The Board of Governors for Truman State University met on Saturday, December 6, 2014, on the University campus in Kirksville, Missouri. The meeting was held in the Conference Room of the Student Union, and the open session of the meeting was called to order shortly after 1:00 p.m. by the Chair of the Board of Governors, Susan Plassmeyer.

Participating in the meeting were all seven voting members. Sarah Burkemper, Cheryl J. Cozette, Mike LaBeth, Jim O’Donnell, Susan Plassmeyer and Matthew W. Potter were present at the meeting. Karen Haber participated via conference call.

Also participating in the meeting were all three non-voting members. Kelly Kochanski, student representative, and David Lee Bonner, one of two out-of-state members, were present at the meeting. Michael A. Zito, the other out-of-state member, participated via conference call.

Call to Order and Chair Report
Susan Plassmeyer, Chair of the Board of Governors, called the meeting to order and welcomed all in attendance.

Minutes for Open Session of Meeting on October 10, 2014
Sarah Burkemper moved the adoption of the following resolution:

BE IT RESOLVED that the minutes for the open session of the meeting on October 10, 2014, be approved.

The motion was seconded by Matthew W. Potter and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

Selection of Officers for 2015 Calendar Year
Cheryl J. Cozette moved the adoption of the following resolution:

BE IT RESOLVED that the following persons be duly elected as officers of the Truman State University Board of Governors, taking office for a term of one year commencing at the first regular meeting of the 2015 Calendar Year:

Chair: Jim O’Donnell  
Vice Chair: Sarah Burkemper  
Secretary: Mike LaBeth

The motion was seconded by Karen Haber and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

Board Committee Appointments for 2015 Calendar Year
Governors Plassmeyer and O’Donnell announced the annual Board committee appointments, which take effect at the beginning of the 2015 Calendar Year.
Academic and Student Affairs
- Cheryl J. Cozette, Committee Chair
- David Lee Bonner
- Kelly Kochanski
- Jim O'Donnell, ex officio

Budget and Capital Projects
- Susan Plassmeyer, Committee Chair
- Karen Haber
- Mike LaBeth
- Jim O'Donnell, ex officio

Finance and Auditing
- Sarah Burkemper, Committee Chair
- Matthew W. Potter
- Michael A. Zito
- Jim O'Donnell, ex officio

Board Policy Review
- Matthew W. Potter, Committee Chair
- Sarah Burkemper
- Cheryl J. Cozette
- Karen Haber
- Susan Plassmeyer
- Jim O'Donnell, ex officio

Honorary Degrees
- Cheryl J. Cozette, Committee Chair
- Sarah Burkemper
- Kelly Kochanski
- Susan Plassmeyer
- Jim O'Donnell, ex officio

Foundation Board
- Sarah Burkemper
- Jim O'Donnell
- Susan Plassmeyer

President’s Report
Dr. Troy D. Paino, University President, shared a selected engagements report summarizing his external and internal relations activities from October 10, 2014 through December 5, 2014. Prior to reviewing the report, he noted that the Missouri Department of Higher Education officially confirmed that Truman was successful in all five indicators of the performance funding model. He also noted that for the coming year, the Coordinating Board for Higher Education approved a change to Truman’s institution-specific indicator to allow Truman to use the National Survey of Student Engagement (NSSE) index centered on high-impact practices rather than the
current institution-specific indicator centered on improved critical thinking. Following the update, Dr. Paino shared a list of proposed performance indicators that he felt that the Board might want to use in their annual performance evaluation of the university president. In terms of a legislative report, President Paino highlighted Missouri Governor Jay Nixon’s press conference held on the Truman campus on December 10. During the visit, Governor Nixon stated his commitment to working together with legislators to pass a bond issue that would make long-overdue investments in higher education in Missouri, including more than $9.2 million in repair and renovation to Baldwin Hall. President Paino noted that Missouri State Representative Nate Walker was successful in scheduling a Freshman Legislative Tour to northeast Missouri. The freshman legislators travel to Kirksville on December 11, and the University will provide a campus tour as well as host a community dinner. Dr. Paino indicated that the University continues to deal with the on-going and fluid issue of sexual assault related to the directives received from the Office of Civil Rights and the Department of Education. And, finally, Dr. Paino reported that the firm of GibbonsWorkman LLC was selected to provide legislative consultant services to Truman for the period of January 1, 2015 thru December 31, 2016. In regard to his selected engagements report, President Paino noted his involvement with a number of external organizations (AASCU – American Association of State Colleges and Universities; AAC&U –Association of American Colleges and Universities; and COPLAC – Council of Public Liberal Arts Colleges), all of which benefit the University and allow Truman to continue be part of the national conversation. President Paino spoke on the University’s continued focus as a “public” liberal arts college to determine what practical skills, in addition to the intellectual and higher order thinking skills, Truman graduates need in order to be successful and employable into the 21st century. In that regard, he noted that the University will soon announce that a grant proposal to USA Funds has been approved. The data mastery initiative will apply competency-based learning concepts and methods to both a high school concurrent enrollment course in computer science and a proposed new graduate certificate in data science. President Paino provided an enrollment report and reported on a recent Princeton Review event which Truman hosted at Ladue Horton Watkins High School in St. Louis. He expressed his sorrow that two students had passed away since his last report: Connor Cunningham, a freshman who was hit by a car not far from campus, and Mackenzie McDermott, a junior who died from a chronic illness while on a study abroad trip in Spain. He reported that the University continues to be responsive to the happenings in Ferguson, Missouri, and he noted that Alphonso Jackson (University alumnus, former Board of Governors member, and former United States Secretary of Housing and Urban Development) has agreed to serve as the speaker at the Fall 2014 Commencement Ceremony. Dr. Paino ended his remarks by expressing his appreciation to Governor Susan Plassmeyer for her outstanding service as chair throughout the past year.

Annual Athletics Report
Jerry Wollmering, Director of Athletics, provided the annual report on athletics.

Finance and Auditing Committee Report
Sarah Burkemper, chair of the Finance and Auditing Committee, provided a report on the committee meeting held earlier in the day.

Financial Report
Sarah Burkemper provided a review of the financial reports which included a review as of October 31, 2014, of education and general revenues and expenditures and auxiliary systems revenues and expenditures and a review as of October 31, 2014, of the Truman State University Foundation revenues and expenditures.
Academic and Student Affairs Committee Report
Michael A. Zito, a member of the Academic and Student Affairs Committee, provided a report on the committee meeting held earlier in the day.

Budget and Capital Projects Committee Report
Jim O’Donnell, chair of the Budget and Capital Projects Committee, provided a report on the committee meeting held earlier in the day.

Construction Projects Report
Jim O’Donnell provided an update on construction projects which had been approved by the Board at previous meetings.

Contracts for Construction Projects and Equipment Purchases Report
Jim O’Donnell reported that no construction projects and equipment purchases totaling $25,000 to $100,000 had been approved since the last meeting of the Board.

Architectural Services—McClain Hall/Student Union Building Mall Replacement Project
Matthew W. Potter moved the adoption of the following resolution:

BE IT RESOLVED that the proposal from Hitchcock Design Group to provide architectural services for the McClain Hall/Student Union Building Mall Replacement Project, with the fees and work for such services to be within the guidelines of the proposal, be approved; and

BE IT FURTHER RESOLVED that the President of the University, or his designee, be authorized to execute a contract with the firm for the project; and

BE IT FURTHER RESOLVED that a copy of the proposal be attached to and made a part of the minutes for this meeting.

The motion was seconded by Sarah Burkemper and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted, and the Secretary designated a copy of the document as Exhibit A.

Guaranteed Energy Savings Program
Matthew W. Potter moved the adoption of the following resolution:

WHEREAS, it is the desire of the Board of Governors of Truman State University to establish a Guaranteed Energy Savings Program;

THEREFORE BE IT RESOLVED that the President of the University, or his designee, be authorized to execute a contract at a cost not to exceed $96,500 with Energy Solutions Professionals, LLC for an Investment Grade Audit for energy conservation measures; and
BE IT FURTHER RESOLVED that a copy of the proposal summary be attached
to and made a part of the minutes for this meeting.

The motion was seconded by Sarah Burkemper and carried by a unanimous vote of 7 to 0. Susan Plassmeyer
then declared the motion to be duly adopted, and the Secretary designated a copy of the document as Exhibit B.

Housing and Food Plan Charges
Sarah Burkemper moved the adoption of the following resolution:

BE IT RESOLVED that the following major categories of housing charges be approved,
effective with the 2015 Fall Semester:

1) Room rates for students living in the University’s residence halls:

<table>
<thead>
<tr>
<th>MISSOURI/DOBSON/CENTENNIAL</th>
<th>Charge for Academic Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of Room</td>
<td></td>
</tr>
<tr>
<td>Single Occupancy</td>
<td>$6,380 per student</td>
</tr>
<tr>
<td>Double Occupancy</td>
<td>$5,520 per student</td>
</tr>
<tr>
<td>Deluxe Double</td>
<td>$6,150 per student</td>
</tr>
<tr>
<td>Multiple Occupancy</td>
<td>$5,060 per student</td>
</tr>
<tr>
<td>Super Single – Buyout</td>
<td>$7,000 per student</td>
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</tbody>
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<table>
<thead>
<tr>
<th>BLANTON NASON BREWER/RYLE/WEST CAMPUS SUITES</th>
<th>Charge for Academic Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of Room</td>
<td></td>
</tr>
<tr>
<td>Single Occupancy</td>
<td>$6,940 per student</td>
</tr>
<tr>
<td>Double Occupancy</td>
<td>$5,940 per student</td>
</tr>
<tr>
<td>Deluxe Double</td>
<td>$6,570 per student</td>
</tr>
<tr>
<td>Multiple Occupancy</td>
<td>$5,440 per student</td>
</tr>
<tr>
<td>Super Single – Buyout</td>
<td>$7,530 per student</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>GRIM</th>
<th>Charge for Academic Year</th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of Room</td>
<td></td>
</tr>
<tr>
<td>Double Occupancy</td>
<td>$5,010 per student</td>
</tr>
<tr>
<td>Single Occupancy</td>
<td>$5,930 per student</td>
</tr>
<tr>
<td>Super Single - Buyout</td>
<td>$6,370 per student</td>
</tr>
</tbody>
</table>

2) PATTERSON HOUSE                           | Charge for Academic Year |
<table>
<thead>
<tr>
<th></th>
<th></th>
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</thead>
<tbody>
<tr>
<td>Size of Room</td>
<td></td>
</tr>
<tr>
<td>Double Occupancy</td>
<td>$5,720 per student</td>
</tr>
</tbody>
</table>

3) RANDOLPH APARTMENTS                       | Charge for Academic Year |
<table>
<thead>
<tr>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Size of Room</td>
<td></td>
</tr>
<tr>
<td>One Bedroom; Single Occupancy</td>
<td>$4,740 per student</td>
</tr>
<tr>
<td>Two Bedroom; Double Occupancy</td>
<td>$4,620 per student</td>
</tr>
<tr>
<td>Family One Bedroom</td>
<td>$6,610 per family</td>
</tr>
<tr>
<td>Family Two Bedroom</td>
<td>$6,970 per family</td>
</tr>
</tbody>
</table>
CAMPBELL APARTMENTS
Size of Room | Charge for Academic Year
--- | ---
One Bedroom; Double Occupancy | $4,740 per student
Two Bedroom; Triple Occupancy | $4,620 per student
Family One Bedroom | $7,320 per family
Family Two Bedroom | $8,430 per family

BE IT FURTHER RESOLVED that the following food plan rates per semester will be approved effective with the Fall 2015 Semester:

- All Access to the cafeteria with $75 dining dollars: $1,570
- 20 meals per week with $100 dining dollars: $1,470
- 14 meals per week with $125 dining dollars: $1,375
- 10 meals per week with $100 dining dollars: $1,195
- 150 meals per semester with $200 dining dollars: $1,290

BE IT FURTHER RESOLVED that the other residence hall fees and room and board charges including short-term rates not listed in this resolution be established by the President of the University, based on the above fees and charges, in accordance with Sections 11.010 and 11.020 of the Code of Policies.

The motion was seconded by Mike LaBeth and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

Early Retirement Incentive 2015
Cheryl J. Cozette moved the adoption of the following resolution:

WHEREAS, it is the desire of the Board of Governors to expand the present early retirement program;

NOW, THEREFORE, BE IT RESOLVED that the “Faculty Early Retirement Incentive Program 2015” be amended by increasing the limit of 10 applicants to 12 and authorizing the President to proceed with executing the Program with this new limit on the number of applicants. In all other respects, the “Faculty Early Retirement Incentive Program 2015” remains in effect and unaltered.

The motion was seconded by Mike LaBeth and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

Board Policy Review Committee Report
Matthew W. Potter, chair of the Board Policy Review Committee, provided a report on the committee meeting held the earlier in the day.

Resolution amending Chapter 3 of the Code of Policies pertaining to Board of Governors
Matthew W. Potter moved the adoption of the following resolution:
BE IT RESOLVED that Chapter 3 of the Code of Policies of the Board of Governors is hereby amended as shown below:

The verbiage shown in *(parenthesis and in bold italics)* is hereby deleted from Chapter 3 and the language which appears in *[brackets and bold type]* is hereby added to Chapter 3, all as shown below.

CHAPTER 3

BOARD OF GOVERNORS

Sections:

3.010. Statutory References
3.020. Role of Board Members
3.030. Relationship of Board and President
3.040. Meetings of the Board
3.050. Open Meetings Law
3.060. *(Conflict of Interest)*
3.070. Honorary Degrees

3.010. **Statutory References.** Sections 174.610 and 174.620 of the statutes provide for the selection and appointment of a board of governors consisting of ten members, with seven voting members and three nonvoting members. Section 174.630 provides that the Board of Governors "shall organize in the manner provided by law for the board of curators of the State University of Missouri" and that the "powers, duties, authority, responsibilities, privileges, immunities, liabilities and compensation of the board of governors" shall be the same as those prescribed by statute for the board of curators, "except that the Truman State University shall be operated only as an institution of liberal arts and sciences." Section 172.100 provides that the board of curators is to prescribe its own government and that:

The curators shall have power to make such bylaws or ordinances, rules and regulations as they may judge most expedient for the accomplishment of the trust reposed in them, and for the government of their officers and employees, and to secure their accountability, and to delegate so much of their authority as they may deem necessary to such officers and employees or to committees appointed by the board.

The members of the Board of Governors are appointed by the Governor of Missouri and serve for the periods prescribed in Sections 174.610 and 174.620.

3.020. **Role of Board Members.** The Board is the highest policy making body of the University, and the direction and control of the University is entrusted to it by the people of the state. The individual board member is, therefore, a citizen representing citizens. The Board, when acting as a whole, is the governing authority for the institution. However, an individual board member is in authority only when the Board is in session or when he or she is performing a service or function authorized by the Board. The Chair of the Board serves as spokesperson for the Board.
3.030. **Relationship of Board and President.** The relationship of the Board of Governors and the President of the University is mutually cooperative and supportive as suggested by guidelines of the Association of Governing Boards of Universities and Colleges. The Board reflects its will in the formation of University policy and plans rather than engaging in administration. The Board strives to relate to members of the University community in a manner which maintains rather than erodes the authority of the President of the University. The same responsibility rests with the President of the University in support of Board policy.

The Board of Governors generally conducts an annual review of the President’s performance based on various evaluation tools as determined by the Board. The purpose of the review is to allow the Board to monitor the President’s progress on previously established goals, to propose goals and priorities for the coming year, and to address any significant new issues or concerns which have arisen since the last review, and to make an informed decision concerning any subsequent employment contract with the President. The Board of Governors, either directly or through delegation to a subcommittee of the Board, will prepare a written procedure for implementation of this policy. Such procedure is subject to review and revision by the Board or its subcommittee as needed.

3.040. **Meetings of the Board.** The Board of Governors generally holds [six] (five) regular meetings in each fiscal year with the meetings being held in the months of [August, October, December, February, April, and June] (September, October, December, February, April, and April). The annual meeting for the [Board will be as designated in the Bylaws of the Board of Governors.] (for it) [The] election of officers (is) [shall occur at] the regular meeting in December. Additional planning meetings or retreats are also held. The dates for such meetings are tentatively scheduled by the Board a year in advance, and the actual times and places of the meetings are scheduled by the Board approximately three months in advance. The times and places of regular meetings are subject to change by the Board in accordance with the Bylaws. Special meetings also may be called as provided in the Bylaws.

3.050 **Open Meetings Law.** It is recognized that meetings of the Board of Governors, and meetings of the committees of the Board, are covered by the Open Meetings Law, and the General Counsel has the responsibility to provide assistance to the members of the Board in their compliance with the law. The General Counsel also provides legal defense for any officer or employee charged with a violation of the law.

3.060 **Conflict of Interest**  

1. **Purpose**  

   Members of the Board of Governors of Truman State University (hereafter “Board”) serve the public trust and are expected to exercise their duties and responsibilities solely in the interest of the public, the University and the Board and not in the member’s own personal or financial interest.

2. **Policy**

   a) The Constitution of Missouri, Article VII, Section 6 and Missouri Revised Statutes Sections 105.452 and 105.454 apply to the governing boards of higher education institutions. These sections should be reviewed by members of the Board.

   b) No member of the Board shall vote on, attempt to influence the vote of other members of the Board or attempt to influence the decision of the University with regard to any matter under consideration by the Board or by the University in which the action will result in a material financial gain or personal gain for the Board member or his immediate family.
c) No member of the Board shall act or refrain from acting, in connection with his or her duties and responsibilities as a member of the Board, by reason of the payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value by the Board member or his immediate family.

d) No member of the Board shall use in any manner whatsoever or disclose to others confidential information obtained in connection with his or her duties and responsibilities as a member of the Board with intent to result in material financial gain or personal gain for the Board member or his immediate family.

e) The Board requires each member annually:
   i. to review this policy
   ii. to review the referenced constitutional and statutory references; and
   iii. to disclose any possible personal, familial or business relationships that reasonably could give rise to a conflict involving the University.

3. Definitions

   a) Business relationship – serving as an officer, director, employee, partner or trustee, or owning more than ten percent of the outstanding stock or interest in a business entity.

   b) Conflict of Interest – Any situation in which a Board member’s judgment or conduct in the performance of the member’s official duties for the University would be influenced by the Board member’s familial, personal, or business relationship with a third party, or any situation that would be deemed a conflict of interest under the laws of the United States or the laws of the State of Missouri. A familial relationship that is not within the fourth degree of consanguinity or affinity will not be considered the basis of a conflict of interest.

   c) Immediate family – Your spouse and the children, parents and siblings of you or your spouse.

4. Procedure

   a) i. If a member of the Board reasonably believes that he or she or another Board member has a conflict of interest, a potential conflict of interest or reasonably believes that the general public might perceive that a conflict of interest exists with regard to any matter that is under consideration by the Board, he or she shall report such conflict of interest, potential conflict of interest or perceived conflict of interest to the Chair of the Board at the earliest opportunity and, if possible, prior to any discussion, deliberation or vote by the Board on that matter.

   ii. Unless the member of the Board voluntarily agrees to abstain from all such discussions and voting on the matter, the Chair of the Board shall determine whether an actual or perceived conflict of interest existing and, if so, shall request that such member of the Board refrain from all such discussions and voting on the matter. If requested by the Chair of the Board, the member shall be absent from all discussions, recommendations, determinations, decisions and voting on the matter.

   iii. If the Chair of the Board is the Board member whose financial or personal interest is at issue, the Vice-Chair of the Board shall determine whether an actual or perceived conflict of interest exists and, if so, shall request that the Chair of the Board refrain from all such discussions and voting on the matter and determine whether the Chair should be absent during discussions, recommendations, determinations, decisions and voting on the matter.
iv. In all cases the Board is the final authority on conflict of interest issues. Any Board member who has been requested by either the Chair of the Board or the Vice Chair of the Board to recuse himself or herself from discussions, recommendations, determinations, decisions and voting on a matter has the right to appeal this decision to the Board as a whole. In such a case, all Board members shall vote on the issue and a majority of the board shall be the final arbiter of whether said Board member shall abstain. The Board member whose financial or personal interest is the subject of any vote shall not be eligible to vote thereon.

b) Each member of the Board shall complete and shall submit annually to the Secretary of the Board on or before February 1 of each year, the “Truman State University Conflict of Interest Disclosure Form,” for the purpose of disclosing to the Board and to the public the Board member’s financial interests. Each member of the Board shall file with the Secretary of the Board a copy of the required filing which they make with the State of Missouri Ethics Commission entitled “Personal Financial Disclosure Statement.”

c) Truman State University
Conflict of Interest Disclosure Form

Time period covered: January 1, ______ to December 31, _______

Name: ____________________________

Name(s) of any business in which you or your spouse are associated and nature of business
__________________________________________________________________________
__________________________________________________________________________

Signature

Date)

3.070. Honorary Degrees

1. Purpose. The Board of Governors may grant honorary degrees to recognize individuals for outstanding achievement in a field and demonstrated commitment to Truman State University’s mission and values.

2. Selection Process.

a. Any member of the University community may nominate individuals for consideration of an honorary degree. To receive full consideration for the upcoming academic year, all nominations must be made formally through the President’s Office by March 1.

b. The President screens and prepares a list of nominees for Board consideration.

c. An Honorary Degrees Committee established by the Board and chaired by a Board member will receive that list of nominees at the April Board meeting.

d. The Committee may recommend to the Board at the August Board meeting those individuals it believes deserving of an honorary degree. The Committee may also consider individuals *sua sponte* without the formality of steps a., b. and c., above.
e. The Board of Governors makes the final decision on the awarding of honorary degrees.

3. **Honorary Degree Committee.** Composition of the Committee is as follows:
   a. a Board of Governors member, selected by the Chair of the Board, will serve as Chair of the Honorary Degrees committee;
   b. three additional Board members, including the Student Representative on the Board, selected by the Chair of the Board;
   c. two at-large faculty members, selected by the Faculty Senate;
   d. an at-large student, selected by the Student Government;
   e. the Executive Vice President for Academic Affairs and Provost; and
   f. the Faculty Senate President, *ex officio.*

The motion was seconded by Sarah Burkenmeier and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

**Resolution amending Chapter 14 of the Code of Policies pertaining to Conflict of Interest and Financial Disclosure**

Matthew W. Potter moved the adoption of the following resolution:

BE IT RESOLVED that Chapter 14 of the Code of Policies of the Board of Governors is hereby amended by the deletion of the verbiage shown in *(parenthesis and bold italics)* and by adding the language shown in *brackets and bold type.***

**CHAPTER 14**

**CONFLICT OF INTEREST AND FINANCIAL DISCLOSURE**

Sections:

14.010. Purpose
14.020. Definitions
14.030. Prohibitions for Officers and Employees
14.040. Prohibitions for Officers and Employees in Executive or Administrative Capacities
14.050. Disclosure by Officers
**14.060. No Discrimination for Reports**
14.070. Financial Interest Statements
**14.075 Conflict of Interest-Board of Governors**
14.080. Campaign Contributions
**14.090. Code of Conduct for State Employees**
14.100. Nepotism
14.110. Disclosure of Relationships
14.120. Limitation of Gifts
14.130. Sale of Textbooks to Students
14.140. Transactions with Students
14.150. Other Commercial Transactions
14.160. Sanctions for Violations
14.170. Sponsored Projects
14.180. Fiscal Misconduct
[14.190 Retaliation Prohibited]

14.010. **Purpose.** [Members of the Board of Governors and University officers and employees are to refrain from personal business or other activity that could conflict with proper execution of their duties and responsibilities or which could impair their ability to make impartial decisions. Members of the Board of Governors and University officers and employees should subordinate their financial and personal interests to those of the University. Pursuant to this chapter, members of the Board of Governors and University officers and employees are to disclose any material financial or personal interests they may have which could reasonably be seen as presenting a conflict between the interests of the University and their own financial or personal interests.] It is desirable that officers and employees of the University be well informed about, and carefully adhere to, all laws regarding conflict of interest. It also is desirable that officers and employees be alert to situations which may have the appearance of a conflict of interest. The purpose of this policy is to set forth the applicable provisions of law and to assist officers and employees in their efforts to avoid any actual or perceived conflict of interest.

14.020. **Definitions.** Unless the context clearly requires otherwise, the following terms mean:

1. "Business with which he or she is associated":
   a. Any sole proprietorship owned by the person, his or her spouse, or any dependent child in his or her custody;
   b. Any partnership or joint venture in which the person, or his or her spouse, is a partner, other than as a limited partner of a limited partnership, and any corporation or limited partnership in which he or she is an officer or director or of which the person, his or her spouse, or dependent child in his or her custody, whether singularly or collectively, owns in excess of ten percent of the outstanding shares of any class of stock or partnership units; or
   c. Any trust in which the person is a trustee or settlor or in which the person, his or her spouse, or dependent child, whether singularly or collectively, is a beneficiary or holder of a reversionary interest of ten percent or more of the corpus of the trust.

2. [Conflict of Interest - Any situation in which a Board member's [or officer's or employee's] judgment or conduct in the performance of (the member's) [their] official duties for the University would be influenced by (the Board member's) [their] familial, personal or business relationship with a third party, or any situation that would be deemed a conflict of interest under the laws of the United States or the laws of the State of Missouri. A familial relationship that is not within the fourth degree of consanguinity or affinity will not be considered the basis of a conflict of interest.]

3. "Decision-making public servant", an official, appointee or employee of the University who exercises supervisory authority over the negotiation of contracts, who has the legal authority to adopt or vote on the adoption of rules and regulations with the force of law, or who exercises primary supervisory responsibility over purchasing decisions, and who is designated by the Board of Governors, or the President of the University, as a decision-making public servant.
4. "Dependent child", or "dependent child in his or her custody", all children, stepchildren, foster children, and wards, under the age of eighteen residing in his or her household and who receive in excess of fifty percent of their support from him or her.

5. "Substantial interest", ownership by the individual, his or her spouse, or his or her dependent children, whether singularly or collectively, directly or indirectly, of ten percent or more of any business entity, or of an interest having a value of ten thousand dollars or more, or the receipt by an individual, his or her spouse, or his or her dependent children, whether singularly or collectively, of a salary, gratuity, or other compensation or remuneration of five thousand dollars, or more, per year from any individual, partnership, organization, or association within any calendar year.

6. "Substantial personal or private interest in any measure or action", any interest in a measure or action which results from a substantial interest in a business entity.

14.030. Prohibitions for Officers and Employees. No officer or employee of the University shall:

1. Act or refrain from acting in any capacity in which he or she is lawfully empowered to act as such an official or employee by reason of any payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value paid or payable, or received or receivable, to himself or herself, or any third person, including any gift or campaign contribution, made or received in relationship to or as a condition of the performance of an official act, other than compensation to be paid by the University.

2. Use confidential information obtained in the course of or by reason of his or her employment or official capacity in any manner with intent to result in financial gain for himself or herself, his or her spouse, his or her dependent child in his or her custody, or any business with which he or she is associated.

3. Disclose confidential information obtained in the course of or by reason of his or her employment or official capacity in any manner with intent to result in financial gain for himself or herself or any other person.

4. Favorably act on any matter that is so specifically designed so as to provide a special monetary benefit to such official, or his or her spouse, or dependent children, including but not limited to increases in retirement benefits, whether received from the state of Missouri or any third party by reason of such act. For the purposes of this subdivision, special monetary benefit means being materially affected in a substantially different manner or degree than the manner or degree in which the public in general will be affected or, if the matter affects only a special class of persons, then affected in a substantially different manner or degree than the manner or degree in which such class will be affected. In all such matters such officials must recuse themselves from acting as required by law.

5. Use his or her decision-making authority for the purpose of obtaining a financial gain which materially enriches himself or herself, his or her spouse, or dependent children, by acting or refraining from acting for the purpose of coercing or extorting from another anything of actual pecuniary value.

14.040. Prohibitions for Officers and Employees in Executive or Administrative Capacities. No officer or employee, serving in an executive or administrative capacity, shall:

1. Perform any service for the University for receipt or payment of any compensation, other than of the compensation provided for the performance of his or her official duties, except on transactions made
pursuant to an award on a contract let or sale made after public notice and competitive bidding, provided that the bid or offer is the lowest received.

2. Sell, rent or lease any property to the University unless the transaction is made pursuant to an award on a contract let or sale made after public notice, and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

3. Participate in any matter, directly or indirectly, in which he or she attempts to influence any decision of the University, when he or she knows the result of such decision may be the acceptance of the performance of a service or the sale, rental, or lease of any property to the University for consideration in excess of five hundred dollars value per annum to him or her, to his or her spouse, to a dependent child in his or her custody, or to any business with which he or she is associated, unless the transaction is made pursuant to an award on a contract let or sale made after public notice, and in the case of property other than real property, competitive bidding, provided that the bid or offer accepted is the lowest received.

4. Perform any services during the time of his or her office or employment for any consideration from any person, firm or corporation, other than the compensation provided for the performance of his official duties, by which service he attempts to influence a decision of the University.

5. Perform any service for consideration, during one year after termination of his or her office or employment, by which performance he or she attempts to influence a decision of the University, except that this provision shall not be construed to prohibit any person from performing such service, and receiving compensation therefore, in an adversary proceeding or in the preparation or filing of any public document or to prohibit an employee of the University from being employed by any other department, division or agency of the executive branch of state government.

6. Perform any service for any consideration for any person, firm or corporation after termination of his or her office or employment in relation to any case, decision, proceeding or application with respect to which he or she was directly concerned or in which he or she personally participated during the period of his or her service or employment.

14.050. Disclosure by Officers [and Employees]. Any officer [or employee] who has a substantial personal or private interest in any measure or action proposed or pending before the Board of Governors shall, before the Board of Governors passes on the measure or action, file a written report of the nature of the interest with the President of the University and such statement shall be recorded in the appropriate minutes or other record of proceedings of the Board of Governors. An officer [or employee] shall be deemed to have complied with the requirements of this section if he or she has filed, at any time before the Board of Governors passes on such measure or action, a financial interest statement which discloses the basis for his or her substantial personal or private interest or interests that he or she may have therein. Any such person may amend his or her financial interest statement to disclose any subsequently acquired substantial interest at any time before the Board of Governors passes on any measure or action and shall be relieved of the provisions of the first sentence of this section.

14.060. No Discrimination for Reports. The University shall not discharge, threaten, or otherwise discriminate against a person, or employee acting on behalf of a person, regarding compensation, terms, conditions, location, or privileges of employment because:

1. The person, or employee acting on behalf of the person, reports or is about to report, verbally or in writing, a violation or suspected violation of this policy or of law.
2. A person, or employee acting on behalf of the person, is requested by the Missouri Ethics Commission to participate in an investigation, hearing, or inquiry held by the commission or any related court action.

(This section shall not apply to a person, or employee acting on behalf of a person, who knowingly or recklessly makes a false report.)

14.070. Financial Interest Statements. It is recognized that the members of the Board of Governors, the President of the University, the General Counsel, the person designated as the chief purchasing officer, and the persons identified by the Board of Governors or the President of the University as decision-making public servants, are required to file financial interest statements prescribed by Section 105.483 of the statutes ("financial interest statements" are also known as "Personal Financial Disclosure Statements" and the terms are used interchangeably in this chapter).

For such purpose, 1) the President of the University is designated as the chief purchasing officer, and 2) the officers of the University, as named in the Bylaws, are identified as decision-making public servants. The President of the University may designate additional employees as decision-making public servants, and upon doing so, shall give notice both to the Board and to the employee or employees. The financial interest statements, as required by law, are to be filed with the Missouri Ethics Commission on an annual basis not later than the first day of May in each year, and it is hereby required that a duplicate copy of each required statement be filed with the President of the University by the same date each year. The President of the University, or his or her designee, shall maintain such statements available for public inspection and copying during normal business hours. It is further recognized that the Secretary of State is to fulfill the duties of the Missouri Ethics Commission for receipt of such reports until January 1, 1993. It is further recognized that the failure to file such reports may result in loss of pay or loss of office.

14.075 Conflict of Interest [Board of Governors]

1. Purpose

Members of the Board of Governors of Truman State University (hereafter "Board") serve the public trust and are expected to exercise their duties and responsibilities solely in the interest of the public, the University and the Board and not in the member’s own personal or financial interest.

2. (Policy) [Board Members]

   a) The Constitution of Missouri, Article VII, Section 6 and Missouri Revised Statutes Sections 105.452 and 105.454 apply to the governing boards of higher education institutions. These sections should be reviewed by members of the Board.

   b) No member of the Board shall vote on, attempt to influence the vote of other members of the Board or attempt to influence the decision of the University with regard to any matter under consideration by the Board or by the University in which the action will result in a material financial gain or personal gain for the Board member or his (immediate family) [spouse or dependent children].

   c) No member of the Board shall act or refrain from acting, in connection with his or her duties and responsibilities as a member of the Board, by reason of the payment, offer to pay, promise to pay, or receipt of anything of actual pecuniary value by the Board member or his (immediate family) [spouse or dependent children].
d) No member of the Board shall use in any manner whatsoever or disclose to others confidential information obtained in connection with his or her duties and responsibilities as a member of the Board with intent to result in material financial gain or personal gain for the Board member or his \textit{(immediate family) [spouse or dependent children]}.

e) The Board requires each member annually:
   
i. to review this policy
   ii. to review the referenced constitutional and statutory references; and
   iii. to disclose any possible personal, familial or business relationships that reasonably could give rise to a conflict involving the University.

(3. Definitions)

\textbf{a) Business relationship – serving as an officer, director, employee, partner or trustee, or owning more than ten percent of the outstanding stock or interest in a business entity.}

\textbf{b) Conflict of Interest – Any situation in which a Board member’s judgment or conduct in the performance of the member’s official duties for the University would be influenced by the Board member’s familial, personal, or business relationship with a third party, or any situation that would be deemed a conflict of interest under the laws of the United States or the laws of the State of Missouri. A familial relationship that is not within the fourth degree of consanguinity or affinity will not be considered the basis of a conflict of interest.}

\textbf{c) Immediate family – Your spouse and the children, parents and siblings of you or your spouse.)}

4. Procedure

\textit{(a) 1.} If a member of the Board reasonably believes that he or she or another Board member has a conflict of interest, a potential conflict of interest or reasonably believes that the general public might perceive that a conflict of interest exists with regard to any matter that is under consideration by the Board, he or she shall report such conflict of interest, potential conflict of interest or perceived conflict of interest to the Chair of the Board \textit{[and the University’s General Counsel] at the earliest opportunity and, if possible, prior to any discussion, deliberation or vote by the Board on that matter.}

2. Unless the member of the Board voluntarily agrees to abstain from all such discussions and voting on the matter, the Chair of the Board shall determine whether an actual or perceived conflict of interest exists and, if so, shall request that such member of the Board refrain from all such discussions and voting on the matter. If requested by the Chair of the Board, the member shall be absent from all discussions, recommendations, determinations, decisions and voting on the matter.

3. If the Chair of the Board is the Board member whose financial or personal interest is at issue, the Vice-Chair of the Board shall determine whether an actual or perceived conflict of interest exists and, if so, shall request that the Chair of the Board refrain from all such discussions and voting on the matter and determine whether the Chair should be absent during discussions, recommendations, determinations, decisions and voting on the matter.

4. In all cases the Board is the final authority on conflict of interest issues. Any Board member who has been requested by either the Chair of the Board or the Vice Chair of the Board to recuse himself or
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herself from discussions, recommendations, determinations, decisions and voting on a matter has the right to appeal this decision to the Board as a whole. In such a case, all Board members shall vote on the issue and a majority of the board shall be the final arbiter of whether said Board member shall abstain. The Board member whose financial or personal interest is the subject of any vote shall not be eligible to vote thereon.

b) (Each member of the Board shall complete and shall submit annually to the Secretary of the Board on or before February 1 of each year, the “Truman State University Conflict of Interest Disclosure Form,” for the purpose of disclosing to the Board and to the public the Board member’s financial interests. Each member of the Board shall file with the Secretary of the Board a copy of the required filing which they make with the State of Missouri Ethics Commission entitled “Personal Financial Disclosure Statement.”

c) Truman State University
Conflict of Interest Disclosure Form

Time period covered: January 1, _______ to December 31, _______

Name: __________________________________________

Name(s) of any business in which you or your spouse are associated and nature of business

___________________________________________________________

___________________________________________________________

Signature

Date

14.080. Campaign Contributions. It is recognized that any officer or employee who contributes or causes to be contributed, directly or indirectly, the sum of three thousand dollars or more in the aggregate to any statewide elected official must disclose such contribution to the Missouri Ethics Commission under certain circumstances.

14.090. Code of Conduct for State Employees. It is recognized that the Governor is directed by law to adopt by executive order a code of conduct applicable to state employees of the executive branch on or before February 1, 1992. Such code of conduct is to be distributed to employees of the University, and all employees will be expected to comply with its provisions. (A copy of this Executive Order follows this chapter.)

14.100. Nepotism. [Pursuant to the Missouri Constitution], no officer or employee shall participate, either directly or indirectly, in a decision to appoint or hire an employee of the University, either part-time or full-time, who is related to such officer or employee within the fourth degree by consanguinity (blood) or affinity (marriage). It also shall be violation of this policy for an employee to supervise, either directly or indirectly, the work of another employee who is related within such fourth degree, unless the supervisory role is specifically approved by the President of the University. [Please refer to the “Degrees of Family Relationships” chart at the end of this chapter for guidance.]
14.110. **Disclosure of Relationship.** No officer or employee shall actively participate in the selection of a prospective employee, a consultant, or a contractor to provide services to the University without disclosing any close personal friendship, business association, or family relationship which the officer or employee may have with the prospective employee, consultant, contractor, or any member of the consultant's firm or the contractor's company. Such disclosure shall be made prior to selection of the employee, consultant, or contractor.

14.120. **Limitation of Gifts.** No officer or employee should accept any gift or favor, exceeding twenty-five dollars in monetary value, from any person, company or firm which transacts, or wishes to transact, business with the University. This section is not intended to prohibit faculty from receiving examination textbooks or materials relating to possible adoption for class, provided that such textbooks are not to be sold or otherwise transferred for personal profit. Also this section does not prohibit the receipt of advertisement or promotional items on which the name of the advertiser is clearly displayed. Further, this section does not prohibit the receipt of gifts or favors where (1) such gift or favor is for the substantial benefit of the University and not a personal benefit to the officer or employee and, (2) where such transaction is approved in writing and in advance by the officer’s or employee’s University supervisor, and (3) where such officer or employee does not influence or attempt to influence the award of any University business to such person, company or firm unless all University personnel involved in the award of that University business are advised of such transaction. Supervisors who grant such approval pursuant to this policy shall maintain a written record of such approval and shall share such record with the Business Office. An annual report for all approvals granted pursuant to this policy will be provided to the Board of Governors Audit Committee.

14.130. **Sale of Textbooks to Students.** Officers and employees should not receive any financial benefit from the preparation and sale of textbooks or other class materials to students at the University. The selling of textbooks or class materials, which have been prepared by officers or employees for use by University students, may be conducted only if the method of such sales and the distribution of the proceeds has been approved by the Executive Vice President for Academic Affairs and Provost.

14.140. **Transactions with Students.** Although commercial transactions between students and employees provide the potential for conflict of interest, they may be mutually beneficial; thus it is not the purpose of these rules to prohibit all commercial transactions between employees and students. The risk of a conflict of interest increases if an employee makes a material (that is, non-trivial) commercial transaction with a student for whom the employee has educational responsibility. (Examples of non-material transactions include buying candy from a student raising money for a student organization, tipping a student who is a waiter or waitress, or selling to students in a retail store owned by an employee. Examples of material transactions include leases and ongoing employment.) An employee has educational responsibility for a student if he or she is that student's teacher, advisor, coach, or supervisor or if he or she has some substantial responsibility or control over that student's status or welfare at the University. It is unprofessional for an employee to make an educational judgment relating to a student if that judgment is affected by a commercial transaction with that student. (For example, a teacher assigns a grade to a student based on problems with a lease.) It also is unprofessional for an employee to make a judgment relating to a commercial transaction involving a student if that judgment is adversely and unreasonably affected by educational matters relating to that student. (For example, a teacher fails to return a lease deposit because of problems a student has caused in class.) When an employee who has educational responsibility for a student also makes a material commercial transaction with that student, a great potential for abuse exists, and the University generally discourages such interactions. Complaints raised by students about such interactions will be dealt with by the University with utmost seriousness. The University will appoint a committee to deal with and try to resolve complaints by students in situations where possible conflict of interest situations involve University employees. These rules are not intended to prohibit transactions between students and the University or between students and employees who are acting on behalf of the University.
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14.150. Other Commercial Transactions. Employees should not accept other employment or contracting which significantly interferes with the performance of their University duties. Similarly, they should not make use of University offices, equipment, or supplies to promote or conduct such outside employment or contracting if such use will cause increased expenses to the University of a non-trivial nature. This section is not intended to prohibit consulting by faculty or staff within these guidelines, and it is recognized that appropriate consulting and similar activities in regard to an employee’s area of expertise are beneficial both to the employee and to the University. Employees who have questions about what is reasonable under this section should consult with their supervisors.

14.160. Sanctions for Violations. Officers and employees should be aware that many of the above provisions are restatements of Missouri law and that such provisions provide for sanctions if they are violated. The sanctions for violations of state law are set forth in Section 105.478, RSMo. In addition, any employee violating any of the above provisions may be subject to disciplinary action by the University according to normal University policies and procedures (see, for example, the Faculty Handbook). Complaints alleging violations of the law or this policy may [also] be received and investigated by the Missouri Ethics Commission.

14.170. Sponsored Projects. The University recognizes the requirement of an institutional conflict of interest policy for research or educational activities funded or proposed for funding by federal agencies, such as the National Science Foundation and the National Endowment for the Humanities. It is the policy of the University to comply with the financial disclosure requirements for funding of sponsored projects by federal agencies and to apply the same or similar rules to all research or educational activities funded, or proposed for funding, by an external sponsor. The President of the University is authorized to adopt and implement appropriate policies and procedures to fulfill the intent of this section, and the policy established by the President of the University for compliance with federal rules for financial disclosure requirements of sponsored projects by federal agencies shall be considered the institutional policy of the University as fully as if such policy was specifically adopted by the Board.

14.180. Fiscal Misconduct. It is desirable that University employees observe high standards of business and personal ethics in the conduct of their duties and responsibilities. Employees have a responsibility to students, parents, donors and citizens of the State of Missouri to use University resources prudently, ethically and for the purposes for which they are intended and in full compliance with laws, regulations and policies. Every member of the faculty, staff and any other person acting on behalf of the University is responsible for ethical conduct consistent with University policies and procedures. Business activities undertaken on behalf of the University must reflect honesty, integrity and fairness. Even the appearance of impropriety should be avoided.

The purpose of this policy is to provide an avenue for employees and others to raise concerns they may have about the subjects covered by this policy and to protect any employee or other member of the University community who makes a good faith disclosure of suspected Fiscal Misconduct. Additionally, this policy is intended to encourage the disclosure of violations of law or breaches of University policy pertaining to all forms of fiscal matters. This policy provides a process for reporting of Fiscal Misconduct; protects those who report violations from retaliation for making such a report and provides a process to investigate and mitigate any such retaliatory behavior.

1. Definitions. Under this policy, the term Fiscal Misconduct is defined as follows:

   a. an activity or series of activities that intentionally lead to the spending of University funds, which spending is not properly approved; or

   b. inappropriate use of University resources including assets and personnel; or
c. violation of Board of Governors policies, state or federal laws or regulations, or University policies or procedures pertaining to fiscal matters; or

d. manipulation of University data and documentation to allow spending in circumstances where funds do not exist, or intentionally misreporting University transactions or intentionally misleading others with regard to University transactions; or

e. an activity which aids another in committing Fiscal Misconduct or conceals the Fiscal misconduct of another.

Employee For purposes of this policy, the term Employee is intended to include persons who are directly employed by the University as well as the broader University community such as outside contractors of the University upon whom the University relies for recommendations with regard to use and allocation of University funds and assets.

2. a. It is the policy of the Board of Governors that all members of the University community shall adhere to all of the University’s policies and procedures pertaining to fiscal matters and to all state and federal laws and regulations in such matters, as well.

b. Supervisors are responsible for fiscal integrity within their units. Supervisors are expected to provide leadership, oversight and management to ensure that all University funds are managed according to the goals, objectives and mission of the University and in accordance with all applicable University polices and rules and all applicable state and federal rules and regulations. This oversight includes an obligation to ensure that funds are budgeted and spent according to policies and that processes and internal controls are in place and that University assets and funds are safeguarded and that transactions are recorded and reported accurately. No supervisor or other University official may compel a University employee to violate any law or policy regarding fiscal matters.

3. The University business office is to provide up-to-date policies and procedures in the various fiscal areas and is to provide training to employees and contractors with regard to policy implementation. The business office is also responsible for maintaining information about this Fiscal Misconduct policy on its web site and to communicate the policy provisions to the campus community.

Additionally, the Comptroller will be responsible for reporting a summary of complaints received regarding Fiscal Misconduct, including the disposition of those complaints, to the President of the University and to the Board of Governors Audit Committee at least annually.

4. Violations of this policy may be reported to one of the officers listed below except that the report should not be made to the officer responsible for supervising the activity which is the matter of concern. (For example, possible misconduct by an employee under the supervision of the Executive Vice President for Academic Affairs and Provost should not be reported to the Executive Vice President for Academic Affairs and Provost but rather to another of the officials listed below.)

A report should be made in person, or in writing to the Executive Vice President for Academic Affairs and Provost; the Vice President for Administration, Finance and Planning or the Dean of Student Affairs. If the alleged misconduct implicates one of these officials, the report may be made to the President of the University. If the alleged misconduct implicates the President of the University, the report may be made to a member of the Board of Governors Audit Committee. The members of the Board of Governors Audit Committee are identified on the Board of Governors website.
The Comptroller shall serve as a central data collection officer for purposes of monitoring activity and investigations under this policy. Any report of Fiscal Misconduct shall be investigated thoroughly and in a timely manner. The person responsible for the investigation will advise the Comptroller of the report, the progress of the investigation and the final determination of the investigation. In the event that the Comptroller is the subject of an investigation under this policy, the President of the University shall fully inform the Audit Committee of the nature of the complaint, the progress of the investigation and the final determination on the matter.

5. An employee who engages in Fiscal Misconduct is subject to disciplinary action including dismissal from employment. A contractor whose agents or employees engage in Fiscal Misconduct is subject to cancellation of its contract with the University. The President of the University will determine what action will be taken in the event a finding of Fiscal Misconduct is reported.

(6. Retaliation against an employee for making a report of Fiscal Misconduct is prohibited. Anyone who retaliates against one who acts in good faith when reporting a violation is subject to disciplinary action including termination of employment or termination of contractor status. Anyone who has been subjected to an adverse employment action in retaliation for reporting Fiscal Misconduct may contest the action by filing a written complaint with the Executive Director of Human Resources/EEO and Affirmative Action Officer who will investigate the matter and make appropriate recommendations for resolution of the complaint. Nothing in this policy is intended to interfere with legitimate employment decisions. Any employee who knowingly makes a false report under this policy is subject to disciplinary action including termination of employment status and such employee will have no right to bring a retaliation complaint under this policy. Any contractor who knowingly makes a false report under this policy is subject to cancellation of its contract.)

[14.190 Retaliation Prohibited Neither the University nor any officer or employee of the University shall discharge, threaten, or discriminate against an employee regarding compensation, terms, conditions, location, or privileges of University employment in retaliation for reporting, whether verbally or in writing, a violation or suspected violation of any provision of this chapter or for cooperating with any investigation or hearing of the Missouri Ethics Commission or any related court action. Anyone who retaliates against one who acts in good faith when reporting a violation is subject to disciplinary action including termination of employment or termination of contractor status. Anyone who has been subjected to an adverse employment action in retaliation for reporting violations of the provisions of this chapter may contest the action by filing a written complaint with the Executive Director of Human Resources/EEO and Affirmative Action Officer and proceed under the University’s Grievance Procedure. Nothing in this policy is intended to interfere with legitimate employment decisions.] Any employee who knowingly makes a false report under this policy is subject to disciplinary action including termination of employment status. Any contractor who knowingly makes a false report under this policy is subject to cancellation of its contract.

The motion was seconded by Mike LaBeth and carried by a unanimous vote of 7 to 0. Susan Plasmeyer then declared the motion to be duly adopted, and the Secretary designated a copy of the “Degrees of Family Relationships” chart as Exhibit C.

Resolution amending Chapter 10 of the Code of Policies of the Board of Governors pertaining to Fiscal and Business Affairs-Personnel Items

Matthew W. Potter moved the adoption of the following resolution:
BE IT RESOLVED that Chapter 10 of the Code of Policies of the Board of Governors be amended in the manner shown below:

Any verbiage that would be deleted by this resolution is shown in *parenthesis and in bold italics*. Any verbiage that would be added to this chapter appears in [brackets and bold type].

CHAPTER 10

FISCAL AND BUSINESS AFFAIRS - PERSONNEL

Sections:

10.010. Employment and Supervision of Faculty and Staff
10.020. Equal Employment Opportunity/Affirmative Action
10.030. Nepotism Prohibited
10.040. Professional Leave for Staff
10.050. Stipends for Graduate Study
10.060. Medical, Family and Funeral Leave
10.070. Vacation Leave
10.080. Annual Holidays
10.090. Copyrights
10.100. Inventions and Patents

*(10.120. Employee Insurance Programs)*
10.130. *(Tax Sheltered Annuitities) [Voluntary Tax Sheltered Plans]*
10.140. Workers' Compensation for Officers
10.150. Employees Represented by Union
10.160. Salary Policies
10.170. Political Activities
10.180. Financial Exigency-Retrenchment

10.010. **Employment and Supervision of Faculty and Staff.** The President of the University is charged with the responsibility for employment of a competent and effective faculty and staff within the annual budgets approved by the Board of Governors and for the supervision of such faculty and staff. It is the duty of the President of the University to develop and implement appropriate policies and procedures for hiring, training, supporting, and evaluating faculty and staff members and, when necessary, for the disciplining and/or discharging of faculty and staff members. The President of the University may delegate to other administrators as much authority for employment decisions as he or she deems proper and advisable for effective and efficient administration. The President reports to the Board in a timely manner all of his or her actions to hire, promote, suspend, or discharge employees, except those in regard to part-time student workers.

10.010.1. **Authority of President.** The President of the University has the authority to appoint, reappoint, promote, reassign, discipline, suspend, and discharge employees. He or she also may accept resignations, grant leaves of absence without pay, and take other appropriate personnel actions in regard to faculty and staff. Provided, however, that the President may not 1) take such actions in violation of the Bylaws or other policies of the
Board or 2) approve expenditures in excess of the total amount budgeted for expenditures in the applicable budget.

10.010.2. **Reservation of Authority by Board.** The following personnel matters are specifically reserved for action by the Board of Governors:
   1. Appointment and removal of officers named in the Bylaws.
   2. Reappointment of faculty members in regular positions when such reappointment is tantamount to the granting of tenure.
   3. Promotion in academic rank of faculty members in regular positions.
   4. Grant of paid sabbatical or professional leaves of absence.
   5. Discharge of tenured faculty members.
   6. Award of early retirement benefits.

10.020. **Equal Employment Opportunity/Affirmative Action Program.** The Board of Governors reaffirms and states the policy of equal employment opportunity.

10.020.1. **Policy Statement.** The University will provide equal employment opportunity on the basis of merit and without discrimination (of race, religion, sex, age, or national origin) [on the basis of sex, disability, age, race, color, national origin, religion, sexual orientation or veteran status] pursuant to [the University’s Notice of Non-Discrimination, applicable Missouri statutes and] Federal Executive Orders 11246 and 11375 and Chapter 60 of Title 41 of the Code of Federal Regulations as amended by Part 60-2 and Revised Order No. 4. The University will extend equal opportunity for employment in both faculty and staff positions to all qualified persons, and will promote equal opportunity through a positive and continuing affirmative action program. The obligation to establish affirmative action procedures to implement this policy shall rest with the President of the University.

10.020.2. **Purpose.** The purpose of the affirmative action program is twofold: 1) to further implement the University's policy on equal employment opportunity throughout all departments, facilities, offices, and units of the University and 2) to insure that University policy is widely understood by all personnel and the public in general.

10.020.3. **Administration of the Program.** [The responsibility of coordinating and monitoring the affirmative action program may be delegated by the President of the University to an Affirmative Action Officer.]

   (1. There is hereby established an Equal Employment Opportunity Committee which shall be responsible for formulating policies regarding the affirmative action program. The Committee shall be composed of six members of the faculty and staff of the University who shall be appointed by the President of the University. The members shall serve for the period of time designated by the President.

   2. The responsibility of coordinating and monitoring the affirmative action program may be delegated by the President of the University to an Affirmative Action Officer. The Affirmative Action Officer shall serve as the seventh member and as chairman of the Equal Employment Opportunity Committee. The Affirmative Action Officer shall be responsible for implementing the policies adopted by the Equal Employment Opportunity Committee.)

10.030. **Nepotism Prohibited.** Pursuant to the Missouri Constitution, no officer or employee [shall] (may) participate, either directly or indirectly, in a decision to appoint or hire an employee of the University, either part-time or full-time, who is related to such officer or employee within the fourth degree of consanguinity (blood) or affinity (marriage). [It also shall be a violation of this policy for] (Similarly), an employee [to] (may not)
supervise, either directly or indirectly, the work of another employee who is related within such fourth degree, unless the supervisory role is specifically approved by the President of the University.

10.040. **Professional Leave for Staff.** The professional leave policy is designed primarily for the improvement of instruction. However, the Board will consider applications for paid leaves of absence by administrative and professional staff members when such leaves will provide adequate benefits to the University. In such cases, the rules and requirements for professional leaves of faculty members will apply to the professional leaves for staff members.

10.050. **Stipends for Graduate Study.** Stipends *(of up to $4,000 per semester, or up to $1,500 per summer session,)* are authorized for graduate study by honor graduates and current faculty members of this University and prospective faculty members as selected by the President of the University. [The President of the University is authorized to determine the amount of such stipends.]

10.060. **Medical, Family and Funeral Leave – Rationale and Purpose.**
This policy is intended to coordinate with the existing Federal Legislation entitled the Family and Medical Leave Act (FMLA); to provide Truman State University employees with needed benefits concerning the work-family environment; and to provide contingencies for employees so that they can attend to family emergencies and family events. Any leave granted pursuant to these policies shall run concurrently with any leave available under FMLA. These policies do not extend or enlarge the University’s obligations under FMLA. Medical, family and funeral leaves are administered in the following manner:

10.060.1 **General - All Employees**

**Definitions:**

1. **Child** – biological child of the employee or whom the employee adopts or for whom the employee is financially responsible, and whom the employee supervises on a day-to-day basis.

2. **Compensation** – something given or received as an equivalent or as reparation for a service such as a reduced teaching load for an overload.

3. **Parent** – employee’s biological parents or other individual who assumed day-to-day care and financial responsibility for the employee when the employee was a child.

4. **Primary Caregiver** – person who provides 50% or more of the care.

5. **Serious Health Condition** – a health condition which qualifies an employee for benefits under the FMLA.

**Medical Leave and Family Leave** – Medical leave and family leave are provided with the realization that an employee or an employee’s spouse, child or parent may become ill or injured and the employee may need time off to recover or to care for the employee’s spouse, child or parent. Also, an employee may need time off to care for employee’s newborn child or to provide care for a child placed with employee for adoption. Medical and family leave are provided to employees with and without faculty rank, in accordance with the provisions of the Code of Policies as set out below.

**Funeral Leave** – Funeral leave for all employees shall be granted for up to three (3) days, with pay, for the funeral of the employee’s spouse, mother, father, child, brother, sister, grandchild, step-parent or
step-child. Funeral leave shall be granted for up to one (1) day, with pay, for the employee for the funeral of the employee’s mother-in-law, father-in-law, sister-in-law, brother-in-law, aunt, uncle, grandparent or the grandparent of the employee’s spouse, great-grandparent or great-grandchild. The employee may, with their supervisor’s permission, use accrued vacation or accrued medical leave to take additional days associated with funeral leave.

Extended Medical Leave — In cases of extended illness or illnesses of the employee or employee’s immediate family member:

a. The President is authorized, at his or her discretion, to grant extended medical leave, with pay and benefits, for up to 60 days for employees with five or more years of continuous, full-time service who have exhausted all other available leave, including FMLA leave.

b. For employees who have exhausted their extended medical leave granted under subsection a., above, the President is further authorized, at his or her discretion, to grant additional extended medical leave for up to 120 days, without pay, for employees with five or more years of continuous, full-time service. In this instance, such employees may have continued benefits to the extent that such benefits are available to them from the University’s benefits providers at no additional cost to the University, or to the extent that such benefits are available pursuant to the Consolidated Omnibus Budget Reconciliation Act (COBRA).

c. For employees who lack five years of continuous, full-time service and are, therefore, ineligible for extended medical leave under subsections a. and b., above, the President is authorized, at his or her discretion, to grant extended medical leave for up to 180 days, without pay, if such employee has exhausted all other available leave, including FMLA leave. In this instance, such employees may have continued benefits to the extent that such benefits are available to them from the University’s benefits providers at no additional cost to the University, or to the extent that such benefits are available pursuant to COBRA.

d. These provisions for extended medical leave do not extend or enlarge the University’s obligations with respect to continuation of health plan coverage under COBRA.

10.060.2 Full-time Employees with Faculty Rank

1. Medical Leave Accumulation
Full-time employees with faculty rank begin employment at the University with sixty (60) days of Medical leave, which is granted by the Board of Governors and is unearned. In addition, nine (9) Medical days per academic year are earned. Unearned and earned Medical Leave taken together shall be considered “accumulated leave” for purposes of the Code sections relating to faculty, and may be used for Medical Leave or Family Leave as defined in Board of Governor’s policy.

2. Employee Medical Leave

a. Full-time employees with faculty rank may request Medical Leave for medical reasons, including pregnancy, for the period of time that the employee is unable to work as determined by his or her healthcare provider. The employee should request such leave through the Division Head, with appropriate paperwork submitted to the Business Office-Human Resources. The University may request appropriate documentation, including a physician’s statement. The University reserves the right to a second opinion at its cost.
b. Medical Leave will be on full pay to the extent of accumulated leave. FMLA leave and leave without pay may be applicable.

c. Medical Leave related to pregnancy is limited to six weeks’ duration unless a physician documents a medical need for additional leave. If a portion of the six-week period takes place between semesters, then only the time taken during the academic contract will be used to reduce accumulated leave balance, however the days between semesters count toward the six week maximum.

3. Family Leave

a. Family Leave for employees with faculty rank may be granted, with pay, to the extent of accumulated leave for a period not to exceed one semester during any 12-month period of employment under the following circumstances:

i. Care for qualifying employee’s newborn or placement of a child (age 5 years or less unless the child is disabled or there are extraordinary circumstances) with the employee for adoption. Family leave taken in conjunction with the birth or adoption of a child must be taken within one year of such birth or adoption.

ii. Care of the employee’s spouse, child, or parent with a serious health condition.

b. Family Leave may be taken as paid leave only if the employee meets the following criteria:

i. Tenured or tenure eligible and has completed at least one year of service;

or

ii. Temporary employees who have completed at least three years of full-time service

c. FMLA leave and leave without pay may be applicable.

d. An employee requesting paid Family Leave must certify that he or she is a primary caregiver. In the case of Family Leave related to childcare, if the University employs both parents, then the combined leave of both parents will not exceed 16 weeks, using accumulated leave and leave without pay if applicable.

e. An employee requesting paid Family Leave for the care of a spouse, child or parent due to a serious health condition may be asked to provide a physician’s documentation of the medical condition, and the employee will need to certify that he or she is a primary caregiver.

f. Employees requesting paid Family Leave should work with their Division Heads at the earliest opportunity to develop plans that may consist of alternate work schedules, substitution of duties, project-specific work and/or transportable work and if applicable, time without pay. The goal would be to find a plan that is acceptable for all parties involved. The University will make reasonable efforts to accommodate the needs of employees to the greatest possible extent and in a manner consistent with the effective and efficient operation of the University. When faculty members assist in accommodation of a colleague’s leave plan, every effort will be made to recognize and compensate those people for extra services provided. The Academic Dean should forward the proposed plan to the Executive Vice President for Academic Affairs and Provost for
approval, then to the Business Office-Human Resources, to be processed pursuant to Section 10.060.4 of this Code.

10.060.3 Employees without Faculty Rank

1. Medical Leave Accumulation
   Full-time employees without faculty rank earn one day of leave for each month of service. Employees who are at least half-time receive prorated leave accumulation.

2. Medical Leave

   a. Employees may request Medical Leave for medical reasons, including pregnancy, for the period of time that the employee is unable to work as determined by his or her healthcare provider. The employee should request such leave through his or her Supervisor, with appropriate paperwork approved by the appropriate member of the President’s Staff and submitted to the Business Office-Human Resources. The University may request appropriate documentation, including a physician’s statement. The University reserves the right to a second opinion at its cost.

   b. Medical Leave will be on full pay to the extent of the accumulated leave. FMLA leave and leave without pay may be applicable.

   c. Medical Leave related to pregnancy is limited to six weeks’ duration unless a physician documents a medical need for additional leave.

3. Family Leave

   a. Family Leave may be granted for a period of up to 16 weeks during any 12-month period of employment under the following circumstances:

      i. Care for qualifying employee’s newborn or placement of a child (age 5 years or less unless the child is disabled or there are extraordinary circumstances) with the employee for adoption. Family leave taken in conjunction with the birth or adoption of a child must be taken within one year of such birth or adoption.

      ii. Care of the employee’s spouse, child, or parent with a serious health condition.

   b. Family Leave may be taken as paid leave to the extent the employee has leave accumulated to cover the 16-week period.

   c. FMLA leave and leave without pay may also be applicable.

   d. An employee requesting paid Family Leave must certify that he or she is a primary caregiver. In the case of Family Leave related to childcare, if the University employs both parents, then the combined leave of both parents will not exceed 16 weeks, using accumulated leave and leave without pay if applicable.

   e. An employee requesting paid Family Leave for the care of a spouse, child, or parent due to a serious health condition may be asked to provide a physician’s documentation of the serious health condition and the employee will need to certify that he or she is a primary caregiver.
f. Employees requesting paid Family Leave should work with their Supervisors at the earliest opportunity to discuss alternate work schedules, reduced duties, project-specific work and/or transportable work. The goal would be to find an arrangement that is acceptable for all parties involved. The University will make reasonable efforts to accommodate the needs of employees to the greatest possible extent and in a manner consistent with the effective and efficient operation of the University. The Supervisor should forward the proposed plan to the appropriate President’s Staff for approval, then to the Business Office-Human Resources to be processed pursuant to Section 10.060.4 of the Code.

4. Medical Leave Bank Program

a. There is hereby created a Medical Leave Bank Program to assist employees who face their own catastrophic illness or need to care for a spouse, child or parent when such spouse, child or parent is suffering from a catastrophic illness and the employee is faced with the exhaustion of paid leave benefits during recovery from such illness.

b. Catastrophic illness is defined as a serious health condition of an employee or employee’s spouse, child or parent which requires the employee’s absence from duty for a prolonged period of time leading to the exhaustion of all the employee’s earned medical leave, annual vacation leave, and compensatory leave time. Such serious health condition must be seriously incapacitating, of extended duration, and be certified by a physician.

c. Under the Medical Leave Bank Program, employees may contribute a portion of their own unused medical or vacation leave to a community medical leave bank for the use of employees who have exhausted their own medical, vacation and compensatory leave on account of a catastrophic illness as defined above. The purpose of this program is to allow employees to share their medical and vacation leave with fellow employees who are in need.

d. The President of the University is authorized and directed to establish written policies and guidelines for the implementation and administration of the Medical Leave Bank Program. These policies and guidelines will establish University practices relating to program startup, enrollment in the program, eligibility for benefits under the program, donation of medical and vacation leave time to the program, establishment of an administrative committee to consider applications for benefits, establishment of an appeals process, and such other policies and guidelines as the President deems necessary for the operation of the program consistent with existing Board Policies.

e. Employees must exhaust their remedies under this Medical Leave Bank program before they can be considered for Extended Medical Leave under Section 10.060.1 of the Board of Governors Code of Policies.

10.060.4 Implementation and Management

1. Personnel Responsible/Administration

a. Employees: responsible on an ongoing basis for submitting timely reports of Medical Leave taken to their Supervisor or Academic Dean. Communicate with Academic Dean at earliest opportunity when leave is anticipated.
b. Academic Deans: faculty should speak with their Academic Dean first about seeking Medical and Family Leaves.

c. Supervisor: employees with non-faculty status should speak to their immediate Supervisor first about seeking Medical and Family Leaves.

d. Executive Vice President for Academic Affairs and Provost: the Executive Vice President for Academic Affairs and Provost is consulted by the Academic Dean and approves or does not approve the recommended leave for academic employees.

e. Appropriate President’s Staff: the Supervisor of non-academic employees consults with the appropriate President’s Staff member who approves or does not approve the recommended leave.

f. Members of the Business Office, benefits coordinator and controller: Business Office personnel verify leave approvals for compliance with the policy, verify calculation of paid leave available and keep records of leaves. The Executive VPAA and appropriate President’s Staff member will consult with Human Resources prior to approving leave.

2. Discipline/Enforcement

a. If an employee believes his or her Supervisor or Academic Dean or appropriate President’s Staff member is not correctly applying this policy, a written appeal may be submitted to the Human Resources office by non-faculty status employees or to the Executive Vice President for Academic Affairs and Provost by faculty employees.

b. If it is determined that an employee has violated the terms and/or criteria of Medical Leave and/or Family Leave, then consequences will be enforced from among the following, but not limited to:

1. Employee may be required to reimburse the University for any paid leave which was granted improperly due to any misconduct or misrepresentation on the part of the employee.

2. Termination of employment, if circumstances warrant.

10.060.5 Medical Leave Covered by Workers’ Compensation

Medical leave shall be granted to persons who are covered by Workers’ Compensation or other forms of insurance to which the University contributes, only to the extent to which these medical leave provisions exceed income from Workers’ Compensation or insurance to which the University contributes or provides matching funds.

10.060.6 Retirement Credit. The limitation of 120 days for the accumulation of unused sick leave shall mean the maximum number of unused sick days to an employee's credit for which the employee will be paid his or her regular salary absent due to illness or injury. Any unused sick days accumulated by an employee beyond the 120 day limitation will be available for an unpaid leave of absence due to illness or injury and for any available service credit at the time of retirement, provided that any unused sick days which accumulate beyond the 120 day limitation shall not be added back into the accumulation of payable sick leave days if and when paid sick leave is utilized by an employee and his or her total of payable sick leave drops below the 120 day limitation.
10.070. **Vacation Leave.** Vacation leave is administered in the following manner.

10.070.1. **Full-Time Contract Employees.** Vacation leave for full-time employees serving on 12-month contracts accrues at the rate of 1.25 days per month (15 working days per year). At the beginning of the 15th year of continuous employment, vacation leave accrues at the rate of 1.67 days per month, which totals 20 days per year.

10.070.2. **Full-Time Non-Contract Employees.** Vacation leave for full-time employees not serving on contracts for definite periods accrues at the rate of 5/6 (0.83) of one day per month, which totals 10 working days per year, during the first five years of continuous employment. From the beginning of the sixth year of continuous employment to the beginning of the 15th year, vacation leave accrues at the rate of 1 1/4 (1.25) days per month, which totals 15 working days per year. At the beginning of the 15th year of continuous employment, vacation leave accrues at the rate of 1 2/3 (1.67) days per month, which totals 20 working days per year.

10.070.3. **Other Employees.** Vacation leave for part-time employees who work at least 20 hours per week or for full-time employees employed less than 12 months per year accrues at a rate proportionate to that of full-time contract employees who work 40 hours per week on twelve month contracts unless other provision for vacation leave is included in the individual employee contract.

10.080. **Annual Holidays.** The President of the University is authorized to establish staff holidays for each year with the proviso that such holidays are not to exceed thirteen days in a fiscal year.

10.090. **Copyrights.** Royalties or profits from materials developed by employees utilizing University time, supplies or equipment are to be divided on an equitable basis between the employees and the University based on the value of the respective contributions. **[The President of the University is authorized to promulgate and implement policies for the development, use and commercial or other exploitation of such materials.]** (Unless otherwise agreed in writing, the equitable division will be made without regard to whether the materials are copyrighted or, if copyrighted, which party holds the copyright.)

10.100. **Inventions and Patents.** Royalties or profits from inventions developed by employees utilizing University time, supplies or equipment are to be divided on an equitable basis between the employees and the University based on the value of the respective contributions. **[The President of the University is authorized to promulgate and implement policies for the development, use and commercial or other exploitation of such inventions.]** (Unless otherwise agreed in writing, the equitable division will be made without regard to whether the inventions are patented or, if patented, which party holds the patent.)

10.120. **Employee Insurance Programs.** The University is a member of the Missouri State Universities Consortium which permits the University to pool its employee insurance programs with other colleges and universities. The programs currently provide life insurance, long-term disability insurance, and medical insurance for full-time employees. The programs and benefits are determined by the consortium.

10.130. **(Tax Sheltered Annuities.) [Voluntary Tax Sheltered Plans.]** Properly licensed companies are authorized to sell [voluntary personal investment and savings plans] (tax sheltered annuities) to University employees upon providing reasonable assurances to the University that the deductions from employees' salaries will meet the requirements for "tax sheltered" plans. The President of the University is authorized to develop and implement policies and procedures for employees to purchase [such plans] (tax sheltered annuities) through the University, including a provision for a minimum level of sales to University employees by each company.
10.140. **Workers' Compensation for Officers.** Section 287.090(4) of the statutes provides that salaried officers of a corporation, organized pursuant to the laws of this state, are not automatically included in coverage under the Workers' Compensation Law unless specifically approved by the board of directors of the corporation. The Board of Governors approves the awarding of such workers' compensation coverage for officers of the University as permitted by Chapter 287 of the statutes.

10.150. **Employees Represented by Union.** Certain employees of the Physical Plant Department are represented by a labor organization as provided in Section 105.530 through Section 105.600 of the statutes. The organization selected by the employees (in 1971 is the Public Service Employees Union, Local No. 45) [is the Laborers Local 773 of the Laborers International Union of North America, AFL-CIO]. Representatives of the Union meet with representatives of the University to confer and discuss proposals relative to salaries and other conditions of employment for the employees represented by the labor organization. The results of such discussions are presented to the Board of Governors and the matters agreed upon by the Board and the Union are contained in memorandums of agreement for agreed periods, normally two years each.

10.160. **Salary Policies.** The Board of Governors approves salary policies on an annual basis, normally at its regular meeting in the month of June. Salary policies are effective for the period stated in the policies, normally one fiscal year, or until replacement salary policies are approved by the Board. Copies of the latest salary policies approved by the Board are available for review at the President's Office. The President of the University determines the compensation for any employees not covered by the salary policies, and the amounts of such compensation are reported to the Board as individuals are employed. Employees may not "pyramid" salaries by undertaking extra assignments for additional pay during periods of full-time University employment, unless such assignments are specifically recognized as overloads and approved by the President of the University on a case-by-case basis.

10.170. **Political Activities.** The following are the regulations concerning political activity and holding of public office by members of the University staff and faculty:

1. **Activity in Political Party Organizations:**
   a. Members of the staff and faculty may engage in lawful political activities:
      1. of organizations or political parties qualified to place candidates on the ballot in accordance with Missouri statutes or of political parties seeking such qualification,
      2. of non-partisan or bipartisan groups seeking the election of candidates to public office or the approval or disapproval of issues which are or may be submitted to the voters for approval, or
      3. on behalf of individual candidates for public office, including candidates for membership of any political committee established by Chapter 120, RSMo.
   b. Such activity, like any other personal, non-official undertaking, must be done on the individual's own time and should not interfere with University duties.
   c. Members of the staff and faculty may contribute funds to any of the above parties, groups or candidates, or expend funds on behalf of the above parties, groups, candidates or issues, subject only to State and Federal laws, which regulate political contributions.
2. Election to or Holding Public Office:

Any staff or faculty member, before he or she announces officially as a candidate for, or accepts any elected office, must inform his or her supervisor of such intention, and such supervisor must make the fact known to the President of the University through appropriate channels. If the regulations permit, the President will offer no objection to the candidacy, provided it does not require time or attention that should be given to University duties.

a. Subject to the requirements of notice to the President, a staff or faculty member may, without permission of the President, become a candidate for and hold a part-time position as member of a school board, member of a city council, member of a county legislative body or other local school or municipal office which is part-time. In case of doubt, the President shall decide if the candidacy is permissible under these regulations. Such activity must be conducted on the individual’s own time and shall not interfere with University duties.

b. The holding of any elective full-time office in local, county, State or Federal government is forbidden while the person is serving on the University staff or faculty. Before accepting such an office, a person is required to resign his or her University post. A person seeking election to such an office must resign or request an unpaid leave of absence as of the date of filing in the primary election. The President of the University is authorized and directed to establish policies and procedures for the grant of such unpaid leave of absence pursuant to these provisions relating to political activities.

3. This policy is subject to any applicable provision of law, or determination of the Missouri Ethics Commission.


A “financial exigency” is defined as a budgetary or financial emergency of such severity that it cannot be reasonably managed except by a retrenchment. The financial emergency contemplated by this policy, by its nature, requires fundamental, long term changes in the University’s business operation.

“Retrenchment” is defined as a reduction, discontinuance or merger of programs or services which results in termination of tenured faculty or in the termination of term appointments during their term.

1. Declaration of Financial Exigency. Should a budgetary or financial emergency arise which, in the judgment of the President of the University requires retrenchment, the President will present the facts and circumstances to the Faculty Senate as soon as possible. The President will then meet with the Faculty Senate one week following that presentation for suggestions and comments. If, at that point, the President thinks that a financial exigency should be declared, the President will present the facts and circumstances to the Board of Governors. If the Faculty Senate does not agree that financial exigency should be declared, they will present their case to the Board of Governors in writing at the same time. The Board of Governors will determine whether a financial exigency exists. In considering the President’s request for the declaration of financial exigency, the Board will take into account the nature and circumstances of the financial emergency, the severity of the emergency, the expected duration of the emergency, the President’s analysis of the situation and the totality of the circumstances surrounding the matter.
2. **Comment Period.** If the Board of Governors determines that a financial exigency exists, the President shall establish a Financial Exigency Committee. The membership of the Financial Exigency Committee will be as follows: the President of the University [chair], the President of the Faculty Senate, a representative of the faculty chosen by the Faculty Senate, the chief financial officer of the University, and the Executive Vice President for Academic Affairs and Provost. The Financial Exigency Committee (hereinafter referred to as the “Committee”) shall prepare a detailed financial analysis of the situation and communicate this analysis to the Faculty Senate, to the President’s Administrative Council, to the Staff Council and to the Student Government, inviting timely comment and suggestions from all of these constituencies. The Committee shall also seek advice and recommendations from Deans, Department Chairs, and other administrative supervisors. All constituents consulted by the Committee are encouraged to make written recommendations for the Committee’s consideration.

3. **Committee’s Recommendation.** After communicating with faculty, staff and students, the Committee shall include a summary of their comments and suggestions as part of the Committee’s recommendation to the Board of Governors. The Committee’s recommendation to the Board will include the Committee’s plan for addressing the financial exigency including a detailed plan for retrenchment in employment. This plan shall include an evaluation of tenured faculty staffing needs based on functional necessity while considering seniority and tenure status.

   If the Committee’s recommendation includes a plan for termination of term appointments during their term, such recommendation will also include an evaluation of the appointments proposed for termination based on functional necessity while considering seniority. The plan will include a timetable for implementation of the plan, should such plan be approved by the Board. The timetable shall include provision for as much notice as is reasonably practicable under the circumstances to the faculty whose employment will be terminated if the plan is approved and implemented.

4. **Retrenchment Criteria.** In preparing a recommendation for the Board, the Committee will first seek to protect the core functions of the University, as defined in the University’s Mission Statement. These core functions include classroom instruction, the library and non-academic services essential to fulfilling the University’s mission. The Committee will give due consideration to comments and advice from Faculty Senate, the Deans, Department Chairs and other administrative staff, the staff council and the Student Government.

   The Committee’s plan for termination of tenured faculty positions or for termination of term appointments during their term, shall give due consideration to seniority in terms of rank and length of service. The final selection will be made on the basis of best overall qualifications in light of the needs of the University as determined by the Committee. In such cases where all other considerations are equal, seniority will be the determining factor. Termination of tenured faculty appointments or termination of faculty term appointments during their term, shall be subject to approval of the Board of Governors.

   If, within two years after eliminating a tenured faculty position pursuant to this policy, the University determines to reinstate such position, the tenured faculty member who formerly held such position shall be notified of such action, if possible, and shall be rehired in their former position if they so desire. The University will make a good faith effort to locate and notify the former faculty member so affected. The conditions of such reemployment will be determined at that time.

5. **Final Board Determination.** While the Board of Governors may make its final decision while in closed session, the Board will first conduct a public hearing to accept comment and suggestion regarding the
Committee’s recommendation. Such public hearing shall be publicized at least 2 days in advance. In considering the Committee’s recommendation for responding to the state of financial exigency, the Board will take into account the nature and circumstances of the financial exigency and its severity; the expected duration of the emergency; the Committee’s analysis; comments and advice from Faculty Senate, the Deans, Department Chairs and other administrative staff; the staff council; the Student Government; the Committee’s recommendation for a retrenchment plan; and the totality of the circumstances surrounding the matter. The Board may approve the Committee’s plan as presented or amend it as the Board determines.

Upon a declaration of financial exigency by the Board and the approval of a plan of retrenchment, the President will proceed to carry out the plan in accordance with the timetable set out in the approved plan. Any declaration of financial exigency shall be for a finite and defined period of time, will be reviewed annually by the Board of Governors and will be subject to extension if the Board determines it necessary to do so following such annual review.

The motion was seconded by Cheryl J. Cozette and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

Agenda Items for Future Meetings
The Board reviewed a list of proposed agenda items for the regular meetings during the next year.

Dates for Future Meetings
Sarah Burkemper moved the adoption of the following resolution:

BE IT RESOLVED that the next regular meeting of the Board of Governors be scheduled for Saturday, February 7, 2015, on the University campus in Kirksville, Missouri, beginning at 1:00 p.m., with the understanding that the Chair may alter the starting time and/or place for the meeting by giving due notice of such change; and

BE IT FURTHER RESOLVED that other regular meetings of the Board during the next year be tentatively scheduled for the following dates:

- Saturday, April 11, 2015;
- Saturday, June 13, 2015;
- Saturday, August 1, 2015;
- Friday, October 9, 2015; and
- Saturday, December 5, 2015.

The motion was seconded by Matthew W. Potter and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

Agenda Items for Closed Session
Sarah Burkemper moved the adoption of the following resolution:
BE IT RESOLVED that this meeting be continued in closed session, with closed records and closed votes as permitted by law, for consideration of the following items as authorized by Section 610.021, Revised Statutes of Missouri:

1. Approval of minutes for the closed session of the last meeting under Subsection 14 of the statute for “Records which are protected from disclosure by law”;
2. Individual personnel actions under Subsection 3 of the statute for “Hiring, firing, disciplining or promoting of particular employees by a public governmental body when personal information about the employee is discussed or recorded”;
3. Confidential communications with the General Counsel; and
4. Purchase of real estate under Subsection 2 of the statute for “Leasing, purchase or sale or real estate by a public governmental body where public knowledge of the transaction might adversely affect the legal consideration therefore; and

BE IT FURTHER RESOLVED that if any business not covered by the stated reasons for the closed session is raised during the closed session, then this meeting shall be reopened to the public and an announcement about a resumption of the open session shall be made in the hallway outside of the meeting room.

The motion was seconded by Matthew W. Potter and carried by a unanimous vote of 7 to 0. Susan Plassmeyer then declared the motion to be duly adopted.

The closed session of the meeting began shortly after 3:00 p.m.

Sarah Burkemper
Secretary of the Board of Governors (2014)

I hereby certify that the foregoing minutes were approved by the Board of Governors on the 7th day of February, 2015.

Jim O’Donnell
Chair of the Board of Governors (2015)
November 19, 2014

Mr. Mark Schultz, Campus Architect
Truman State University Campus Planning
McCain Hall 201
100 East Normal
Kirkville, Missouri 63501-4221

RE: Pedestrian Mall Renovation Project

Dear Mark,

Thank you for asking Hitchcock Design Group to submit this proposal in response to your pedestrian mall renovation project! We appreciate the opportunity to advance our relationship with you and your colleagues at Truman State University.

PROJECT UNDERSTANDING
As we mentioned in our Qualifications package, we understand that Truman State University (TSU) is seeking to address several problems related to the existing pedestrian walkway extending between McCain Hall and the Student Union. These include both the condition and the programmatic function of the brick walkway. Items to address include the pavement section and paved type, stormwater management across and through the paving, bicycle circulation and parking, pedestrian seating, lighting, irrigation, and providing the growing media needed for healthy shade trees and other plants. TSU is interested in undertaking a Phase 1 project which will design, document, and construct improvements to the walkway and will extend from McCain Hall to just north of the existing fountain. The design and documentation team will be led by HDG and will include Trabue, Hansen & Hinshaw (surveying, civil engineering) and McClure Engineering (electrical engineering).

SCOPE OF SERVICES
In order to meet your objectives, we propose a three-phased process that is summarized below and described in greater detail in the attached Scope of Services.

First, during Preliminary Design, we will prepare a concise Site Program that summarizes the existing resources and stakeholder interests. Then we will prepare Alternative Improvement Concepts and corresponding Construction Cost Opinions that identify the scale, character, complexity and potential construction cost of the proposed hardscape, pedestrian and landscape improvements. We will then review each with you.

Once the scope, character and budget have been established for the mall, we will prepare Design Development Plans that illustrate the hardscape, pedestrian and landscape improvements, and Construction Documents, including drawings and specifications, which will be used to competitively bid and construct the approved improvements.

Finally, during Construction, our team will provide valuable Construction Administration, Observation and Contract Close-out services that will help you administer your contract with the General Contractor.

This proposal understands that you will be involved with some of the construction observation duties and will request members of the HDG Team to visit the site, if needed, at the agreed-upon hourly rates.
November 19, 2014
TSU Pedestrian Mall Renovation Project
Page 2

FEES
The HDG Team will provide the Professional services as described in the Scope as follows:

Site Survey $6,500
Design Phase Services (SD, DD, CD) $72,775
Construction Phase Services $27,500
Total $106,775

Reimbursable expenses allowance $7,500
(Includes travel, printing, postage and delivery, permit fees)
Reimbursable expenses will be invoiced at 115%

PROJECT TEAM
As a landscape architect with over twenty-five years of experience (and the parent of a recent TSU alumnus), I will be our project manager and lead designer. I will be responsible for routine project communications with you and rest of the project team. Other Hitchcock Design Group staff members will participate as needed in order to advance the work in a timely way.

John Huss and Tom Wooten of Trabue, Hansen & Hinshaw will be the civil engineers. They bring years of experience working on the TSU campus to this effort in addition to their professional expertise in designing and evaluating paver systems and sections.

Peter McDonnell and Keith Cooper of McClure Engineering will provide the electrical engineering services. Their experience with TSU’s electrical systems, standards, and preferences will be a valuable asset to the success of this project.

SCHEDULE
We understand that TSU would like to construct this project beginning in early May 2015. In order to meet that deadline, the HDG Team will begin the project immediately upon your Notice to Proceed and will target having bid documents ready by mid-March 2015. We will provide a more detailed schedule at the kick-off meeting.

Once you give us notice to proceed, we will prepare a standard AIA contract for your signature.

Thank you, again, for the opportunity to participate on this important project. We look forward to working on it with you in the near future.

Sincerely,
Hitchcock Design Group

Craig Farnsworth, ASLA
Senior Associate

Encl: Project Limits
Scope of Services
Standard Billing Rates

cc: Dave Frigo, Hitchcock Design Group
Scope of Services

PRELIMINARY DESIGN SERVICES

A. Research, Analysis and Programming

Objective: Confirm the characteristics of the existing resources, owner/users and stakeholders and produce new maps and a program summary that will be the basis for the design of site and landscape improvements on the campus of Truman State University (TSU) between McClain Hall and the fountain (see attached exhibit).

Process: Specifically, the HDG team will:
1. (On-site: Mtg #1) Conduct a kick-off meeting with TSU representatives and HDG only confirming:
   a. Project area ownership and access
   b. Goals and objectives
   c. Project team structure and responsibilities
   d. Constituent interests
   e. Jurisdictional agencies
   f. Budgets
   g. Communications protocol
   h. Decision making process
   i. Tentative schedule
   j. Invoicing and payment
   k. Other administrative considerations

2. Identify jurisdictional interests, operational practices, campus standards, development plans and construction procedures by interviewing representatives of appropriate constituent and regulatory groups including:
   a. TSU Campus planning, campus security, and campus grounds maintenance

3. Collect from TSU readily available existing data for the project area and the immediate surroundings including:
   a. Topographic and utility surveys
   b. Environmental reports
   c. Geo-technical reports
   d. Aerial photography
   e. Boundaries, property ownership and easements
   f. Hydraulic / stormwater data or models
   g. Pending improvement plans, as-buils, and original design documents
   h. Utility atlases
   i. Power and communication utilities

4. Observe and photograph the project area and immediate surroundings in order to identify readily apparent physical conditions and patterns of use.

5. Evaluate the type, size and condition of existing trees.

6. Using the inventoried data and any additionally required information, prepare base maps at appropriate scales.
7. Prepare and submit a concise Site and Landscape Improvements Program Summary that summarizes the research and analyzes its impact on the proposed schematic design improvements including:
   a. Background
   b. Goal and objectives
   c. Resources (natural, structural, infrastructural, cultural, financial)
   d. Best practices (applicable trends and technologies)
   e. Stakeholder interests (jurisdictional, users, administrators)
   f. Budget (construction and soft costs)
   g. Approval and permit process(es)
   h. Schedule (design, permit, bid, construct)
   i. What, if any, additional research, analysis or processes are required to implement the proposed improvements. (Services not described in this scope of services will be considered Additional Services.)

8. (Conference call: Mtg #2) Review the Site and Landscape Improvements Program Summary with TSU representatives and HDG only.

**Deliverable:** Site and Landscape Improvements Program Summary

**B. Schematic Design**

Objective: Reach consensus on the type, location, organization, scale, character and potential cost of site and landscape improvements on the Pedestrian Mall.

Process: Specifically, following your approval of the Site and Landscape Improvements Program Summary, the HDG team will:

1. Prepare two schematic alternatives including appropriate plan views, sections, elevations and other graphic images to illustrate the location and organization of the proposed improvements including:
   a. Grading, drainage
   b. Stormwater management
   c. Parking, service access, loading and other vehicular surfaces
   d. Plazas and other pedestrian gathering surfaces
   e. Walls and other landscape structures
   f. Lighting
   g. Turf and landscaped areas
   h. Site furnishings (e.g. bike racks, benches, signage locations, banners, trash containers)

2. (On-site: Mtg #3) Review the schematic alternatives with TSU representatives and HDG Team members to select a preferred alternative.

3. Refine the preferred alternative giving increasing emphasis to scale and character.

4. Prepare a preliminary construction cost opinion using recognized systems costs.

5. (Conference call: Mtg #4) Review the refined schematic design, construction cost opinion and implementation schedule with TSU representatives and HDG only.

6. Refine our schematic recommendations, as required.
November 19, 2014
TSU Pedestrian Mall Renovation Project
Page 3

7. Prepare a concise Schematic Design Report including appropriate graphics, text and data summarizing:
   a. Site and Landscape Improvement Program
   b. Recommended site and landscape improvements
   c. Construction cost opinion

8. (Conference call: Mtg #5) Review the Schematic Design Report with TSU representatives and HDG only.

*Deliverable: Schematic Design Report (PDF file)*

**FINAL DESIGN SERVICES**

**A. Design Development**

*Objective:* Reach consensus with the TSU on the final design, probable cost and construction strategy for the proposed site and landscape improvements on the Pedestrian Mall.

*Process:* Specifically, based on the approved Schematic Design Report, the HDG team will:

1. Using previously prepared base maps, finalize the size, horizontal and vertical geometry, structure, materials and finish, as appropriate, for these proposed improvements:
   a. Grading and drainage
   b. Storm water management
   c. Parking, service access, loading and other vehicular surfaces
   d. Plazas and other pedestrian gathering areas
   e. Walls and other landscape structures
   f. Lighting
   g. Turf and landscaped areas
   h. Site furnishings

2. Prepare outline specifications, including the products, materials and finishes of each component or system.

3. Prepare an itemized summary of quantities and an updated construction cost opinion.

4. (On-site: Mtg #6) Review the drawings, specifications, product data and material samples with TSU representatives and HDG Team members.

5. Refine the drawings and supporting materials as may be required.

6. (Conference call: Mtg #7) Review the revised documents with TSU representatives and HDG Team members.

7. Refine and submit plans to TSU for internal review.

*Deliverable: Design Development Documents (ACAD files and PDF files, size TBD)*
B. Construction Documents

Objective: Produce the final drawings, specifications, quantity schedules, project manual and other bid documents that will be used to competitively bid and construct the site and landscape improvements on the Pedestrian Mall.

Process: Specifically, based on the approved Design Development documents, the HDG team will:
1. Finalize the graphic and written documentation that will be used to bid and construct the improvements including:
   a. Project Identification and general information
   b. Notes, index and standards
   c. Summary of estimated quantities
   d. Alignment, ties and bench marks
   e. Maintenance of traffic
   f. Erosion and sedimentation control
   g. Grading and drainage
   h. Parking, service access, loading and other vehicular surfaces
   i. Plazas and pedestrian gathering surfaces
   j. Screen walls and other landscape structures
   k. Irrigation
   l. Lighting
   m. Turf and landscaped areas
   n. Site furnishings
   o. Other details as necessary
2. Finalize the written documentation that will be used to bid and construct the improvements including:
   a. Construction Drawings
   b. General and Supplementary Conditions
   c. Technical Specifications
3. Finalize the summary of quantities and construction cost opinion.
4. Prepare a construction strategy including:
   a. Anticipated construction schedule
   b. Access, staging and other logistics
   c. Owner and consultant roles
5. (Conference call: Mtg #8) Review the documents with TSU representatives and HDG Team members.
6. Make minor revisions as may be required.

Deliverables: Construction Drawings (ACAD files, size TBD), Project Manual (PDF file)

C. Bidding and Negotiation

Objective: Help select a qualified contractor to construct the improvements.

Process: Following approval of the Contract Documents, the HDG team will:
1. Provide a one (1) digital and one (1) hard copy set of Contract Documents for your reproduction for bidding.
2. (On-site: Mtg #9) Attend a pre-bid meeting for interested bidders (Civil engineer will attend in person; others will be available by phone.)
November 19, 2014  
TSU Pedestrian Mall Renovation Project  
Page 5

3. Answer questions and issue written addenda, when appropriate, to all bidders regarding changes to or clarifications of the Contract Documents.

4. Review the bids, tabulate the results and issue a recommendation regarding the contract award.

Deliverables: Contract Documents (1 digital file and 1 hard copy), written addenda (PDF file, when appropriate), bid tabulation and recommendation (PDF file)

CONSTRUCTION SERVICES
Following award of the work to a Contractor, the HDG team will provide these Construction Services until Final Acceptance of the work, or until 60 days after Substantial Completion of the work, whichever occurs first.

A. Administration
Objective: Help finalize and administer the construction contract with the Contractor.

Process: Specifically, the HDG team will:
1. (On-site: Mtg #10) Attend a pre-construction meeting with TSU and the Contractor to review:
   a. Contractor mobilization and staging
   b. Contractor schedules
   c. Contractor submittals
   d. Responsibilities
   e. Communications
   f. Payment procedures  
      (Civil engineer will attend in person; others will be available by phone)

2. Participate in and issue written summaries of on-site meetings at the site with TSU and the Contractor to review:
   a. Progress of the work
   b. Contractor schedules
   c. Contractor submittals and requests
   d. Consultant observations and recommendations

3. Issue interpretations or clarifications of the Contract Documents with reasonable promptness when requested by TSU or the Contractor.

4. Prepare recommendations for construction change orders, as requested by:
   a. TSU because of a change that you wish to make to the scope of the Contractor’s work
   b. The Contractor because of the discovery of job site conditions that were concealed or unknown when the Owner / Contractor Agreement was executed

5. Prepare recommendations regarding the Contractor's periodic application for payment.

Deliverable: Interpretations and clarifications (size TBD, PDF files)
B. Observations

Objective: Become familiar with the progress and quality of the Contractor’s work and to determine if the work is proceeding in general conformance with the Contract Documents.

Process: During construction, the HDG team will:
1. Observe the work at intervals appropriate to the stage of construction. This assumes five (5) visits/meetings by the Civil Engineer, one (1) visit/meeting by the Electrical Engineer, and one (1) visit/meeting by the Landscape Architect.
2. Review required testing procedures and data provided by independent testing services.
3. Review shop drawings, product data and material samples which the Contractor is required to submit, but only for the limited purpose of determining their general conformance with the design concept and information contained in the Contract Documents. This review does not include:
   a. The accuracy or thoroughness of details such as quantities, dimensions, weights or gauges
   b. The appropriateness of fabrication or installation processes
   c. Coordination of the work with other trades
   d. Safety precautions

Deliverables: written recommendations (PDF files)

C. Contract Close-out

Objective: Help close out its construction contract with the Contractor.

Process: After the Contractor notifies the TSU that the work is Substantially Complete, representatives of the HDG team will:
1. Observe the work at the site.
2. Review required contract close out submittals provided by the Contractor, such as:
   a. Operating and maintenance manuals
   b. As-built record drawings
3. Prepare punch list regarding the Contractor’s request for acceptance of substantially and finally completed work.

Deliverables: Written recommendations (PDF files)

GENERAL PROJECT ADMINISTRATION

In addition to the services outlined above, HDG will administer the performance of its own work throughout the term of the contract by providing the following services:

A. Communications
   1. Schedule, create agendas and summarize the highlights of periodic meetings
   2. Collect and disseminate communications from other parties
   3. Periodically inform your representative about our progress

B. Schedules
   1. Create, periodically update and distribute the project schedule
   2. Coordinate the activities of our staff and our consultants
C. Staffing
   1. Select and assign staff members and consultants to appropriate tasks and services
   2. Prepare and administer consultant agreements

D. File Maintenance
   1. Establish and maintain appropriate correspondence, financial, drawing and data files
   2. Obtain appropriate insurance certificates from consultants
   3. Maintain appropriate time and expense records

OPTIONAL, ADDITIONAL SERVICES
Services (e.g. irrigation design, tagging plant materials at nurseries, renderings) or meetings not specified in this scope of services will be considered Additional Services. If circumstances arise during HDG's performance of the outlined services that require additional services, HDG will promptly notify TSU about the nature, extent and probable additional cost of the Additional Services, and perform only such Additional Services following TSU's written authorization.
Standard Billing Rates and Expenses

Effective January 27, 2014

Billing Rates

Senior Principal  $230
Principal II      $180
Principal I       $165
Senior Associate II $150
Senior Associate I $125
Associate II      $110
Associate I       $ 95
Junior Associate II $ 85
Junior Associate I $ 75

Expenses

In addition to our standard hourly rates, we invoice authorized sub-consultant fees, travel and reproduction expenses, at 115% of our cost. We will invoice mileage in personal or company-owned cars at 115% of the current IRS reimbursement rate.
# 2015 Rate Schedule

**(effective 1-1-2015)**

## Professional Services (hourly)

<table>
<thead>
<tr>
<th>Position</th>
<th>Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$180</td>
</tr>
<tr>
<td>Engineer 5</td>
<td>$160</td>
</tr>
<tr>
<td>Engineer 4</td>
<td>$140</td>
</tr>
<tr>
<td>Engineer 3</td>
<td>$120</td>
</tr>
<tr>
<td>Engineer 2</td>
<td>$100</td>
</tr>
<tr>
<td>Engineer 1</td>
<td>$80</td>
</tr>
<tr>
<td>Technician 5</td>
<td>$95</td>
</tr>
<tr>
<td>Technician 4</td>
<td>$80</td>
</tr>
<tr>
<td>Technician 3</td>
<td>$70</td>
</tr>
<tr>
<td>Technician 2</td>
<td>$60</td>
</tr>
<tr>
<td>Technician 1</td>
<td>$50</td>
</tr>
<tr>
<td>Administrative</td>
<td>$60</td>
</tr>
</tbody>
</table>

## Expert Testimony

- Consultant Services: listed hourly rate $270
- Deposition and Trial: listed hourly rate $270

## Reimbursable Expenses

- Mileage: IRS rate
  - $1.50 / each
- Large Format Copies (B/W): $1.50 / each
- Large Format Mylar (B/W): $5.50 / each
- Xerox Copies (8 1/2 x 11): $0.15
- Xerox Copies (11 x 17): $0.25
- Other Reimbursables: cost + 10%
- Consultants: cost + 10%
January 1, 2014

RATE SCHEDULE

<table>
<thead>
<tr>
<th>Category</th>
<th>Hourly Rate</th>
</tr>
</thead>
<tbody>
<tr>
<td>Principal</td>
<td>$210</td>
</tr>
<tr>
<td>Project Manager</td>
<td>$165</td>
</tr>
<tr>
<td>Senior Engineer</td>
<td>$150</td>
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<tr>
<td>Engineer</td>
<td>$130</td>
</tr>
<tr>
<td>Lighting Designer</td>
<td>$130</td>
</tr>
<tr>
<td>Senior Technician</td>
<td>$135</td>
</tr>
<tr>
<td>Technician</td>
<td>$110</td>
</tr>
<tr>
<td>Designer</td>
<td>$110</td>
</tr>
<tr>
<td>Project Administrator</td>
<td>$80</td>
</tr>
<tr>
<td>Drafter</td>
<td>$80</td>
</tr>
<tr>
<td>Clerical</td>
<td>$70</td>
</tr>
</tbody>
</table>

Reimbursable expenses are in addition to hourly fees and include expenses incurred by McClure Engineering in the interest of the project. Unless otherwise defined by contract, reimbursable expenses shall be invoiced and include the following:

- Travel at cost.
- Automobile mileage at the published IRS Standard Mileage Rate.
- Reproductions of drawings, specifications, and other documents at cost.
- Courier and delivery charges at cost.
- Fees paid for securing permits and approvals.
- Sub-consultant expenses at cost plus 5%.
November 6, 2014

Kim Murphy, CPPB, CPPB
Truman State University
Purchasing Department
106 McClain Hall
Kirkville, MO 63501

Re: Request for Proposal on Qualifications
For Project SP15-06 Implementation of a Campus-wide Energy Conservation Services Program

Dear Ms. Murphy:

We would like to thank you and the other reviewers from Truman State University for taking the time to evaluate our response to your Request for Proposal on Qualifications. Additionally, we want to thank Mr. Karl Schneider, Director of Physical Plant, for meeting with our team on October 22nd. Karl provided a comprehensive overview of the Truman campus, and helped us understand the opportunities for energy-saving, facility-improvements that exist on the Truman State University campus. Energy Solutions Professionals (ESP) possesses the unique ability to provide the comprehensive energy performance contracting services you require, in a personalized and cost-effective manner that truly maximizes benefits for Truman and your students. ESP has the proven engineering and construction expertise to provide exceptional development and implementation services, while being independent and streamlines enables us to offer unbiased, value-oriented solutions tailored to our client’s needs and objectives.

ESP is a Small Business Enterprise (SBE) that was founded and is owned by individuals who have spent their careers in the energy services industry. As former members of nationally known energy services companies (ESCOs), the owners recognized a gap in the industry where projects were too small to be of interest to large ESCOs, yet too large and complex for residential energy-efficiency businesses. With that in mind, they formed ESP upon the belief that energy-saving expertise could be provided in a holistic and value-oriented fashion, where clients receive all the value of large company energy expertise without paying the elevated overhead and profits inherent in those firms.

While our company was founded in 2006 and may be considered “young”, the members of our Team have spent decades in the energy services industry. Our project experience, size of undertakings, and types of work cover a diverse span of market types and project sizes. We have completed several projects for small rural cities and counties, county hospitals, community colleges and school districts that ranged in size from $150,000 to $750,000. However, the experience of our Team members and financial stability of ESP have enabled us to provide large, comprehensive projects for universities such as Pittsburg State, Wichita State, University of Kansas (Lawrence campus), private colleges (e.g. Bethany and Culver-Stockton) and large school districts that ranged from $2M to $26M.

The vast majority of our experience is for education-sector clients with 78% of the dollar volume of our work having been for these clients. Further, our team members have successfully completed numerous projects for primary, secondary and higher education organizations in Missouri, Kansas, Illinois, and across the United States. This provides us with a deep understanding of how to work effectively with Truman State University in order to deliver a successful project; from a technical, financial, student-experience/people-oriented and business-related perspective, without disrupting your primary daily activities.

Energy Solutions Professionals is an independent Energy Service Company that is based in the Kansas City area and focused on providing holistic energy-efficiency and facility-improvement analysis, solution development and
implementation services. We provide exceptional service, while being stream-lined enough to offer unparalleled value. Our primary objectives are to identify ways for clients to reduce operating costs and improve their facilities. We guarantee savings will cover costs over time, and have the proven track-record and financial capability to successfully support our guarantee. ESP’s entire team had a hand in writing our Mission Statement; “provide exceptional energy-efficiency and facility-improvement services in a professional, people-oriented and cost-effective manner, with an emphasis on integrity and excellence”, and all our members are committed to helping us fulfill this mission with each of our clients.

We have extensive experience working with colleges in Missouri, Kansas, Illinois, and across the United States, and have effectively addressed the diverse needs of higher education facilities of all sizes and their wide array of facility types. Specifically, we recently completed $3.9 million of energy-efficiency and facility improvements for Culver-Stockton College, also located in Northeast Missouri. That project included lighting retrofits, water saving measures, building infiltration, enhancements to their energy management system controls, web-based programmable thermostats, variable refrigerant flow heating and cooling, steam to hot water boiler conversions, behavioral training, energy guidelines, set-point optimization, and retro-commissioning of their science building to address humidity issues and laboratory controls. Culver-Stockton expects to save over $355,000 annually from the energy-efficient improvements, and ESP guarantees these savings. This customized project was developed by working closely with the college stakeholders to uncover savings opportunities, quantify their infrastructure improvement needs and jointly develop a project that optimized savings, addressed critical needs and stayed within their fiscal parameters.

As a result of our Truman State University campus familiarization tour on October 22nd, ESP recognizes several opportunities that would allow for a paid-from-savings facility-improvement project to be developed, and several areas for which ESP and our Team have recent and practical experience. Specifically, initial efforts might be focused on uncovering enough savings to enable replacement of chillers, controls, condensate return piping, and attention to the air handler in the science building. As an independent ESCO, we would welcome the opportunity to assist you in developing your project(s), and we would obtain competitive bids from multiple vendors and subcontractors (local to maximum extent possible) so that Truman can secure the optimal value from the Energy Conservation Project.

Our team has a vast amount of experience within a small core-group of members. This enables us to offer highly effective services in an extremely cost effective manner. ESP’s owners are actively engaged in providing services for clients, so our overhead costs are very low. Our streamlined corporate structure and commitment to integrity enable us to offer exceptional services at much more cost-effective prices than other companies providing these same services. Feedback we have received is that our pricing structure was well below that of our competitors, while the comprehensiveness of services we provide actually exceeded what would have been received through other companies. We would offer this same quality of service and value-oriented pricing for Truman State University.

We look forward to the opportunity to assist your university by providing complete energy performance contracting services. Please don’t hesitate to contact us should you have any questions regarding our response to your Request for Proposal on Qualifications or our ability to assist you in this endeavor.

Sincerely,

Jeff Flathman, President
Energy Solutions Professionals, LLC
Executive Summary

ESP is a Kansas Limited Liability Company, and a Small Business Enterprise (SBE). We have a corporate structure and size that enables us to offer comprehensive services and tangible guarantees, without the large overhead costs associated with other ESCOs. We have no parent company to answer to, and no ties or agreements with product vendors, utilities or other service providers. Our vendor-independent, flat-tier construction and distinctive approach minimizes cost, gives our clients more control over energy conservation measures (ECMs), equipment and services selection, while shifting the risks associated with project implementation onto ESP and our team of experienced and highly skilled engineers. Our creative, unbiased technical expertise enhances savings potential, while superior project and construction management reduces costs. We offer comprehensive and unique performance management services that maximize savings and diminish difficulties during the guarantee phase of the project. Our approach puts control firmly in your hands, while we complete a guaranteed program geared toward your specific needs.

KEY PERSONNEL

Combined our team members have over 300 years of practical experience providing business development, design and energy engineering, energy analysis, facility auditing, project, construction & performance management and financing services. Our Team members have provided services for numerous clients all across the United States and internationally, and have completed over 55 Energy Performance Contracts in Kansas alone. Projects have been completed for all levels of educational facilities, local, state and federal government, hospitals, correctional facilities, industrial, commercial facilities, residential high/low rises, etc. These highly qualified and exceptional professionals have SUCCESSFULLY completed energy performance contracts for over 150 clients totaling about $300M in total project costs. So, clients can rest-assured that we have practical experience with successfully implementing energy-savings based projects.

Energy Efficiency Triad™

ESP’s entire Team is committed to providing holistic solutions. So, we have developed an approach that we refer to as the Energy Efficiency Triad™ (See Graphic). We recognize that utility and operating costs can only be truly optimized if equipment and systems are at peak energy efficiency; people are trained how to utilize systems in an effective and cost-conscious manner and utility supply is evaluated from a cost and sustainability perspective.

Our dedicated group of energy conservation training personnel has practical experience implementing behavior-based energy saving programs that help individuals understand how their actions can dramatically impact energy usage and costs.

Supply
Includes all aspects of how a client acquires and pays for energy. We look for things like billing errors, possible rate changes, power purchase agreements, power quality, renewable energy options and more.

Facilities & Systems
We take a comprehensive look at facilities and their energy-consuming systems to identify all of the energy-saving opportunities available (interior and exterior).

Behavior
Often overlooked by other companies, how people use and operate your facilities is just as key to your energy consumption. We work to identify behaviors and practices that could be changed to save substantial additional energy.
Energy Solutions Professionals is an Energy Service Company (ESCO) focused on providing optimal value, unbiased solutions and effective energy-efficiency, facility-improvement services. Energy Solutions Professional's highly skilled team and streamlined corporate structure enable us to offer exceptional services at unparalleled value for our clients. ESP’s team offers holistic project development, implementation and Measurement & Verification services that span energy & facility audits, energy & design engineering, energy behavioral training, assistance securing financing and project / construction / performance management expertise.

One of our main objectives when engaging a client is to identify opportunities to reduce their operating cost, and guarantee that savings will be sufficient to pay for energy and other facility improvements over time. This allows facility upgrades to be acquired without the client needing to spend capital dollars. The volatility and increasing cost for electricity, water and gas has heightened awareness regarding energy efficiency and has enhanced both the interest in and need for implementing energy-saving projects. We include tangible cost, savings and performance guarantees with all of our projects, and have the financial strength to support these commitments.

Mission, Vision and Guiding Principles

- **Mission:** To provide exceptional energy-efficiency and facility-improvement services in a professional, people-oriented and cost-effective manner, with an emphasis on integrity and excellence.
- **Vision:** To be an organization of unparalleled integrity that is client-focused and offers services that yield tangible value for our clients.

COMPANY STRENGTHS

**Personal:**
- Primary owners and team members have had substantial success in industry, with broad-range of clients
- Our members have provided & received energy services, so we are empathetic to client needs
- Commitment to meeting client’s needs and objectives above all else
- Conviction that conscientious service provides extremely beneficial value
- Broad range of experience and positive references in many different market-segments

**Corporate:**
- Size and structure enables us to provide client-focused, highly personal services
- Owners are actively involved, so we can respond with flexibility and timeliness
- Established strong relationships with vendors, subcontractors and financiers, so can offer value-oriented services for equipment, installation and financing of projects.

**Financial:**
- We can provide superior services and value for considerably lower cost.
- Project financing and insurance will not be profit center for ESP, so client will receive absolute best value for these critical components of service.

AFFILIATIONS & INDUSTRY TIES

ESP is currently a member of the National Association of Energy Services Companies (NAESCO), the industry organization for energy service companies like ours. Our participation keeps us abreast of industry trends and allows us to network with key business and technology companies that can help us deliver high value projects to our clients.

We are members of the Central Association of Physical Plant Administrators (CAPPA) and the Association for the Advancement of Sustainability in Higher Education (AASHE). We’ve been long time supporters of CAPPA which has allowed us to gain real insight into the challenges that directors of facilities for colleges and universities face. The education conferences held twice a year provide a platform for us to share our insights on how energy efficiency can be beneficial to higher education institutions, and allow

Truman State University
Response – Section 2 | 2
us to learn from their challenges and the problems they face. Our participation in AASHE provides insight into a different campus dynamic because it is primarily driven by students and faculty who are strong believers in sustainability. These people can act as vocal supporters and leaders of energy-saving efforts on campus.

ESP is a pre-qualified provider of energy-saving performance contracting projects in Kansas, California and Connecticut. We are on the Department of Energy's (DOE) Qualified List of Energy Service Companies (ESCOs) in accordance with the Energy Policy Act of 1992 (EP Act 1992) and 10 CFR 436. The DOE Qualified List consists of private industry firms that have submitted an application and been qualified by a Qualification Review Board composed of Federal Interagency Energy Management Task Force representatives and DOE staff.

We are also in the process of submitting an application to the GSA to be listed as a qualified provider of Energy Savings Performance Contracts under Schedule 84, Refresh Number 19. This qualification will allow us to provide energy-savings services to Federal clients under the newly created ENABLE program which specifically targets smaller Federal facilities that have not historically been of interest to other companies providing ESPC services.

ESP is a certified energy auditor by Kansas City Power & Light (KCPL), which allows us to identify and obtain utility rebates for our clients that are in the KCPL service area.

ESP is also a member of the USGBC, the organization that handles LEED certification. ESP will gladly assist Truman State University if you are interested in evaluating improvements that would achieve LEED-EB certification standards.

We are also members of the U.S. Green Buildings Council and the Association for the Advancement of Sustainability in Higher Education.

ESP has been nominated 3 years in a row to be candidate for the KC Chamber of Commerce's Small Business of the Year.

All of these accreditations and pre-qualifications should be very important to Truman State University. While we're not endorsers of ESP or any other ESCO, they serve to demonstrate the scrutiny and review that others have conducted regarding our approach to business, references from past projects, financial soundness, technical aptitude, and our overall ability to effectively and successfully provide energy saving performance contracting solutions to clients.

Specific Comments Addressing Selection Criteria Items

A. Business and Financial Qualifications

ESP is a company completely dedicated and solely focused on providing energy savings programs, and has successfully implemented projects for numerous higher-education facilities. ESP would not be able to remain in business if our energy projects did not meet – EXCEED – guarantee performance levels since this is all we do, and every client verifies whether we performed successfully for previous clients. We are long-standing members within key higher-education and energy-related organizations (NAESCO, AASHE, CAPP, USGBC, AEE, CACUBO and numerous others that are pertinent to our industry). We maintain these affiliations both to help us keep current with developing energy-efficiency issues and to help us truly understand the issues our clients are facing by being "members" of their community through these organizations.

ESP unequivocally has the ability and financial strength to support the pricing, performance and savings guarantees we provide through our Energy Performance Contracts. We can provide (have done so for other clients) third-party savings insurance/bonds; although, these policies are often expensive and hence reduce the amount of reinvestment of utility dollars in Truman State facilities/students that is achieved through the energy project. We have successfully worked with a large number of finance companies who provide funding for energy projects (we always competitively bid the financing and it does NOT represent a profit center for ESP) ranging from $150,000 to $26,000,000 project scopes. ESP is financially strong and our projects have always performed, so
these finance companies have committed to funding any size project; that makes fiscal sense from a cost and savings perspective, we come up with for a client.

B. Personnel Qualifications

ESP’s Team Members are the key to our past and on-going success. We have assembled a highly skilled, vastly experienced and divers Team that is committed to providing exceptional energy services in the most cost-effective and value-oriented manner in the energy-conservation Industry. Our personnel truly believe in the value of the services we provide, and bring a vast amount of practical and successful experience to bear on each and every project we undertake. We are quite confident that Truman State University may find a company with more experience; however, when comparing the personnel that will actually be assigned to fulfill the energy project for Truman State University – ESP’s Team has an unparalleled amount of experience, diverse background and wide range of ability that enables us to truly bridge the gap between theory and reality to develop exceptional results.

Everyone that ESP will assign to the Truman State University project have vast experience providing energy services to higher-education clients in Missouri, Kansas and Illinois, and are within 2-1/2 to 3-hours of Kirksville, MO. Our Construction Manager would actually stay in Kirksville during construction, and is on-site throughout the implementation phase of the project. Additionally, we cannot stress enough how we will diligently engage local contractors for every aspect of the project (specifically target including those contractors who have performed effectively for Truman in the past). We are committed to maximizing the value of the energy project not only for Truman State University but for the entire community around the university.

C. Project Management Plan

We have provided detailed descriptions of our philosophy and technical approach to developing, funding, implementing and quantifying performance for energy projects in Sections 4 and 5 of our response to this RFP. We feel it is critical to stress that ESP’s founders and all our Team members are proud to be independent, and are wholly committed to providing unbiased, holistic solutions in a manner that optimizes value for our clients. Our approach is to secure multiple bids for every aspect of the energy project – vendors, subcontractors, financing providers, etc. – and then thoroughly review with Truman State University Team members to reach mutual agreement on which products and contractors offer the BEST VALUE (not necessarily lowest first cost), and then ESP will utilize whomever that best-value provider ends up being. This independence positively impacts our audit, design, product/subcontractor selection, financing selection and every aspect of our energy projects.

ESP’s track record of completing projects on-time and within (under) budget is exceptional. Probably the single most compelling fact to support this is the vast number of clients that have asked us to come back and provide further services. We employ scheduling tools, regular and consistent meetings with clients and a unique three-week-look-ahead process to ensure that projects stay on schedule, clients are fully informed of progress and where activities will be taking place.

D. Prior Project Performance

ESP and our Team members have successfully provided comprehensive energy services that resulted in over $300M of energy projects being implemented under Guaranteed Savings model. We highlighted some of the projects that our Team completed as references in Section 6 of our response, and also provided a synopsis of the educational organizations that our Team Members have helped within Missouri, Kansas and Illinois (over 40 organizations) just to accentuate that our Team has substantial experience providing services for entities similar in size and scope to Truman State University. These projects encompassed a total turn-key solution – analysis, development, financing, implementation, training, behavioral training, performance verification and so-forth – that were provided by our Team Members. ESP and our Team Members have an unparalleled track-record of projects that yielded accurate projection, implementation that achieved, and performance measurement that demonstrated in a documented and verified that guaranteed energy savings were achieved (exceeded).

E. Missouri Preference

One of the material partners with Energy Solutions Professionals is a licensed Professional Engineer in the State of Missouri, and he will provide direct involvement and over-site on every technical aspect of the project development, design and scope of work
for the Truman State university project that we would put together. As mentioned above, our Team Members have developed and implemented projects for over 40 educational organizations in Missouri, Kansas and Illinois (14 in Missouri). We are currently wrapping up a project for Culver-Stockton College in Canton, Missouri, are starting projects with Bethany College and Hannibal-LaGrange University and have completed projects for several other (not-educational) entities in Kansas City Missouri. ESP has been successful in securing pre-approved ESCO status in every state that we have pursued (Kansas – long term member and active participant; California and Connecticut); unfortunately, the State of Missouri has not been utilizing their state-sponsored program and has not opened this up for new members in nearly 10 years.

**Specific Benefits to Truman State University:**

Our corporate structure and sole focus on energy services yields a smaller balance sheet than companies for whom energy services is a small portion of their overall business; however, our project team members have a vast amount of successful experience within the industry. ESP’s Team has the proven capability to successfully implement energy performance contracts of all sizes and complexity (ranging from $100K to $25M), and we have the financial strength to support projects of all sizes as well. In fact, we consciously developed our corporate structure — independent, streamlined and solely focused on energy services — to ensure that we are able to offer unparalleled value, quality of service and results for our clients:

- **Our Independence from manufacturers, contractors and commodity providers enables us to offer truly holistic and totally unbiased evaluation of all products and services considered for inclusion in our energy-saving, facility-improvement projects**
  - This improves quality by ensuring the best product for your given application
  - Vendors/subcontractors know they are competing against other providers, so ESP secures “best pricing” for TSU

- **Our streamlined structure yields very low overhead costs; especially when compared to the multi-billion-dollar ESCOs for whom energy performance contracting is a small fraction of their overall business, which allows us to provide energy services for much lower cost to our clients.**
  - We have a fairly small staff; however, each of our team members has a vast amount of experience which enables us to be more efficient and to tackle more complex projects.
  - Our owner’s longevity and strong standing within the energy-services industry has allowed us to develop key relationships with individuals and engineering firms that enable us to cost-effectively secure additional resources; if/when they are needed, in a cost-effective and seamless manner, which empowers us to tackle all magnitudes of projects

- **ESP is solely focused on providing holistic (Energy Efficiency Triad approach) and comprehensive energy services that yield maximum savings, lowest cost and optimal value, so TSU secures exceptional results from their energy project.**
  - ESP’s sole focus is energy services and we are committed to helping our clients optimize savings and improvements
  - We have vastly experienced personnel specialized in every aspect of energy services: auditing, utility analysis, engineering, finance-development, project/construction management, performance management and behavioral training.
  - Our team has over 300 years of combined experience in the energy performance contracting field; which is a testament to how passionate we are about energy-efficiency and energy performance contracting, and the level of success we have attained as a company; and individually, within our industry is largely due to our focused approach/structure.
  - Our only source of income/revenue is energy-services, so it is vitally important that we provide effective services and secure positive references to assist with obtaining future business.

- **Since we’re based in Overland Park, Kansas, our team is only 3 hours away from TSU, which makes it easy and convenient for us to work with you.**

- **Our turnkey approach to guaranteed energy savings projects ensures there will never be a question of who is responsible for the project or who you need to contact regarding the project; that will always be ESP. This greatly reduces the amount of**
time and effort required on your part to obtain these facility upgrades, and it eliminates the finger pointing that can occur through traditional "plan & specification" procurement.

- ESP provides Cost, Savings and Performance Guarantees, so TSU is assured that the project will be built for the price identified, that savings will materialize and be sufficient to cover all project costs over time, and that the systems installed will perform both operationally and efficiently.

The following table provides a synopsis of the number and magnitude of energy-saving performance contracts our team members have been involved with over the many years we have been in the energy services field. We can assure you that our Team Members have practical experience implementing energy-efficiency improvements in basically every conceivable environment, especially those that are specific to higher education settings (research, museums, student housing, academic, etc.)
## Project Experience of ESP Team

<table>
<thead>
<tr>
<th>Organization Type</th>
<th>Quantity of Projects</th>
<th>Approximate Total Contract Amount</th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>State Government</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Department of Corrections</td>
<td>12</td>
<td>$20,750,000</td>
</tr>
<tr>
<td>State Schools (for special needs)</td>
<td>2</td>
<td>$1,470,000</td>
</tr>
<tr>
<td>State Office Buildings</td>
<td>8</td>
<td>$7,000,000</td>
</tr>
<tr>
<td><strong>Local Government</strong></td>
<td>22</td>
<td>$20,792,000</td>
</tr>
<tr>
<td>Cities/Municipalities</td>
<td>15</td>
<td>$10,506,000</td>
</tr>
<tr>
<td>Counties</td>
<td>7</td>
<td>$10,286,000</td>
</tr>
<tr>
<td><strong>Hospitals/Social Rehabilitative Services</strong></td>
<td>11</td>
<td>$10,244,000</td>
</tr>
<tr>
<td><strong>Primary/Secondary Education</strong></td>
<td>47</td>
<td>$117,737,000</td>
</tr>
<tr>
<td><strong>Federal Government</strong></td>
<td>6</td>
<td>$7,337,000</td>
</tr>
<tr>
<td><strong>Higher Education</strong></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Community/Technical Colleges</td>
<td>8</td>
<td>$11,154,000</td>
</tr>
<tr>
<td>Colleges/Universities</td>
<td>32</td>
<td>$139,845,000</td>
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<tr>
<td><strong>Private Sector Clients</strong></td>
<td>12</td>
<td>$7,034,000</td>
</tr>
<tr>
<td></td>
<td>160</td>
<td>$343,363,000</td>
</tr>
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</table>
Statement of Responsibility

FORM A - STATEMENT OF RESPONSIBILITY

Prime Contractor (ESCO of Contractor):

Name: Energy Solutions Professionals, LLC
Address: 9218 Metcalf, Suite 274
Overland Park, KS 66212
Phone: 913-381-2800
Fax: 913-273-1499
Email: Jeff@energiesp.com

(Please note possession of any license or registration pertinent to this project.)

Energy Solutions Professionals is a Missouri licensed Professional Engineering Corporation. Our license number is 2009010401. (A copy of this license is included in the Appendix) We will have a Missouri licensed Professional Engineer prepare and review all energy saving measures and calculations. Our engineer is Robert P. Miller, Jr., MO Professional Engineering License PE-2008007795.

Area of Responsibility: (Describe in detail duties and responsibilities applicable to this project.)

Energy Solutions Professionals will serve as the Prime Contractor on this project and will have full turnkey responsibility for all aspects of the project. We will provide energy auditing, utility analysis, building energy modeling, identification and analysis of energy conservation measures (ECMs), engineering, design, arranging financing, installation, project management, construction management, commissioning, training and measurement and verification of savings.

This is the role our team has fulfilled on more than 150 performance contracts over their careers; installing well over $300 million in guaranteed energy saving improvements.

Installation subcontractors will be competitively bid once the actual scope of work of energy conservation measures has been identified. We will include any preferred subcontractors that Truman State University would like to have participate in the implementation.
Pittsburg State University
Campuswide Improvements & Geothermal Project
Pittsburg, Kansas

Summary
The campuswide project at Pittsburg State University involves a total of twenty eight facilities that have a combined 1.5 million square feet of space. The oldest building was constructed in 1912, and many of the buildings have been renovated and added on to several times over the years.

Even though the University had completed an energy-saving project across campus in 2004, there were still huge opportunities for additional energy savings just seven years later. Some were due to newer technology being available, while other opportunities came from replacing aging equipment, or completing rethinking ways to heat and cool buildings. Recommended energy conservation measures include lighting retrofits, steam trap replacements, steam system improvements, boiler replacement, installation of geothermal heat pumps, energy management controls including occupancy controls in student housing, and energy awareness and behavioral training.

Geothermal Heat Pumps
A new high-efficiency geothermal heating and cooling system was installed in McPherson Hall and Timmon’s Chapel. ESP assisted PSU in receiving a renewable energy grant from the State of Kansas that funded the effort.

Occupancy Based Temperature Control In Residence Halls
Seven residence halls on campus were upgraded with state-of-the-art heating and cooling controls that can “sense” when the room is occupied. This advanced technology allows for the temperature to be setback in rooms when they are unoccupied, while maintaining comfort levels for students when they are present.

Induction Lighting
ESP and the PSU staff opted to use induction lighting for some of the exterior lighting replacements that were performed on the project. Induction lighting is one of the most energy efficient lighting solutions that is commercially available today.

Energy Conservation Measures
- geothermal heat pumps
- lighting retrofits
- steam trap replacements
- steam piping insulation/blankets
- thermostatic control valves
- de-aerator tank vent condenser
- steam heat exchanger and PRV replacements
- boiler replacement
- occupancy based temperature controls
- behavioral training

Quick Facts
Scheduled Completion: 2011
Total Square Feet: 267,746
Number of Buildings: 28
Total Project Cost: $4,7 million
Annual Savings: $444,014

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Culver-Stockton College

Campus-wide Energy-Efficiency Improvements
Canton, Missouri

Summary

Culver-Stockton College is a private, residential, four-year, liberal arts college located in Canton, Missouri. It was founded in 1853 and has an enrollment of nearly 800 students.

Culver-Stockton had been engaged by several other energy services companies in the past, but had never found a company that they felt comfortable working with. ESP was able to work with the College to help them understand every aspect of a guaranteed energy saving project, build trust, and assist them in identifying energy-saving improvements that the College could make to help save energy, while improving the facilities.

The College had numerous needs, but limited funds. They had a desire to move away from an old steam system that was a maintenance headache, and lacked effective controls in most buildings to set back or turn off equipment during unoccupied hours.

The resulting project is a comprehensive campus-wide energy-saving performance contract. Improvements included: new interior and exterior lighting, occupancy sensors, water efficiency improvements, sealing doors, windows and roof lines to prevent air infiltration, a new energy management system, occupancy-based heating and cooling, web-based programmable thermostats, new variable refrigerant flow heating and cooling, steam to hot water boiler conversions, variable air volume conversions, behavioral training, energy guidelines, set point optimization, and retro-commissioning of the Science Center which was experiencing severe humidity problems.

Energy Conservation Measures

- interior and exterior lighting
- occupancy based lighting controls
- building infiltration
- water efficiency improvements
- energy management system
- occupancy-based heating and cooling
- web-based thermostats
- VRF heating/cooling
- steam to hot water conversion
- VAV conversions

- behavioral training
- energy guidelines
- set point optimization
- retro-commissioning

Quick Facts

Completion: 2014 (under construction)

Total Square Feet: 465,000

Number of Buildings: 26

Total Project Cost: $3,900,000

Annual Savings: $355,000

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Wichita State University

Brennan II & III, Fairmont Towers and Wheatshocker Apartments
Wichita, Kansas

Summary

Although Wichita State University had already completed a $14 million campus-wide energy-efficiency project a few years back that had touched on all of their academic buildings, the Housing & Residence Life team challenged ESP with finding ways to save energy in student living environments.

Although the facilities are well maintained, early investigations revealed several key areas that needed to be addressed.

The Brennan buildings had an aging boiler that was past its useful life, and way oversized for domestic hot-water heating, which resulted in considerable inefficiencies. Additionally, cooling was provided by window air-conditioning units that were both inefficient and maintenance-intensive pieces of equipment.

The Wheatshocker Apartments had an unusual situation where the building was operating with very high negative pressure; indicating that much more air was being exhausted than the ventilation system was making up, which caused comfort issues and considerable energy waste.

It was also found that while the University has an energy management system that controls some major systems, it did not have any control over individual rooms. This meant there was no way to take advantage of the large diversity of occupied versus unoccupied periods in the individual rooms.

To address these concerns, ESP installed a geothermal heat pump system at Brennan II & III, allowing the university to do away with the boiler and window air units. Exhaust and make-up air improvements were made at Wheatshocker Apartments to help relieve some of the ventilation issues that were causing so many problems, and HVAC controls were installed in all student rooms that can sense when the room is unoccupied and setback temperatures accordingly.

Additionally, more efficient lighting and plumbing fixtures were installed in all three buildings. In total, ESP was able to create 23% savings on energy and operational costs for Wichita State University.

Energy Conservation Measures

- lighting system upgrades
- water conservation
- occupancy based HVAC controls
- exhaust/make-up air improvements
- geothermal heat pump system at Brennan II & III

Quick Facts

Year Completed: 2010
Total Square Feet: 334
Number of Buildings: 
Total Project Cost: $1.4
Annual Savings: $109,
University of Kansas
Deferred Maintenance and Lab Improvements
Lawrence, Kansas

Summary
This comprehensive energy and facility improvement project combined energy-saving and deferred-maintenance projects, along with behavioral training, to yield a truly holistic facility improvement project for the University. Campus-wide conservation projects (including lighting, water conservation, energy management control enhancements, steam-system efficiency improvements, energy behavioral training) that offered good cost-to-savings payback ratios were implemented. Savings from these campus-wide measures were used to help fund major deferred-maintenance and efficiency improvements in the primary scientific research buildings such as: replacement of air-handling units, complete retro-commissioning of air-distribution systems, and an upgrade of exhaust hoods and associated controls.

Lab Improvements
At Mallot Hall, Haworth Hall, and Simons Bioscience, ESP implemented a cutting-edge lab exhaust system for the University of Kansas that incorporates ganged exhaust, a chemical/air-quality sensing system, and variable speed exhaust at lab hoods; all of which greatly improved safety and decreased energy use. The University previously had around 246 individual exhaust fans that have now been reduced to 65. The Aircuity OptiNet system works in conjunction with Phoenix Controls valves to improve air quality and safety while reducing energy consumption.

Energy Conservation Training
ESP is providing ongoing energy conservation training to the students, faculty and staff at the University in an effort to change the paradigm of how occupants use energy within their daily activities. Teaming with KU's Center for Sustainability, ESP routinely provides formal training sessions, organizes contests, conducts building energy audits, manages buildings schedules and temperatures, distributes literature, and identifies and implements changes in operations and maintenance needs.

Energy Conservation Measures
- lighting system upgrades
- water conservation
- steam trap replacements
- steam piping insulation/blanks
t- steam pressure optimization
- boiler combustion air improvements
- air-handling unit replacements
- variable air volume conversions of HVAC systems
- chilled water control valves and variable speed pumping
- fume hoods
- advanced lab air quality controls
- energy management system expansion
- demand control ventilation
- behavioral training

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INSTRUCTIONS:

For Consanguinity (relationships by blood) calculations:

Place the employee for whom you need to establish relationships by consanguinity in the blank box. The labeled boxes will then list the relationships by title and degree of distance from the employee.

Anyone in a box numbered 1, 2 or 3 is within the third degree of consanguinity.

For Affinity (relationships by marriage) calculations:

Place the spouse or Domestic Partner of the employee for whom you need to establish relationships by affinity in the blank box. The labeled boxes will then list the relationships by title and degree of distance from the employee’s spouse or Domestic Partner.

A husband and wife are related in the first degree by marriage. For other relationships by marriage, the degree of relationship is the same as the degree of underlying relationship by blood.


9/2/11