

**REGIONAL UNIVERSITY SYSTEM
OF
OKLAHOMA**



FINAL AGENDA

REGULAR BOARD MEETING

November 12, 2021

9:00 am

**Northeastern State University
Webb Tower, 6th Floor
Tahlequah, Oklahoma**

AGENDA

November 12, 2021

9:00 a.m.

Northeastern State University

Webb Tower, 6th Floor

Tahlequah, Oklahoma

Official action can only be taken on items which appear on the Agenda. The RUSO Board of Regents may adopt, approve, ratify, deny, defer, recommend, amend, strike, or continue any agenda item. When more information is needed to act on an item, the Regents may refer the matter to the Executive Director or Legal Counsel. The Regents may also refer items to staff or committees for additional study. Under certain circumstances, items are deferred to a specific later date or stricken from the agenda entirely.

- I. ANNOUNCEMENT OF FILING MEETING NOTICE AND POSTING OF THE AGENDA IN ACCORDANCE WITH THE OPEN MEETING ACT**

- II. CALL TO ORDER AND REGENTS' ROLL CALL**
 - A. EXCUSE ABSENT REGENTS**

 - B. WELCOME GUESTS**

- III. CHAIR'S REPORT—Regent Connie Reilly**

- IV. CONSENT DOCKET**
 - A. MINUTES OF PREVIOUS MEETING**
 1. Approval of Minutes of Regular Meeting, October 22, 2021

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B. ACADEMIC AFFAIRS– (Attachment A, Pages 15-18)

1. Northeastern State University (Pages 15-16)

a. New Program

1. Mechanical Engineering, B.S.

b. Program Modifications

1. English Education, B.A.Ed (029)
2. Health and Human Performance, B.S. (040)
3. Social Work, B.S.W. (102)
4. Homeland Security, B.S. (156)

2. Southeastern Oklahoma State University (Page 17)

a. Program Modifications

1. Bachelor of Science in Health and Human Performance (115)
2. Bachelor of Science in Aviation Management (002)
3. Bachelor of Science in Aviation – Professional Pilot (005)
4. Master of Educational Leadership (073)
5. Master of Educational Leadership (073)
6. Master of Education in Curriculum Development (110)

3. Northwestern Oklahoma State University (Page 18)

a. Program Modification, Program Requirement Change

1. BS Criminal Justice (022)
2. BA History (019)

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3. BA Political Science (030)
4. BA Sociology (037)

V. REPORT OF RUSO COMMITTEE PROCEEDINGS

A. FACILITIES STEWARDSHIP COMMITTEE –Regent Lake Carpenter (Attachment B, Pages 19-24)

Report of the Facilities Stewardship Committee, Thursday, November 11, 2021, 3:00 p.m., Northeastern State University, Webb Tower, 6th Floor, Tahlequah, Oklahoma.

1. Southeastern Oklahoma State University (Page 19)

Southeastern Oklahoma State University is requesting approval to bid and award to the lowest and best bidder the following project:

Project Name: Winter Weather Repairs

Project Description: This project is the continuation of repairs related to the extreme winter weather event this past February. HVAC systems in thirteen buildings on the Durant campus were affected to varying degrees. The most severe damage occurred in the Science, Student Union, and the Theatre buildings. Repairs range from minor plumbing and mechanical to replacement of chilled and hot water coils, boilers, and air handlers.

Project Number(s): 660-0558, 660-0804, & 660-0800

Amount: \$1,300,000 Estimated

Source of Funds: Risk Management, E&G part I, Auxiliary, & Capital

Vendor: To Be Determined

2. Northeastern State University (Pages 20-21)

a. **Project #485-0076 - Oklahoma College of Optometry**

Project Description: Project design was originally approved by RUSO in September 2015 and was to be completed in two

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phases. Phase I consisted of \$40,000 to program and produce schematic renderings. This request is to proceed with phase II final design, and construction contract award for \$33,317,300.

Requested Funding Approval: \$33,357,300 (Includes Phase 1 - \$40,000)

Budget Breakdown: New Construction

Congruent with Facility Master Plans or Strategic Plans: Yes

Revenue Source(s): ARPA, Donations from the Cherokee Nation, NSU Optometry Auxiliary Revenue, Donations from Individuals, Infrastructure Fee, Reserves and OSRHE Master Lease Bond

b. Project #485-0073 - Baseball and Softball Field Lights

Project Description: Request permission to design, bid and award exterior field lighting for both softball and baseball facilities.

Requested Funding Approval: \$1,000,000

Budget Breakdown: Renovation

Congruent with Facility Master Plans or Strategic Plans: Yes

Revenue Source(s): Infrastructure Fee \$600,000, Fund 600 \$200,000, and private donation \$200,000

c. Project #485-0073 - Indoor Practice Facility - Dome

Project Description: Request to design, build and award was originally approved in June 2021 with a project total cost of \$320,000. Due to the addition of a redundant mechanical system to maintain building pressure and increases in market conditions we request an increase of \$370,000 from the original \$320,000

Requested Funding Approval: \$690,000

Budget Breakdown: Renovation

Congruent with Facility Master Plans or Strategic Plans: Yes

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Revenue Source(s): Infrastructure Fee \$320,000 and 600 Fund \$370,000

d. Project #485-0067 - General Landscape, Sidewalk Repairs and Maintenance

Project Description: Landscape, sidewalk, and general exterior campus improvements or maintenance

Requested Funding Approval: \$116,000

Budget Breakdown: Renovation/Repairs

Congruent with Facility Master Plans or Strategic Plans: Yes

Revenue Source(s): \$75,000 650 Fund; \$41,000 Infrastructure Fee

3. University of Central Oklahoma (pages 22-24)

Approval Items:

a. Project # 120-1010 University Center Misc. Renovations and Improvements

Project Description: Request approval to fund and award contract not to exceed \$200,000 for replacement of the Nigh University Center steam boiler and supporting infrastructure. Contract to be issued to Trade Mechanical, an on-call university contractor.

Requested Funding Approval: \$200,000

Budget Breakdown: \$200,000 for equipment removal and replacement

Vendor: Trade Mechanical

Congruent with Facility Master Plan or Strategic Plan: Yes

Revenue Sources: Auxiliary Funds

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b. Facility Name Change

UCO requests approval to rename its football stadium “Chad Richison Stadium” and name the surrounding sports complex “Chad Richison Sports Complex” pursuant to a naming rights agreement reported to the Board in November 2015. Donor recently decided to exercise his rights under this agreement.

Information Items:

a. Project # 120-1012 Residence Hall Improvements

Project Description: Issued contract to Trade Mechanical in the amount of \$94,817 for the purpose of adding heat to the attic spaces at the University Suites.

Fund Source: Auxiliary Funds

b. Project # 120-0032 Sports Complex Improvements

Project Description: Issued contract to Patco Electric in the amount of \$55,000 for the installation of Hamilton Fieldhouse LED court lighting.

Fund Source: Section 13 Offset, Remaining Project Funds

4. Southwestern Oklahoma State University (page 25)

a. Project: Contractual agreement with Yukon Public Schools and Southwestern Oklahoma State University Foundation for classroom and office space in Yukon, Oklahoma

Project Description: Request approval to enter a 25-year contract

Requested Funding Approval: \$5,000,000 total commitment; \$3,500,000 provided by the SWOSU Foundation with no repayment requirement from SWOSU. \$1,500,000 provided by SWOSU at \$375,000 per year beginning December 31, 2023 and ending December 31, 2026.

Congruent with Capital Master Plan: Yes

Revenue Sources: Auxiliary funds

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**B. AUDIT & FINANCE COMMITTEE—Chair, Regent Gary Parker
(Attachment C, Pages 26-27)**

Report of the Audit & Finance Committee, Thursday, November 11, 2021, 1:00 p.m., Northeastern State University, Webb Tower, 6th Floor, Tahlequah, Oklahoma.

1. Discussion and possible action to approve FY 2021 Internal Audit Plan.
2. Status report on completion of external audited financial statements for the FY 2021 and scheduling the audit exit conference.

C. SYSTEM ADVANCEMENT COMMITTEE—Chair, Regent Susan Winchester

Report of the System Advancement Committee, Thursday, November 11, 2021, 4:00 p.m., Northeastern State University, Webb Tower, 6th Floor, Tahlequah, Oklahoma.

1. Discussion and possible action regarding Oklahoma State Regents for Higher Education Legislative Agenda.
2. Discussion and possible action regarding Higher Education Day 2022.
3. Discussion and possible action regarding FY 2022 RUSO legislative advocacy agenda plan.
4. Update on RUSO Fall Newsletter.

D. POLICY & PROCEDURES COMMITTEE—Chair, Regent Amy Anne Ford

Report of the Policy & Procedures Committee, Thursday, November 11, 2021, 2:00 p.m., Northeastern State University, Webb Tower, 6th Floor, Tahlequah, Oklahoma.

1. Discussion and possible action to approve conflict of interest policy.

**VI. INFORMATIONAL PRESENTATION — LEGISLATIVE BUDGET
PROCESS — SENATOR ROGER THOMPSON, SENATE
APPROPRIATIONS COMMITTEE CHAIR**

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VII. INFORMATIONAL PRESENTATION—HIGHER EDUCATION FINANCING 101—RUSO BUSINESS OFFICERS

1. Discussion and possible action regarding RUSO Business Officers Presentation.

VIII. PRESIDENTS' COUNCIL REPORT—President Janet Cunningham

IX. PRESIDENTS' RECOMMENDATIONS

A. NORTHEASTERN STATE UNIVERSITY

(See attachment D, pages 28-32)

1. **Personnel**
2. **Grants and Contracts**

Total grants and contracts: \$ 860,778.59

3. **COVID-19 Report**

B. SOUTHEASTERN OKLAHOMA STATE UNIVERSITY

(See attachment E, page 33)

1. **Personnel**
2. **Purchases**

In accordance with Board policy 2.3.4, Purchases exceeding \$150,000, Southeastern Oklahoma State University is requesting approval to purchase the following items:

Item: Classroom Furniture

Description: Purchase new furniture including tables, desks, chairs for classrooms in Morrison, Math, Russell, and Science buildings.

Amount: \$260,000

Source of Funding: Master Lease, Series 2021A – Classroom Upgrades & Improvements

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Vendor: CDW-G, State Contract SW-081419-OSRHE

3. COVID-19 Report

C. NORTHWESTERN OKLAHOMA STATE UNIVERSITY

(See attachment F, Pages 34-36)

1. Personnel

2. Informational Items:

a. Academic Calendar

Attached is the Academic Calendar for 2022-2023 for Northwestern Oklahoma State University. The calendar has been submitted for approval to the Oklahoma State Regents for Higher Education.

3. COVID-19 Report

D. SOUTHWESTERN OKLAHOMA STATE UNIVERSITY

(See attachment G, Pages 37-38)

1. Personnel

2. Grants & Contracts

Total grants and contracts: \$ 70,036.00

3. COVID-19 Report

E. EAST CENTRAL UNIVERSITY

(See attachment H, pages 39-40)

1. Personnel

2. Request for Contracts:

None to report.

3. Grants & Contracts

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Total grants and contracts: \$ 503,290.00

4. Purchases:

The following purchases are being made in accordance with Board policy (over \$50,000 and under \$150,000):

None to report.

Request approval to make the following purchases which will be made in accordance with Board policy (over \$150,000):

None to report.

5. COVID-19 Report

F. UNIVERSITY OF CENTRAL OKLAHOMA

(See attachment I, pages 41-45)

1. Personnel

2. Grants & Contracts

Total grants and contracts: \$ 1,121,359.00

3. Purchases for approval:

- a. Medline Industries LP. Rapid Covid testing equipment/supplies
Source: HEERF Relief Funds.....\$231,000

4. Informational Items from Purchasing:

- a. Metro Technology Centers. Short-term certifications
Source: Grant Funds.....\$57,540
- b. Ex Libris USA Inc. Chambers Library software
Source: E&G.....\$100,950
- c. The Professional Basketball Club Advertisement
Source: UCO Unrestricted Cash.....\$71,750
- d. Rees Associates. Vision Study
Source: Library Facility Fee.....\$90,000

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5. Request Approval to Retain Outside Legal Counsel

In accordance with Section 1.24.2 of the RUSO Policy Manual, request formal approval to retain outside legal counsel, Adam Childes and Mary Snyder, of Crowe & Dunlevy to represent UCO in litigation filed in federal court claiming violations of Title IX. Outside counsel was needed because the Attorney General's office declined the request for representation due to a full docket and inadequate staffing.

6. COVID-19 Report

X. EXECUTIVE DIRECTOR'S REPORT – Sheridan McCaffree

- a. Office Transition Report

XI. REGENTS' COMMENTS AND ANNOUNCEMENTS

XII. NEW BUSINESS

XIII. EXECUTIVE SESSION

A. Action to convene in Executive Session pursuant to 25 O. S. §307 (B) (1) to discuss the following:

1. Discussion regarding the employment of the President of Southeastern Oklahoma State University.
2. Discussion regarding the employment of the RUSO Executive Assistant.

B. Pursuant to 25 O.S. Section 307 (B) (4) to discuss the following:

1. Confidential communications with legal counsel concerning all pending claims or actions and litigation.

Actions:

- a. United States and Rachel Tudor v. Southeastern Oklahoma State University and Regional University System of Oklahoma, United States District Court for the Western District, Case# 5:15-CV-00324-C.

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- b. Charles E. Sneed and Tabitha Sneed v. Northeastern State University (“NSU”), Acting President Kim Cherry, and, NSU Employees, E.C.A.L. [sic et al.], Cherokee County, Case# CJ-2007-840.
- c. Mark A. Pendergraft v. Board of Regents of Oklahoma Colleges (“RUSO”), David Misak, and Todd Thurman, United States District Court for the Western District of Oklahoma, Case# CIV 18-793 D.
- d. Marci D. Walkingstick Dixon v. State of Oklahoma ex rel the Regional University System of the Oklahoma Board of Regents sic. d/b/a Northeastern State University (“NSU”), United States District Court for the Eastern District of Oklahoma Case #CIV 19-391.
- e. Deanie Hensley v. State of Oklahoma, ex rel Regional University System of Oklahoma Board of Regents (“RUSO”) d/b/a/ Northeastern State University (“NSU”), and Steven Turner and Randy Grogan, United States District Court for the Western District of Oklahoma Case #CIV 20-54-JD.
- f. Miranda Summar, Olivia Wells, Priscilla Pena, Rheanna Jackson, Gabrielle Glidewell, and Morgan Brown Russell v. The State of Oklahoma ex rel/ University of Central Oklahoma (“UCO”), Western District of Oklahoma, Case #CIV-21-473-G.
- g. Mary H. Alvarez v. The Board of Regents of Oklahoma Colleges (“RUSO”) & University of Central Oklahoma (“UCO”), District Court of Oklahoma County, Case #CJ-2018-5269.
- h. Ronald Wyatt, v. Jennifer Kay Wyatt, Patti Buhl, Northeastern State University Police Department, Northeastern State University Board of Regents, and Northeastern State University (“NSU”), District Court of Wagoner County, Case #CJ-2017-240.
- i. Vicki Dismukes v. State of Oklahoma ex rel. University of Central Oklahoma ex rel. UCO Jazz Lab, District Court of Oklahoma County Case #CJ-2018-3273.
- j. Terry Worcester v. East Central University, District Court of Pontotoc County Case #CJ-2019-37.

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- k. Skye Singleton et. al. v. Southwestern Oklahoma State University et. al., District Court of Custer County Case #CJ-2019-114.
- l. Billy Elliott v. University of Central Oklahoma, District Court of Oklahoma County Case #CJ-2021-3586.

Claims:

- a. Tort Claims pending with State Risk Management

None.

Charges pending with the Equal Employment Opportunity Commission (“EEOC”):

- a. Ryan Kiggins – Charge No. 564-2021-01130
- b. Jennifer Lemon – Charge No. 564-2021-00800
- c. Stephen Quinn – Charge No. 564-2021-799
- d. Audrey Ranney – Charge No. 564-2021-797

Claims pending with the U.S. Department of Education Office of Civil Rights (“OCR”)

- a. Compliance Audit of NSU Case # 07-15-6001
- b. Mary Brown, OCR Docket #07132064 (“NSU”)
- c. Tony Hebblethwaite, OCR Docket #07212049 (“UCO”)

XIV. RECONVENE IN PUBLIC SESSION

- A. Consideration and possible action to implement matters discussed in Executive Session.

XV. ADJOURNMENT