

**Minutes of the Annual Board of Regents Retreat  
Murray State University  
August 30, 2018**





graduates attending college and how many chose to attend Murray State in a particular year. This data reveals opportunities for Murray State. The University is currently attracting 9 percent of high school graduates from Christian County, although the opportunities from that area are much greater. The average per county for the University's 18-county service region is approximately 20 percent. In Murray/Calloway County the average is approximately 70 percent. Data in this regard for each of the counties in the University's service region was also provided. This helps the University hone in on opportunities from a recruiting standpoint. Data was provided for the Louisville Metro/Jefferson County area and Oldham, Bullitt and Hardin counties in Kentucky. There are approximately 2,390 high school graduates each year attending college from the counties mentioned and around 4,800 from the Louisville Metro area alone. The percentage of students Murray State is attracting from these regions represents a tremendous opportunity and is where focus must be placed both in terms of marketing and strategic recruiting efforts. There are over one million people living in the Louisville Metro area and that

Undue influence often represents a perception issue but there is a rule that employees cannot be related to any member of the Board unless they were hired by the University before an individual became a Regent. Other issues can be more subtle and difficult to navigate such as legislators

meetings via videoconferencing as long as there is one location where everyone can be seen and heard.

### Family Educational Rights and Privacy Act

Information regarding the Family Educational Rights and Privacy Act (FERPA) institutional policy and annual notification was included in the eBoard book. Ms. Roberts reported that FERPA is a federal law enacted to protect the privacy of all students – not just college students but also those in elementary, middle and high school. The difference is from the moment a student begins their first college-level class privacy rights transfer from the parent or legal guardian to the student and the fact that the person has not reached the age of 18 does not factor into this transition. This includes students taking dual credit courses in high school and information regarding those classes cannot be discussed with parents or others on the student's behalf without written permission from the student. If a student is in high school but is taking a college class, parents must request permission from the student to have access to or receive communication regarding what is considered to be information that is confidential in nature.

The law places information into two categories – directory and non-directory information. The institution is required to annually notify all students of their rights and what is considered directory information and that which is considered non-directory information. The University provides this information in August but it is also published on the website year round and is made available on the student's myGate portal and on Canvas – the course management system. Directory information is usually considered to be information that would be harmless to the student if released – such as email address, honors or degrees received and whether they are enrolled in college. Non-directory information which must be kept private includes classes in which the student is enrolled, grades received and any disciplinary actions taken. Board members may be approached by prospective, current or former students or their families requesting information to try to influence schedules, scholarships or things of that nature but it is best for such requests to be handled by the President. It is the responsibility of the entire Murray State University community to enforce FERPA law. When Board members are discussing confidential information about a particular student they must be cautious to ensure that only those individuals who are supposed to hear the information can hear it. Board members are also not allowed to discuss confidential student information outside of their educational interest in that information – meaning they cannot discuss it with family members. If Regents have questions with regard to FERPA they can notify Ms. Hunt and she will contact Ms. Roberts and provide an appropriate response.

There are exceptions to FERPA law but those are very much defined and only certain information can be released or discussed without the written permission of the student and that permission must be obtained for each piece of information released. (he)4adBT5.35 ion7e12 T 455.93 Tm690.55

misconduct laws and regulations are not simply a matter of compliance but student and employee safety and welfare. Promotion of healthy and effective academic environments are at the heart of what this Board does and what the University community is concerned about. The goal today is to ensure the Board is sufficiently informed so that it can assess institutional effectiveness and how the University should move forward.

Title IX specifically states that no person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of or be subjected to discrimination under any education program or activity receiving federal financial assistance. Withholding of federal financial assistance is a penalty for not providing Title IX prohibitions. Title IX also prohibits all forms of sex discrimination, including sexual harassment, sexual violence, relationship or intimate partner violence and stalking and retaliation against any individual who reports any of these offenses.

Title IX also requires gender equity in athletics with broader protections against sex discrimination in college programs and activities. It prohibits all forms of sexual discrimination that are nonviolent, such as racial slurs, and those that involve violence, such as rape, sexual assault and sexual harassment. Title IX applies equally to faculty, staff and students and discrimination on the basis of sex could include sexual harassment, rape and sexual assault. A university that receives federal funds may be held legally responsible when it is aware of but ignores sexual harassment or assault in its programs or activities and this illustrates the importance of reporting. The University can be held liable in court whether the harassment is committed by a faculty or staff member or student. Title IX also provides protections for pregnant and parenting students. Title IX requires members of the University community to be aware of the existence of grievance procedures to address allegations of discrimination, where those procedures can be located and provides for an explanation of those procedures if required. The institutional process related to Title IX is not the same as the criminal process. The goal of the IDEA office is to help the affected party become aware of policies and practices, provide access to available campus resources and explain available options. IDEA does not make the decision for the affected party and does not try to persuade the individual in any manner but instead tries to help them determine what course of action would be in their best interest. The University process examines whether a University Title IX policy has been violated and utilizes a preponderance of the evidence – not clear and convincing or beyond a reasonable doubt as these are criminal and evidentiary standards. Preponderance of the evidence is a lower standard than the criminal burden of proof – beyond a reasonable doubt – because a complainant does not have to report to the police in order to file a report with the University. The affected party also does not have to file a report with the University in order to file one with the police. A complainant can utilize both processes, either process or none at all. Title IX also provides for the option of interim measures for the impacted parties. Interim measures generally include a separation of the parties, a connection with campus resources, relocation of University housing, etc. The conversation the Title IX Coordinator has with the victim, as well as the respondent, are crucial to determining necessary accommodations.

In terms of duty, if a university knows or reasonably should know sexual misconduct or harassment has created a hostile environment it must take immediate and appropriate action to investigate and confirmation was provided that this is how the Uni

students are required to take and receive a perfect score of 100 percent. The purpose of the ongoing education efforts is to ensure all are aware of what sexual misconduct is and what an individual needs to do to report such instances. The Title IX and harassment training must be completed by October 12, 2018. This training is conducted early in the semester because statistics and studies show that Title IX-related behaviors and incidents are at their highest during the first 60 to 90 days of the school year. At every face-to-face session offered by the IDEA office acknowledgement forms are provided in terms of the population addressed and the content which has been shared. Staff are also available to answer questions. The IDEA office offers informal training sessions at the departmental level, with a sorority or fraternity or with other groups on campus. Title IX compliance is the responsibility of all associated with Murray State University.



also provided for the respondent because it represents a difficult situation for both parties. The University is very limited in terms of information which can be shared with the respondent.

Mr. Miller added that if the University is aware of a person who has committed the act of rape it has an obligation to keep the entire community safe. It could be the University has an obligation to address the matter but that may be made more difficult if the alleged victim is unwilling to participate in the process. The University has an obligation to keep the entire campus safe and would likely investigate the accused on its own if such an act were to occur.

about Murray State can be shared but should not include any information regarding athletics and the prospective student-athlete and their family should be directed to the website. Once parents and student-athletes know a Regent is considered to be a booster they know what they can or cannot do. Communications can occur with high school coaches but only if they initiate the conversation because if Regents seek the Coach out first that would be viewed as recruiting. Repercussions from a violation are placed on the student-athlete and the high school program and no Regent wants to be responsible for actions which are detrimental to the recruitment of a particular student-athlete. Mistakes do happen but when occurrences are repeated that is when it becomes an NCAA violation. Regents can talk to coaches about Murray State athletics in general and they can be asked to have their athletes consider Murray State but, again, they cannot recruit prospective student-athletes for Murray State. If there is a pre-existing relationship with family members or neighbors before these students became prospective student-athletes, some discussion will inevitably occur but it is best to have these individuals contact the Athletics Compliance Office or direct them to the website shared earlier.

On the first day of initial collegiate enrollment at a four-year institution a prospect becomes a student-athlete and there are also rules in this regard. Boosters cannot provide any “extra benefit” to prospective or enrolled student-athletes or their family/friends. Examples of extra benefits include cash or loans in any amount or co-signing for a loan; gifts of any kind, including cards; offering free or reduced-cost services (meals, car repairs, haircuts, dental work, etc.); providing the use of an automobile or transportation; offering free or reduced-cost rent or housing; giving tickets to athletic or other community events even if the booster received the tickets for free or providing course supplies, typing or duplicating costs. Boosters can provide student-athletes with an occasional meal but that must be in the booster’s home (can be catered) and they cannot be taken out in public. Prospective and enrolled student-athletes can be employed by a business owned by a booster as long as they are receiving the same going rate as everyone else for work actually performed and they are not provided with a ride to and from work, unless everyone else is given this benefit. The student-athlete may not be involved in any advertisement for the business and their compensation may not include any remuneration for the value of the student-athlete publicity, fame or the personal following he or she obtained because of athletic ability. The Athletics Compliance Office should be contacted prior to employing any Murray State student-athletes.

NCAA rules and regulations are in place to ensure institutional control and that everyone is on the same page. Confirmation was provided that the University self-reports any violations and it is better to have this system in place than for the NCAA to discover violations. If Regents have anything to self-report they should contact Matt Kelly, Associate Athletic Director for Compliance. It was confirmed that if enrolled student-athletes are participating in a mission trip or supporting a non-profit or charitable organization, boosters can provide support but cannot give the money directly to the student-athlete. There is also a form to be completed in the Athletics Compliance Office in order for this to be allowed. Contributions to crowdfunding efforts and GoFundMe are not allowed because the money has to be given directly to the organization involved.

Dr. Jackson added that Mrs. Milkman is also helping the University in terms of recruitment and enrollment. Beginning with the football game this evening, athletic events will be utilized for recruiting purposes by providing tickets for high school students, teachers and others through the appropriate compliance process. Approximately 750 tickets have been distributed through the Office of Recruitment to Graves County, Mayfield and Marshall County and those attendees will be recognized at tonight’s game. Regents cannot distribute athletic tickets directly to high school students but can make Mrs. Milkman aware of a particular need so she can ensure it is handled appropriately through the Office of Recruitment.

The Board adjourned for a break at 10:24 a.m.

### **Reconvene**

Chair Guess reconvened the Annual Board of Regents Retreat at 10:50 a.m.

## **Delegation of Authority**

Dr. Jackson reported that in December 2014, the Board of Regents officially adopted the Delegation of Authority. This represents the duties the Board has reserved for itself and/or delegated to the President and is reviewed annually to incorporate any necessary changes. Dr. Jackson has discussed the Delegation of Authority with the Board and no changes have been recommended. Key components of the Delegation of Authority were highlighted as follows:

Item #4 – Approve the establishment or discontinuation of schools, colleges and departments that are academic in nature, has a budget of at least \$50,000 and reports to a Dean or the Provost. The Board will receive a report on any additional centers that are formed within these colleges/schools, departments and units that do not meet these thresholds.

Item #11 – Approve new employment contracts made outside of the regular budget cycle and approve all Personal Services Contracts totaling more than \$50,000. In addition, the Board will be notified of all Personal Services Contracts between \$10,000 and \$50,000 before they are submitted to the Legislative Research Commission (LRC). Upon review, individual Board members may request that these be held for approval at the next Board meeting.

Item #13 –





motions on each item and moves routine items along efficiently so the Board has more time available for discussing important governance-level policy issues.







In response to whether the increased attention geared toward enrollment and new initiatives which are being explored and if the financial and staff resources are in place to fund these initiatives or if other activities will have to cease with the increased focus on recruitment and retention, Dr. Jackson responded that these represent areas in which the University must invest. When internal budgeting and reallocations are considered, recruitment and enrollment of students must be the first and foremost priority. Most initiatives being discussed today are not believed to require a large number of current or new staff to accomplish. It is believed sufficient staff are in place to address translating applications into enrollment as well as converting *Racer Academy* students to Murray State students. The University has not yet reached the point where it is unable to undertake certain other initiatives

The Road Scholars Program was discussed earlier but another important component is that the team members serve as a resource for that particular high school in terms of determining how the University can help the school reach its goals, plans and objectives. It also helps determine the type of training teachers may need in these schools. Many times the schools will identify an area where they would like assistance – such as with their newspaper or choir – and resources from the University in those areas have been taken to the schools. Teams have been formed for approximately 100 high schools in total in the westernmost 26 counties plus some of the surrounding counties. The expectation is for the Road Scholars to visit their school at least once per semester. Teams are also asked to coordinate a bus-in to bring a group of students to campus and the University pays for transportation. Team members are also asked to organize an information fair to meet not only with interested students but also their parents. Scholarship money has been allocated and each of the teams have two \$500 scholarships they can award to students. Team members work in coordination with the Guidance Counselors to identify students who would be good recipients for these scholarships.

Information on the RaiseMe Scholarship Program was provided in the eBoard book. The program gives high school students the ability to earn micro-scholarships and they can start doing this as early as the ninth grade. A value or dollar amount is connected to various activities such as academic achievement, extracurricular activities, leadership positions, community service and actually scheduling a visit to campus. The student is in essence building a scholarship portfolio so they have an idea of what scholarships they could potentially receive if they attend Murray State and also how that compares with other schools. To date, over 2,400 high school students have connected with the RaiseMe Scholarship Program which means they are entering their information to see what that means in terms of potential scholarships at Murray State. Confirmation was provided that a dollar amount has been assigned to each variable and this information is included on the website. Confirmation was provided that the program is currently set up for incoming freshmen students and not transfer students. A component is being introduced that could be utilized for transfer students from the community colleges but that has not been fully developed at this point. Confirmation was provided that if a student moves to Kentucky from another state late in their high school career they can go back and enter their information from their previous high school. In terms of the limit students can earn, Ms. Dudley confirmed there is a logarithm used when scholarship amounts are established. The logarithm is set up based on the type of students Murray State might attract and is geared toward the grid scholarship for academic achievement. A student would not receive any more than they would receive from an automatic academic scholarship. This simply represents a way to get these students involved with Murray State and help them earn funding, although they would not receive any more than their academic grid scholarship award. If a student would not qualify to

Common Application and consideration is being given to the feasibility of utilizing it at Murray State.

Confirmation was provided that the presentation to the Board tomorrow regarding enrollment will include initiatives related specifically to freshmen, transfer, graduate, extended campus and international students.

In response to what enrollment projections are for the next five years, Dr. Jacksyp reported that he believes headcount enrollment will be approximately 9,500 this year. For Fall 2019 the goal is to reach 10,000 students – the enrollment level in 2017. For Fall 2020 the goal is to reach 10,500 in headcount enrollment. The key is to reverse the current enrollment trend.

Conversations have occurred among the administration in terms of what the right size is for Murray State and where it needs to be in terms of enrollment in future years. Based on the University's current infrastructure, faculty and other metrics it is believed the right size for Murray State is 10,500 to 10,950 and not 12,000 to 15,000 students. All will strive to reach this goal and also maintain it. Consensus was reached that it is beneficial for the Board to have

areas discussed earlier today. The question has been asked whether this investment is necessary and Dr. Jackson stated what the University has been doing is not working and more must be done to tell Murray State'







funded based on performance during these discussions but the way the model is currently configured is very much based on market share. Regardless of how well the University performs it is impossible for it to leap frog an institution twice its size. Confirmation was provided that additional discussion in this regard must occur and there is a legislative hearing today for that purpose. The \$557,000 Murray State received is less than 2 percent of its prior state appropriation and there is a very real imbalance in terms of percentage of appropriation which is being allocated on performance



utilized are not the same as the University's benchmark schools, although all 22 benchmarks were used in the study as well as the state regional universities. Work was reaching the closing point in terms of the faculty study but information was not available – and still is not available – in terms of the University's targets. The institutional decision was made to hold on the faculty study while proceeding with the studies for exempt and non-exempt staff. This would allow for a more accurate determination of the appropriate targets. Work with regard to the exempt staff study has been completed to a point and work has started with non-exempt staff salaries. The issue is what it will cost to begin implementing the results of these surveys and that will not be known until the three studies are completed. Conversation has been open and transparent with all associated groups so the campus is aware of the project and that work is still underway. None of the survey stages have been completed to the point where they can be rolled out. This represents one of the largest undertakings in Human Resources because the data is not being analyzed simply by title. An analysis of the function and duties of each position are being reviewed and this adds a level of complexity, particularly for exempt staff positions. When there is a change in employee status or after a budget year passes, Human Resources must update that information accordingly with Sibson Consulting. This has become quite a challenge although it is not believed to be unmanageable. A market analysis has been conducted with the faculty and that work is nearing completion for staff. This work is more challenging for exempt staff because there is less structure in that employment classification. What remains unknown is what the budget will be to accomplish any necessary compensation adjustments and work cannot conclude until this is known because there

be made without an institutional decision first being made in terms of where it chooses to be related to the market. If faculty and staff are provided with information in terms of where their salary should be the University must also be able to provide a plan to reach that point. Dr. Jackspe confirms that all agree faculty and staff salaries at Murray State University must be reviewed. This past year there was a zero percent change in compensation and it is known this is also unsustainable because it causes individuals to leave the University and it also makes it difficult to recruit new talent. The key point is how the University gets to the level needed once this component of the study is completed. No matter the outcome of the surveys, a determination also needs to be made in terms of how to reach that point financially.

#### **Deferred Maintenance Update, received**

Ms. Dudley reported that a Schedule of Deferred Maintenance Funding that has historically been included in the University's operating budget (recurring) was provided in the eBoard book. The

substructure under the stage to sag will not be known until engineers tear out and examine the structure.

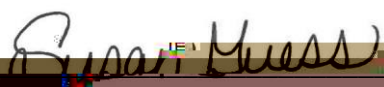
Often with deferred maintenance the actual cost of repair greatly exceeds the estimate due to underlying structural issues. The list of critical needs provided to the Board total \$38 million and this does not include all deferred maintenance needs. The largest project on the critical needs list is the \$16 million electrical infrastructure need. This was discussed at the last Board meeting where it was indicated \$3.5 million had been identified to begin addressing the electrical infrastructure in phases. Of the \$1.4 million allocated for 2019, that funding has already been earmarked for specific projects as of this month. If issues occur for the remainder of the year the Board may be asked to approve utilizing reserves (one-time funds) to make the needed repairs. A determination may also need to be made to postpone a deferred maintenance project on the Schedule if unexpected emergencies arise. There are significant challenges related to funding for deferred maintenance projects because for a number of years the deferred maintenance funding pool was very low. Ms. Dudley indicated that approximately \$4 to \$5 million is spent annually to address deferred maintenance needs such as boilers, steam lines and electrical circuits. Some events are covered by insurance while others are not. The \$5 million spent annually sometimes comes from one-time vacancy credits as needs arise. Confirmation was provided that all units on campus participate in addressing deferred maintenance needs.


Ms. Dudley reported that last year the administration proposed to the Board undertaking some renovations in Blackburn Science Building to relocate the Institute for International Studies and the English-as-a-Second-Language Program from Woods Hall into the building. Woods Hall is in disrepair and needs to be razed but that cannot be done until all offices/units are moved out of the facility. One wing of Woods Hall contained art studios but work occurred over the Summer to move those into another facility. International programs are still in Woods Hall and the other wing is utilized for storage which must still be addressed. The restrooms in Blackburn Science Building are not currently in compliance with Americans with Disabilities Act requirements and there are not a sufficient number in the building (currently on every other floor) to accommodate additional individuals utilizing the facility throughout the day. Confirmation was provided that engineering and architectural firms help the University determine what codes must be met when undertaking major renovations. It was indicated that the design work has not been bid for Blackburn Science Building but an estimate has been provided for HVAC replacement, lighting needs and construction on the restrooms which includes plumbing work. Funding in the amount of \$3 million has been allocated for this specific project.

### **Final Thoughts/Other Business/Adjournment**

The Board was reminded that they would embark on a facilities walking tour. In addition, a reception for the Board will begin at 5 p.m. this evening in the VIP Suite on the third floor of the CFSB Center. The Board will then meet at *Roy Stewart Stadium* for the first home football game of the season. The Quarterly Meeting tomorrow begins at 8:30 a.m. in the *Jesse Stuart Room* at Pogue Library.

There being no further business to come before the Board, the Board of Regents Annual Retreat adjourned at 3:08 p.m.

  
Chair Susan Guess

  
Secretary Jill Hunt

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