me Center**

# **Ameren**

# **Preliminary Site Layout**



Preliminary Site Layout Actual size and layout may vary based upon budget, engineering, or construction constraints

## Solar Canopies

Total: 1,450 kW-DC / ~1,200 kW-AC North: 600 kW-DC / ~500 kW-AC South: 850 kW-DC / ~700 kW-AC



# Neighborhood Solar

Ameren





## FY21 UNIVERSITY OPERATING BUDGET TO ACTUAL YTD

# ALL FUNDS Through January 31, 2021

	FY21 Appr Budget			FY21 January Budget		FY21 YTD		FY20 YTD
ESTIMATED INCOME:								
STATE APPROPRIATIONS:		35,602,467	\$	20,768,106	\$	23,188,681	\$	25,960,137
STUDENT FEES:								
Tuition		66,384,184		63,680,290		64,848,400		66,248,037
Scholarships and Fee Waivers		(22,077,187)		(21,931,554)		(13,968,813)		(23,590,318)
Net Tuition (Gross Tuition less Scholarships & Fee Waivers)		44,306,997	\$	41,748,736	\$	50,879,588	3	42,657,719
Student Fees		11,877,600	_	11,231,360	_	11,909,170		12,035,554
TUITION AND STUDENT FEES:		56,184,597	\$	52,980,096	\$	62,788,757	\$	54,693,273
OTHER SOURCES:								
Investment Income		827,000		444,500		77,100		787,578
State Grants and Contracts		628,315		366,517		308,238		308,238
Sales and Services of Academic Departments		2,850,917		1,769,577		1,558,465		1,865,780
Sales and Services of Non-Academic Departments		27,276,588		24,473,128		24,457,165		28,421,724
Foundation Support		1,141,131		340,345		384,444		248,615
Athletics Revenues		1,393,256		770,850		15,000		995,371
Miscellaneous Income		7,243,278		4,387,888		4,693,638		4,358,112
TOTAL OTHER SOURCES:		41,360,485	\$	32,552,805	\$	31,494,051	\$	36,985,418
TOTAL ESTIMATED INCOME:	\$	133,147,549	S	106,301,007	\$	117,471,489	\$	117,638,828
			F.	Y21 January				
ESTIMATED EXPENDITURES:	FY2	l Appr Budget		Budget		FY21 YTD		FY20 YTD
PERSONNEL:								
Faculty/Staff		63,781,157		38,358,394		33,292,913		33,503,255
Benefits		25,601,629		15,284,807		13,309,507		11,816,547
Student Labor		3,027,199		1,786,047		1,459,016		1,633,418
TOTAL PERSONNEL:		92,409,985	\$	55,429,248	\$	48,061,436	\$	46,953,220
TOTAL EQUIPMENT AND OPERATIONS:		36,668,717	\$	20,637,940		19,812,210	\$	22,840,204
TOTAL ESTIMATED EXPENDITURES:	\$	129,078,702	\$	76,067,188	S	67,873,646	\$	69,793,424
DEBT SERVICE TRANSFERS:		11,303,129		2,851,000		2,749,508		1,438,922
OPERATING TRANSFERS, NET:		727,021		789,521		(4,290,005)		4,306,248
TOTAL ESTIMATED NET TRANSFERS OUT/(IN):	S	12,030,150	s	3,640,521	\$	(1,540,496)	\$	5,745,170
SURPLUS/(DEFICIT):			\$	26,593,298		51,138,339		42,1 <b>00,23</b> 4

# FY21 UNIVERSITY OPERATING BUDGET TO ACTUAL YTD As of January 31, 2021

#### **NOTES**

#### STATE APPROPRIATIONS

- State appropriations are received in 12 equal monthly installments. January budget reflects 7/12 of the annual budget.
- FY21 approved budget estimated 20% reduction in appropriations. Initially, state appropriations were reduced by 13% which resulted in increased anticipated appropriations of \$3.3 million. The State later released withholdings, resulting in a reduction of approximately 9%. This provided an additional \$4.9 million during FY21.

#### STUDENT FEES

- Tuition budget reflects revenues for summer 2020, fall 2020, and spring 2021.
- The scholarship budget reflects institutional scholarships for summer 2020, fall 2020, and spring 2021. Due to the delayed start of the semester, spring scholarships have not yet paid on student accounts and are therefore not included in FY21 year-to-date actuals. They had paid by this time in FY20.

## **OTHER SOURCES**

- Other revenue sources are receipted at different times based on the university's calendar and accounting practices. The FY21 budget is adjusted to reflect amounts scheduled through January 2021.
- Budgeted athletics revenues include football and soccer guarantee games that will not be received due to COVID.

#### PERSONNEL

- Faculty personnel budget has been divided by 10 (paid August through May) while staff budget has divided by 12.
- Benefit expenses include an increase of 1.1% to the contribution rate for MOSERS-eligible employees.
- Personnel savings are a result of the University's 4-month hiring delay. Salary savings are providing one-time dollars to fund the projected operating deficit for FY21.
- The move to self-insurance mid-fiscal year has created some variances in reporting from FY20 to FY21.
- Student Labor has been budgeted at 90% from August through May. The remaining 10% is split between Summer 2020 and Summer 2021.

### **EQUIPMENT & OPERATIONS**

• Total equipment and operations budget has been divided equally over 12 periods, although expenditure cycles may vary by department.

#### **NET TRANSFERS**

- Debt service transfers were recorded earlier in FY21 than in FY20.
- The University has recognized approximately \$4.0 million of unbudgeted transfers in from state COVID Relief Funds that will be used to offset increased expenses and lost revenues due to COVID.
- FY20 transfers include funding for capital projects, while most projects for FY21 have been put on hold.