




















December 2019 Governance and Finance Committee Meeting

Schedule	Wednesday, December 4, 2019 11:15 AM — 11:55 AM CST
Venue	Wilder Student Union Ballroom, Lambuth Campus, Jackson, TN
Organizer	Jean Rakow

Agenda

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1. Call to Order

Presented by David North

2. Roll Call and Declaration of Quorum

Presented by Melanie Murry and David North

3. Approval of Minutes - September 4, 2019

For Approval

Presented by David North

University of Memphis Governance and Finance Committee Meeting

September 4, 2019 | 10:45 a.m.

Proposed Order of Business and Committee Summary

The Governance and Finance Committee of the University of Memphis Board of Trustees met at 11:06 a.m. CDT, on Wednesday, September 4, 2019, on the University of Memphis Main Campus in Memphis, Tennessee.

I. Call to Order/Roll Call/Declaration of Quorum/Introduction

Chairman David North called the meeting to order and welcomed attendees. University Counsel and Board Secretary Melanie Murry called the roll. The following Governance and Finance Committee members were present: Trustee Noah Agnew; Trustee Alan Graf, Trustee Cato Johnson, Trustee David Kemme; Trustee R. Brad Martin, and Trustee Susan Springfield.

A quorum was present. Members of the University of Memphis Board of Trustees, faculty, administrative staff, and guests were present.

II. Approval of Minutes – June 5, 2019

Chairman North requested a motion for the approval of the minutes. It was moved by Trustee Johnson and properly seconded to approve the minutes from the June 5, 2019, Governance and Finance Committee meeting. A roll call vote was taken, and the motion was passed.

III. Naming of the Bridge

Chairman North introduced Joanna Curtis, Chief Development Officer, to discuss the naming of the student pedestrian bridge. Chief Development Officer Curtis requested consideration to name the pedestrian cable bridge as the Hunter Harrison Memorial Bridge.

Motion was moved by Trustee Graf and properly second.

IV. Naming of the Student Wellness Center and Plaza

Chairman North introduced Dr. M. David Rudd, President, to discuss the naming of the student wellness center. Dr. Rudd moved to name the plaza for R. Brad Martin for his lifetime contribution of services and donations to the University.

With unanimous consent of the Board the motion was moved and properly seconded.

V. Land Transfer Agreement and Long-Term Land Lease with the Stella Group

Chairman North introduced Raaj Kurapati, Executive Vice President for Business and Finance and Chief Financial Officer (CFO), to discuss the land swap proposal and long-term land lease. The request consists of two transactions, to accept the donation of property on Mynders and Brister and enter into a land swap proposal to lease the property on Deloach for a 475-bed housing development. CFO Kurapati advised that allowing the Stella Group to develop housing will address our need for additional beds on campus. Ground-breaking for the new housing would occur later this year with an opening by Fall 2021. Dr. Rudd mentioned the broader vision is to address the aging housing by removing some of those facilities or redevelop for academic use.

Chairman North called for a motion. **It was moved by Trustee Kemme and properly seconded.**

VI. Park Avenue Master Plan Update and Acquisition of Audubon Baptist Church Property

Chairman North introduced CFO Kurapati to discuss the amendment to the master plan and the acquisition of the Audubon Baptist Church property as the permanent location for the University Middle School. CFO Kurapati provided an update on the middle school expansion and discussed working with Shelby County Schools at East High for our first sixth grade class this year. After reviewing several options in the search for a permanent location for the middle school, CFO Kurapati acknowledged the opportunity to acquire the Audubon Baptist Church property which is adjacent to the Park Ave Campus and will allow the University to build upon strategic developments on the south-end of campus. Dr. Rudd mentioned the new partnership with Porter Leath and the \$3.5 million in funds raised with the Urban Child Institute to operate an infant care facility a short distance from the Park Avenue Campus. He emphasized the goal to provide a full continuum from infant care all the way through higher education not only to support local neighborhood but faculty and staff.

Chairman North called for the motion to approve the revision of the master plan and acquisition of the property. Trustee Graf made the motion and it was properly seconded.

VII. Board Self-Assessment

Chairman North introduced Dr. Colton Cockrum, Assistant Vice Provost for Institutional Effectiveness, Accreditation, and Academic Assessment, to discuss the recommendation of self-assessment. Assistant Vice Provost Cockrum provided an overview of the Southern Association of Colleges and Schools (SACS) requirement for boards to have a self-evaluation tool. Chairman North mentioned that, as a new Board, they should look at being more effective. Trustee Martin suggested taking the questions from the assessment tool to evaluate themselves and prepare for the Governance & Finance Committee to review. Chairman North agreed and requested Board Secretary Murry prepare the document.

VIII. Sibson Consulting Report & President's Contract

Chairman North called upon CFO Kurapati to discuss the evaluation of the President's compensation package. Trustee Martin oversaw the process and provided a brief overview of the consulting work provided by Sibson Consulting. Sibson Consulting representatives presented the assessment for the President's compensation and reviewed the proposed full compensation package.

Trustee Martin suggested the President's compensation package be consistent with the Sibson recommendation and asked Legal Counsel and CFO Kurapati to prepare a contract to be reviewed by the Chairman of the Board to reflect those terms and conditions. The Board members commended Dr. Rudd's outstanding leadership and conversation ensued regarding his remarkable accomplishments.

IX. Construction Projects Update

Chairman North introduced Tony Poteet, Chief University Planning Officer. Chief University Planning Officer Poteet provided an update on new facilities, renovations, capital maintenance projects, funded design projects and maintenance projects for next summer. He also discussed the newly formed Campus Beautification Committee which will focus on the visual aesthetics of campus. In relation to the State's project list, he mentioned the STEM project as our number one project. Trustee North praised Chief University Planning Officer Poteet for his outstanding work.

X. New Dining Services Update

Chairman North introduced CFO Kurapati to provide an update on the new dining services. CFO Kurapati discussed the expansive process and extensive review regarding the selection of Chartwells. He detailed provisions of \$54 million in investments over the life of the contract. CFO Kurapati introduced Chartwells leaders, Nadeem Zafar (Division President) and Sandra Lee (Regional Vice President). Division President Zafar commented on Chartwells' philosophy to create and engage the students in a wholesome environment. He also mentioned the plan to invest \$7 million in capital improvements, and focus on food, cleanliness, and availability. Additional conversation ensued.

XI. Additional Committee Business

There was no additional committee business.

XII. Adjournment

The committee adjourned at 12:05 p.m. CDT.

4. FY20 Revised Budget

For Approval

Presented by Raajkumar Kurapati

The University of Memphis Board of Trustees

Recommendation

For Approval

Date: December 4, 2019

Committee: Governance and Finance Committee

Recommendation: Approval of FY2020 Revised Budget

Presented by: Raaj Kurapati, Chief Financial Officer

Background:

The University of Memphis revises the Proposed (Initial) Budget each fall to update revenue and expenditure projections. The FY2020 Revised Budget takes into consideration fall enrollments, the effect of any prior year's activities carried forward into the current year, and adjustments in state appropriations occurring since the FY2020 Proposed Budget was prepared and approved in June 2019.

The FY2020 Educational and General (E&G), Auxiliary Enterprises and Restricted revised budgets are within available resources. The Revised Budget complies with all applicable policies and guidelines.

Committee Recommendation:

The Governance and Finance Committee recommends approval of the FY2020 Revised Budget.

FY19-20 Revised Budget Summary

Total University Revenues

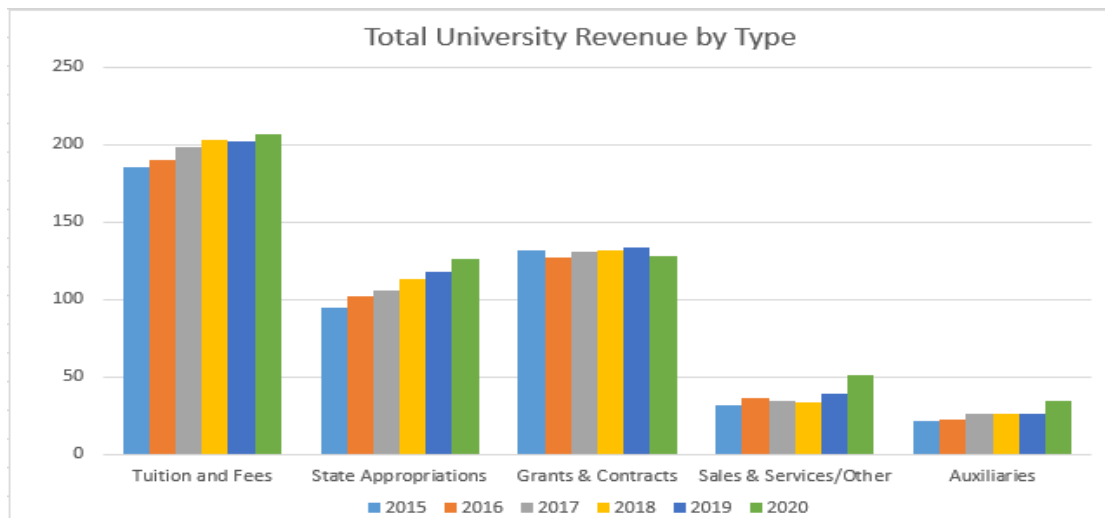
The FY 2020 **Revised Budget** reflects anticipated revenue projections as of early October 2019. The University's Proposed Budget was developed before the end of the previous fiscal year and the Revised Budget provides the opportunity to adjust for changes, such as the following, that occurred after the adoption of the Proposed Budget in June:

- Tuition and Fees adjusted based on actual Fall enrollment
- Changes to state appropriations that are typically made by the state in August or September
- Incorporates non-recurring expenditure budgets including one time activities (such as Conference and Institute events & Internships) as well as resources available from prior year operations
- Other adjustments as needed for changes to operating plans, organizational structure, revenue projections, or fixed costs made after the submission of the Proposed Budget

The University of Memphis revenues in the FY2020 Revised Budget total \$546.4 million. This total reflects revenue increases of \$16.2M from the FY2020 Proposed Budget of \$530.2 million.

FY2020 Total Revenue (in \$millions)

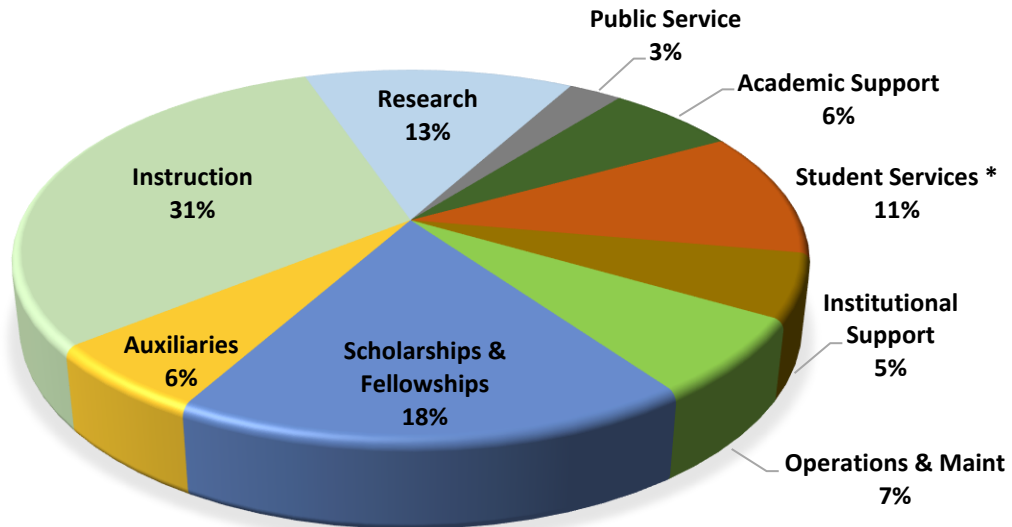
Revenues	FY2020 Proposed	FY2020 Revised	Change	
Tuition & Fees	203.3	206.5	3.2	1.6%
State Appropriations	123.0	123.3	0.3	0.2%
Grants, Contracts and Gifts	24.5	25.9	1.4	5.8%
Sales & Services	34.7	36.8	2.1	6.0%
Other Revenues	2.8	2.8	-	0%
Total Unrestricted E&G Revenues	\$ 388.3	\$ 395.3	\$ 7.0	1.8%
Auxiliaries	26.2	34.4	8.2	0.31
Restricted	115.7	116.7	1.0	0.01
Total Revenues	\$ 530.2	\$ 546.4	\$ 16.2	3.1%



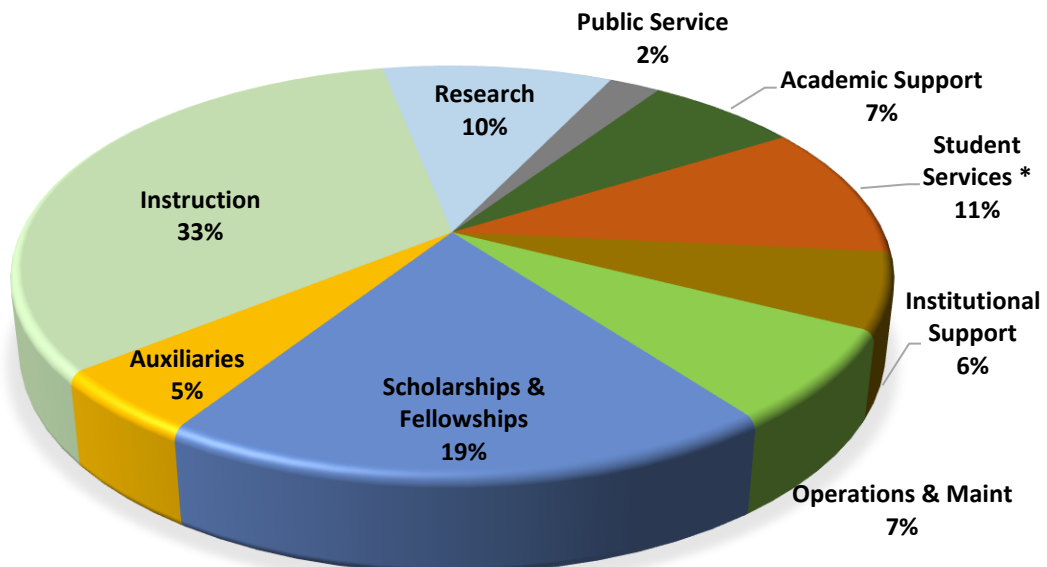
Total University Expenditures

FY20 Expenditures are budgeted across the eight functional areas shown in the two charts below. Spending by function remains consistent, with the only differences being in Research and Instruction. This is primarily related to an increase in GA fee waivers and Carnegie 1 research initiatives. Also, this year the University granted faculty salaries to be split between instruction and research.

FY2020 Revised Unrestricted and Restricted Expenses Without Transfers



FY2020 Proposed Unrestricted & Restricted Expenses Without Transfers



*Student Services includes Athletics

Approval of the Revised Budget

The FY2020 Revised Budget is within available resources and complies with all applicable policies and guidelines. Full spending authority has been budgeted but is not expected to be utilized in the current year. This budget includes all resources available including current year revenues as well as one-time activities and resources available from prior year operations.

The increased expenditure budget results primarily from non-recurring funds including resources available from prior year operations. Non-recurring funds were allocated in accordance with campus budgeting policy and guidelines to numerous projects and programs such as facility improvements, equipment replacements, faculty start-up packages, annual athletic support, bridge funding for research activities, student recruiting & retention, program improvements, and technology infrastructure and investments.

University of Memphis FY20 Revised Revenue & Expenditure Budget

	Revised FY2020
Revenues	
Educational & General	
Tuition and Fees	206,499,500
State Appropriations	123,305,700
Unrestricted Grants and Contracts	25,927,100
Sales and Services	36,826,845
Other	2,784,000
Total Educational & General	\$ 395,343,145
Auxiliary	34,385,800
Restricted	116,718,100
Total Revenues	\$ 546,447,045
Expenditures	
Educational & General	
Instruction	177,249,600
Research	45,793,600
Public Service	7,506,600
Academic Support	36,791,400
Student Services	62,704,600
Institutional Support	32,337,900
Operation & Maintenance	39,618,200
Scholarships and Fellowships	30,800,200
Transfers	(14,116,600)
Total Educational & General	\$ 418,685,500
Auxiliary	35,285,900
Restricted	116,718,100
Total Expenditures and Transfers	\$ 570,689,500

FY2020 Revised Operating Budget

Governance and Finance Committee

Raaj Kurapati
Chief Financial Officer

December 4, 2019
Wilder Student Union
UofM Lambuth

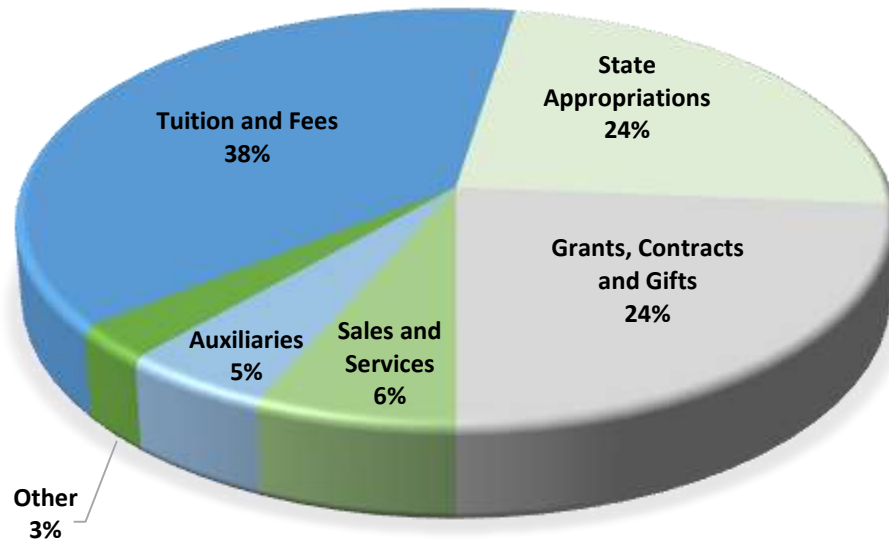


The Revised Budget incorporates the following changes:

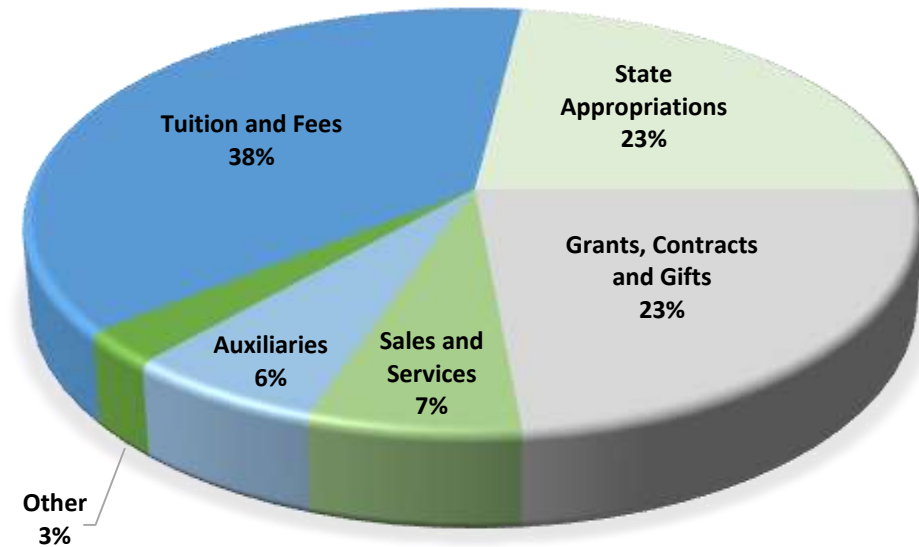
- Tuition and Fees adjusted based on actual Fall enrollment
- Increased appropriations for state funded employee benefits
- Non-recurring expenditure budgets including one-time activities as well as resources available from prior year operations
- Other adjustments as needed for changes to operating plans, organizational structure, revenue projections, or fixed costs made after the submission of the Proposed Budget

Total University Revenues

**FY2020 Proposed Unrestricted and Restricted
Revenues Total \$530.2 MM**



**FY2020 Revised Unrestricted and Restricted Revenues
Total \$546.4M**



Total Revenues by Fund

FY2020 Revised Budget total \$546.4 million. This total reflects revenue increases of \$16.2M from the FY2020 Proposed Budget of \$530.2 million.

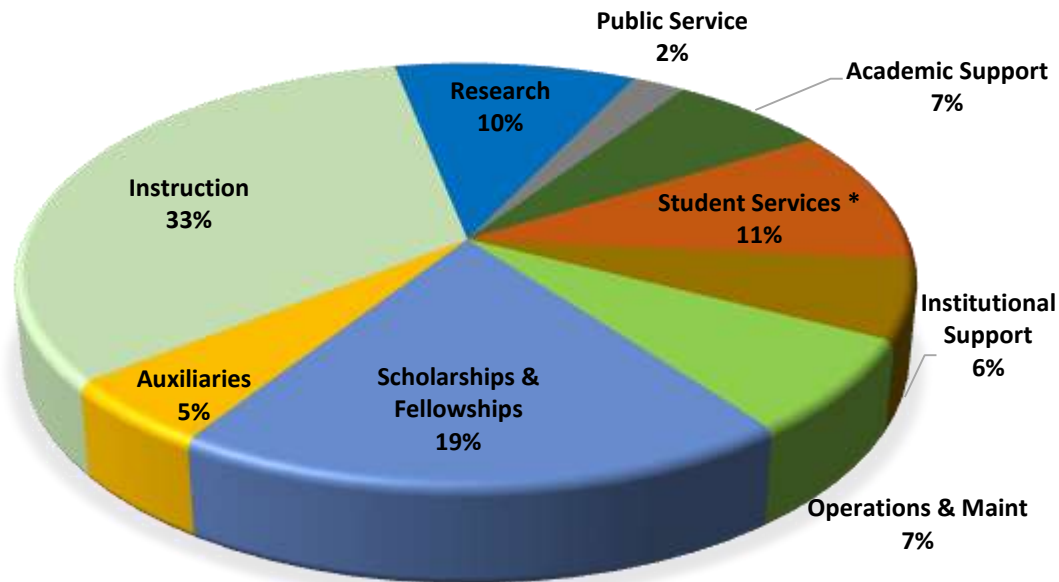
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* Funds in Millions

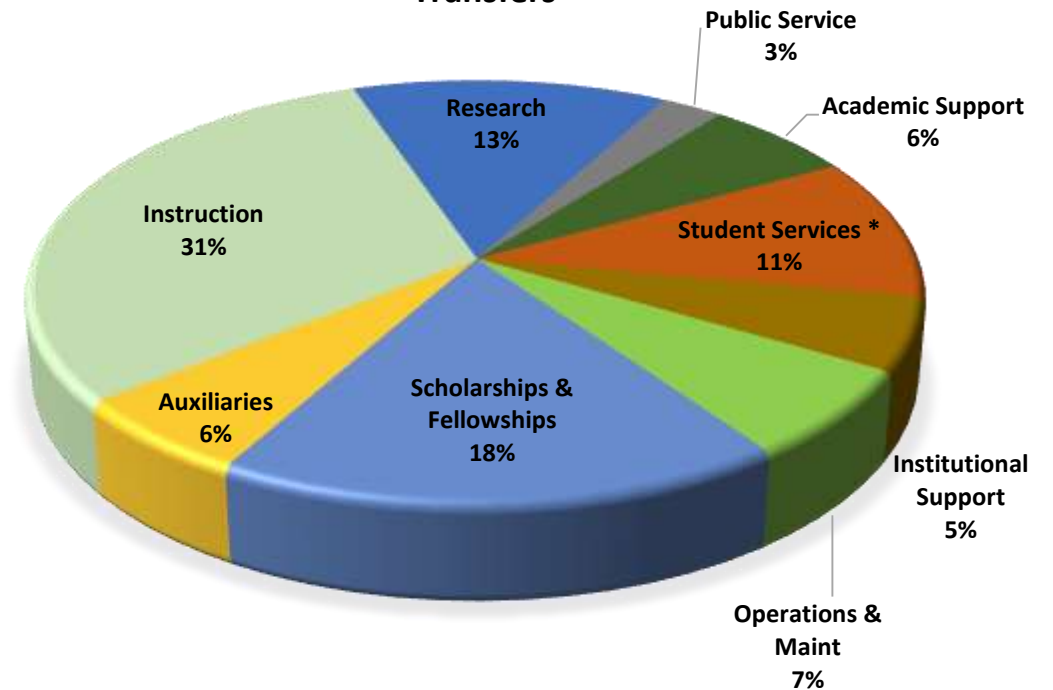
Total University Expenditures

FY20 Expenditures are budgeted across the eight functional areas shown in the two charts below. Spending by function remains fairly consistent.

FY2020 Proposed Unrestricted & Restricted Expenses Without Transfers



FY2020 Revised Unrestricted and Restricted Expenses Without Transfers



FY20 Revised Revenue & Expenditure Budget



THE UNIVERSITY OF
MEMPHIS

Board of
Trustees

	Revised FY2020
Revenues	
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Auxiliary	35,285,900
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Total Expenditures and Transfers	\$ 570,689,500

The Revised Budget is within available resources, complies with applicable policies and guidelines, and is therefore recommended for approval.

Questions?

5. Law School Tuition Rate

For Approval

Presented by Raajkumar Kurapati

The University of Memphis Board of Trustees

Recommendation

For Approval

Date: December 4, 2019

Committee: Governance and Finance Committee

Recommendation: Law School Tuition: Non-Resident Rate

Presented by: Raaj Kurapati, Chief Financial Officer

Background:

The Law School is requesting to change their Non-Resident (Out-of-State) tuition rate in order expand appeal beyond Tennessee's borders and to stay competitive with their peers.

Committee Recommendation:

The Governance and Finance Committee recommends approval of the Law School's Non-Resident (Out-of-State) tuition rate to begin AY2020-2021 as outlined in the proposal.

Law School Tuition: Non-Resident Rate

Governance and Finance Committee

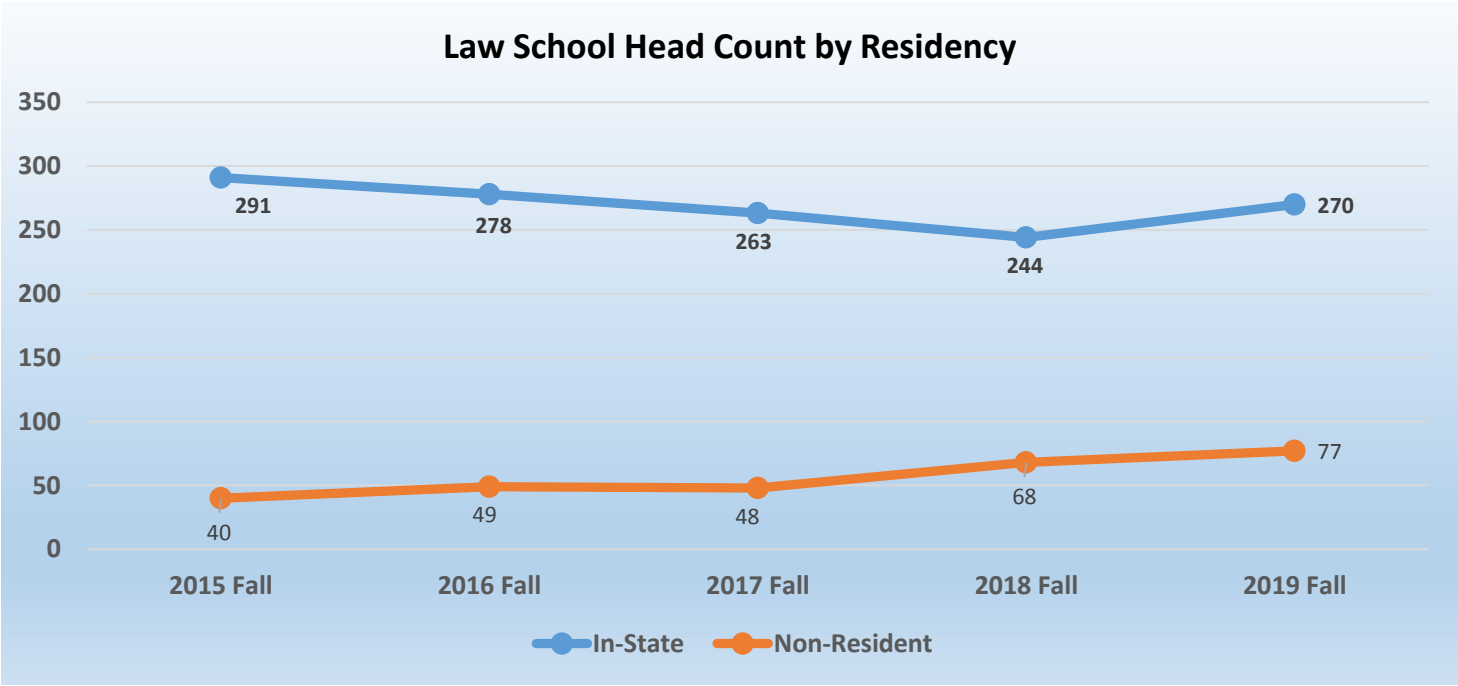
Raaj Kurapati
Chief Financial Officer

December 4, 2019
Wilder Student Union
UofM Lambuth

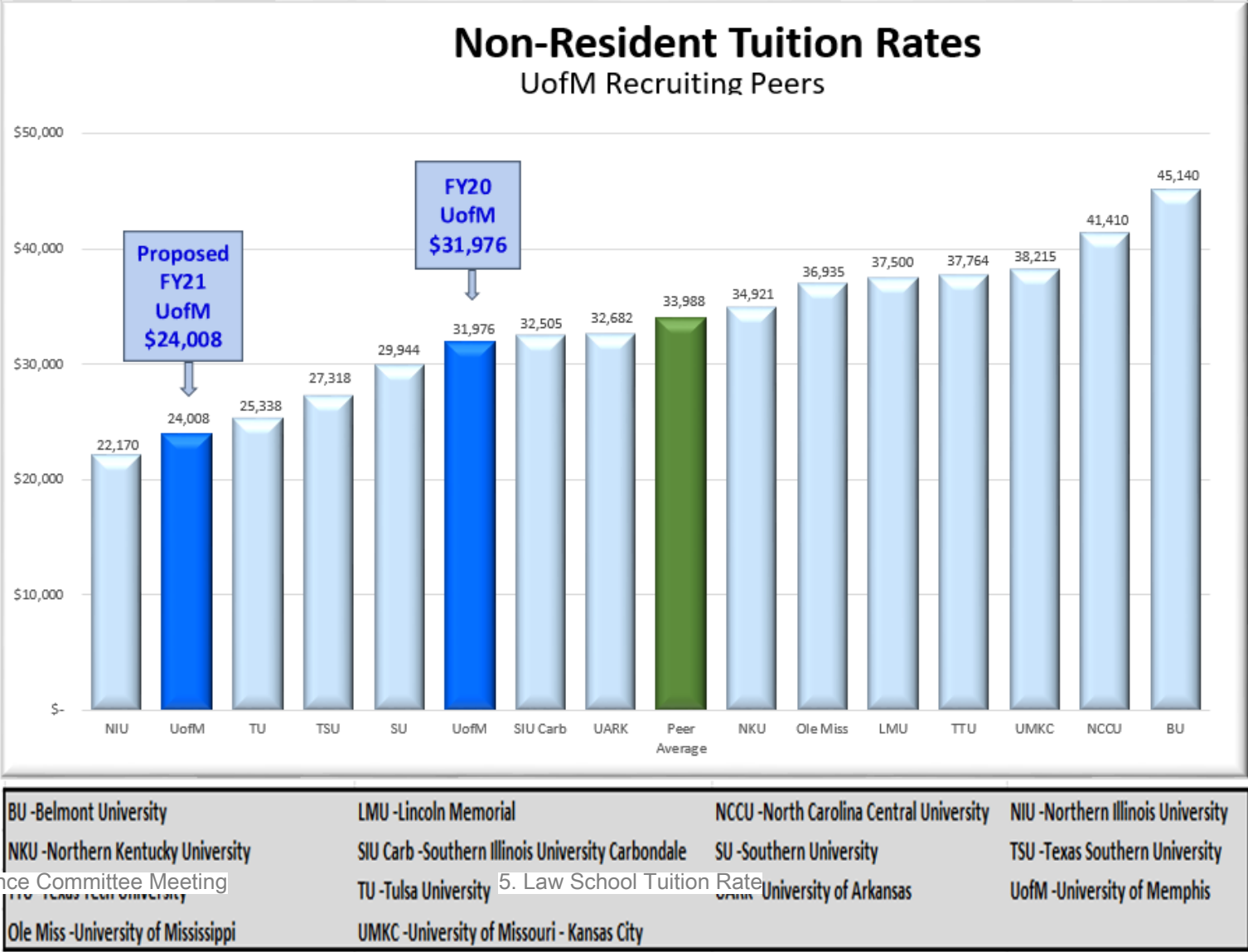


- Reset the Non-Resident tuition rate to expand our appeal to students beyond Tennessee's borders, especially in Arkansas, Mississippi and Alabama, as well as in other states throughout the South and into the Midwest and Northeast.
- Stay competitive with peers
- Optimize use of existing scholarship budgets

Law School enrollment gains dependent on increases in Non-Resident recruitment



	2013 Fall	2014 Fall	2015 Fall	2016 Fall	2017 Fall	2018 Fall	2019 Fall
In-State	348	314	291	278	263	244	270
Non-Resident	12	23	40	49	48	68	77
Total	360	337	331	327	311	312	347



Proposed Fee Structure

- Cap tuition for Non-Resident students at 11 credit hours
- This results in a 25% reduction in Non-Resident tuition & fees for 15 credit hours
- Projected change in tuition revenue is offset by reductions in Out-of-State Scholarships/Waivers

Law Non-Resident Tuition and Mandatory Fees per Semester								
	Current Tuition & Mandatory Fees			PROPOSED Tuition & Mandatory Fees			Change From Prior Year	
Credit Hr	Non-Resident Tuition	Mandatory Fees*	Non-Resident Total Fees	Non-Resident Tuition	Mandatory Fees*	Non-Resident Total Fees	Total Fees Variance	Total Fees % Change
11	10,956	968	11,924	10,956	968	11,924	-	0%
12	11,952	988	12,940	10,956	988	11,944	(996)	-8%
13	12,948	1,008	13,956	10,956	1,008	11,964	(1,992)	-14%
14	13,944	1,028	14,972	10,956	1,028	11,984	(2,988)	-20%
15	14,940	1,048	15,988	10,956	1,048	12,004	(3,984)	-25%
16	15,936	1,068	17,004	10,956	1,068	12,024	(4,980)	-29%
Average Credit Hours Taken 15 hrs								

* Mandatory Fees include University Services Fee which caps at 11 hrs. & the Law Library Fees which do not cap

Questions?

6. Board Self Assessment

For Approval

Presented by Melanie Murry

The University of Memphis Board of Trustees

Recommendation

For Approval

Date: December 4, 2019

Committee: Governance and Finance Committee

Recommendation: Board of Trustees Self-Assessment

Presented by: Melanie Murry, Board Secretary and Legal Counsel

Background:

Our accreditation body, SACSCOC, requires the University of Memphis to have a board that “regularly evaluates its responsibilities and expectations.” SACSCOC Principle 4.2.g. As evidence of that requirement, SACSCOC recommends a board self-evaluation. Because the Governance and Finance Committee is responsible for assessing the performance and effectiveness of the Board, the Governance and Finance Committee should initiate a board self-evaluation process.

Committee Recommendation:

The Governance and Finance Committee recommends approval of the policy related to self-assessment of the board as provided in the committee materials.

Board of Trustees Self-Assessment Policy

The Board is committed to establishing an evidence-based planning and assessment culture that is focused on continuous improvement. This Self-Assessment Policy commits the University of Memphis (UofM) Board of Trustees to regular self-assessment in order to:

- Demonstrate that the UofM Board of Trustees and its individual members are carrying out their roles and responsibilities in an effective manner;
- Identify strengths and potential areas for improvement in the board's functioning,
- Demonstrate compliance with external reporting requirements by the University's accreditors, the federal government, or the government of the State of Tennessee, and
- Strengthen board performance.

Frequency:

The board shall conduct at least annually a self-assessment by the full membership of the board.

Responsibility

The Governance and Finance Committee of the Board of Trustees shall ensure that the board self-assessment occurs at the frequency set forth in the frequency section. The Governance and Finance Committee shall oversee and/or implement the board self-assessment and mission statement review process.

Process

Comprehensive Self-Assessment Survey - at the heart of the board self-assessment process is a survey of the board. Individual responses will be reported in the aggregate and without attribution.

- The board self-assessment shall be comprehensive in nature and conducted at the request of the Governance and Finance Committee on a cycle no less frequent than stipulated above.
- At its discretion, the Governance and Finance Committee, in collaboration with the board secretary, may choose additional methods to conduct a self-assessment including the use of a facilitator, outside consultant, or a retreat.

Results

The results of the board self-assessment shall be presented to the Board of Trustees during a regularly scheduled Governance and Finance Committee meeting. Results shall be maintained in the record to demonstrate compliance to external agencies.



Board of Trustees

SELF ASSESSMENT QUESTIONNAIRE (DRAFT)

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Standard 4.2.g requires a governing board to define and regularly evaluate its responsibilities and expectations.

N – Not Able to Assess

SA - Strongly Agree

A - Agree

D - Disagree

SD - Strongly Disagree

1. The board understands its responsibilities, including its fiduciary responsibilities. Comments (optional):	N	SA	A	D	SD
2. The Board understands its ethical duties, including conflict of interest issues. Comments (optional):	N	SA	A	D	SD
3. The Board receives sufficient training and information related to its responsibilities, including its fiduciary and ethical duties. Comments (optional):	N	SA	A	D	SD
4. The Board's structure aids the Board in completing its work in a timely and efficient manner.	N	SA	A	D	SD

Comments (optional):					
<p>5. The materials provided in the committee and board books are helpful for the study of agenda items prior to board action.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>6. Board meetings have a good balance of information sharing, discussion and decision-making.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>7. The Board keeps itself informed of the University of Memphis' performance against predetermined plans and goals.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>8. The Board ensures the regular review of the University of Memphis' mission statement and strategic plan.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>9. The roles and responsibilities of the Board are clearly defined and separate from those of University of Memphis employees.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>10. The Board's role in setting University of Memphis policies is appropriate.</p>	N	SA	A	D	SD

Comments (optional):					
<p>11. The Board delegates to the President authority to lead the University of Memphis employees to carry out its mission.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>12. The Board's method for evaluating the President's performance is satisfactory.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>13. The Board fully discusses and understands the University of Memphis' annual budget prior to approving it.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>14. The Board regularly reviews the fiscal health of the University of Memphis.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>15. The Board review and approves academic programs at the University of Memphis.</p> <p>Comments (optional):</p>	N	SA	A	D	SD
<p>16. The Board provides visionary leadership for the University of Memphis.</p> <p>Comments (optional):</p>	N	SA	A	D	SD

17. Board members demonstrate integrity. Comments (optional):	N	SA	A	D	SD
18. The Board is an effective decision-making body. Comments (optional):	N	SA	A	D	SD
19. The Board is regularly informed about important trends in the larger environment that might affect the organization. Comments (optional):	N	SA	A	D	SD
20. The Board devotes its attention to the University of Memphis' major issues? Comments:	N	SA	A	D	SD
21. Are there major issues to which the Board should devote more time? Comments:					
22. What advice would you offer the Board to sustain or improve its relationship with university stakeholders? Comments:					
23. What advice would you offer the Board to sustain or improve its relationship with community stakeholders? Comments:					

<p>24. What other information would you like to share regarding the Board's performance?</p> <p>Comments:</p>
<p>25. I recommend that the board has the following goals for the coming year.</p> <p>Comments:</p>

Source(s): Self evaluation documents from Austin Peay State University, North Carolina State University, and Tennessee Tech University.

Bylaws: <https://www.memphis.edu/bot/resources/bylaws.php>

Open Meetings Requirements: <https://comptroller.tn.gov/office-functions/open-records-counsel/open-meetings/frequently-asked-questions/tennessee-open-meetings-act-fags.html>

7. Classification of Students Rule

For Approval

Presented by Melanie Murry

The University of Memphis Board of Trustees

Recommendation

For Approval

Date: December 4, 2019

Committee: Governance and Finance

Recommendation: Approval of Classifying Students In-State and Out-of-State Rule

Presented by: Melanie Murry, University Counsel

Background:

The University has historically followed TBR's rule for classification of students. The University has developed its own rule which clarifies language and provides additional definitions. It also removes the exceptions for paying out of state tuition for those in study abroad programs or who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs.

The rule was included as a part of the proceedings of the October 23, 2019 Rulemaking Hearing sponsored by the Attorney General's Office for the State of Tennessee. No comments were provided. The Office of Legal Council is seeking approval of the rule contained in the meeting materials.

Committee Recommendation:

The Governance and Finance Committee recommends approval of the rule Classifying Students as In State and Out of State as provided in the meeting materials.

**Department of State
Division of Publications**

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Email: publications.information@tn.gov

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Rule ID(s): _____
File Date: _____
Effective Date: _____

Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	University of Memphis
Division:	
Contact Person:	Latosha Dexter
Address:	201 Administration Building, Memphis, TN
Zip:	38152
Phone:	901-678-4264
Email:	vldexter@memphis.edu

Revision Type (check all that apply):

- ☒ Amendment
☐ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-10-05	Classifying Students In-State and Out-of-State
Rule Number	Rule Title
0240-10-05-.01	Purpose
0240-10-05-.02	Definitions
0240-10-05-.03	Residency Requirements for Admission and In-State Tuition
0240-10-05-.04	Additional Categories of Individuals Who Are Not Required to Pay Out-Of-State Tuition
0240-10-05-.05	Appeal
0240-10-05-.06	Reclassification

Chapter Number	Chapter Title
Rule Number	Rule Title

Rules of
University of Memphis

Chapter 0240-10-05
Classifying Students In-State and Out-of-State

NEW

Table of Contents is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.01 Purpose
0240-10-05-.02 Definitions
0240-10-05-.03 Residency Requirements for Admission and In-State Tuition
0240-10-05-.04 Additional Categories of Individuals Who Are Not Required to Pay Out-Of-State Tuition
0240-10-05-.05 Appeal
0240-10-05-.06 Reclassification

Rule 0240-10-05-.01 Purpose is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.01 Purpose

The purpose of this rule is to establish reasonable and appropriate rules and policies for the purpose of making admission decisions and determining whether out-of-state tuition shall be charged to a student enrolling at the University of Memphis ("University"). These rules are promulgated in accordance with the principle that as a state, tax-supported institution, the University extends preference in admission and tuition to residents of the state of Tennessee.

Statutory Authority: T.C.A. § 49-7-101(b); T.C.A. § 49-8-102(b)(1); T.C.A. § 49-8-104(a); T.C.A. § 49-7-138.

Rule 0240-10-05-.02 Definitions is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.02 Definitions

(1) Continuous enrollment; Continuously enrolled: Attendance at a school or schools in the state of Tennessee shall be deemed "continuous" if the person claiming continuous attendance has been enrolled at a public higher education institution in Tennessee as a part-time or full-time student. Such person need not enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic year.

(2) Domicile: A physical presence in the state of Tennessee with simultaneous intent to make Tennessee one's permanent home and place of habitation and abandonment of any former domicile.

(3) Emancipated/independent student: A student whose parents or legal guardian/custodian have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such emancipated/independent person.

(4) Parents: a person's father or mother. If there is a non-parental guardian or legal custodian of an un-emancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such un-emancipated person.

(5) Performance based program: Recognized University programs with entrance criteria based on clearly established academic standards or satisfactory program participation that must be maintained to continue participation in the program.

(6) U.S. Armed Forces: the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard.

Statutory Authority: T.C.A. § 49-8-104.

Rule 0240-10-05-.03 Residency Requirements for Admission and In-State Tuition is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.03 Residency Requirements for Admission and In-State Tuition

(1) A student will be considered a Tennessee resident for admission and in-state tuition purposes if the student is a citizen of the United States, has resided in Tennessee for one (1) year immediately prior to the beginning of the term being applied to, and meets one of the following conditions:

- (a) Graduated from a Tennessee public secondary school;
- (b) Graduated from a private secondary school that is located in Tennessee; or
- (c) Earned a Tennessee high school equivalency diploma.

(2) A student who is domiciled in the state of Tennessee will be considered a Tennessee resident for admission and in-state tuition purposes.

- (a) A student can establish domicile by establishing that the student, or the student's parent(s) or legal guardian/custodian if the student is considered a dependent student, has a physical presence in the state with simultaneous intent to make Tennessee one's permanent home and place of habitation and abandonment of any former domicile.
- (b) Presence in Tennessee primarily for educational purposes is insufficient to establish domicile.
- (c) Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.
- (d) Decisions regarding domicile will be made by the University based on a review of all evidence presented and upon consideration of its reliability, authenticity, credibility and relevance.

Statutory Authority: T.C.A. § 49-8-104; T.C.A. § 49-8-203.

Rule 0240-10-05-.04 Additional Categories of Individuals Who Are Not Required to Pay Out-Of-State Tuition is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.04 Additional Categories of Individuals Who Are Not Required to Pay Out-Of-State Tuition

(1) An unemancipated/dependent, currently enrolled student whose parent(s) or legal guardian/custodian relinquish residence or domicile in the state of Tennessee shall not be required to pay out-of-state tuition at the University so long as he or she maintains continuous enrollment at a state of Tennessee public higher educational institution or institutions.

(2) Students participating in an approved University performance-based program may not be required to pay out-of-state tuition. Such programs may include, but are not limited to: the Helen Hardin Honors Program, ROTC, and the National Student Exchange program.

(3) A person who otherwise meets admission requirements shall not be required to pay out-of-state tuition if they reside in a county of another state lying immediately adjacent to a county where the University is located or if they reside within thirty (30) miles of the University.

(4) Unemancipated/dependent students of divorced parents shall not be required to pay out-of-state tuition when one (1) parent, regardless of custodial status, is domiciled in Tennessee.

(5) A student who is a United States citizen or permanent resident and is the spouse of a current student classified as in-state for tuition purposes shall not be required to pay out-of-state tuition.

(6) Academic Common Market: Students enrolled at the University of Memphis in an approved and designated Academic Common Market degree program or concentration shall not be required to pay out-of-state tuition.

(7) An unemancipated/dependent person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee pursuant to military orders shall not be required to pay out-of-state tuition. Further, such a person who maintains continuous enrollment shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.

(8) Part-time students who are not domiciled in Tennessee but who are employed by one (1) or more employers in the State and such employment is equivalent to full-time employment shall not be required to pay out-of-state tuition.

(9) U.S. Armed Forces personnel, their spouses, and dependents, stationed in the State of Tennessee, shall not be required to pay out-of-state tuition. This provision shall not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.

(10) Active-duty military personnel who begin working on a college degree at the University while stationed in Tennessee and who are transferred or deployed prior to completing their degrees, can continue completion of the degree(s) at the University without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.

(11) Qualified, dependent children entitled to scholarship or exemption from out-of-state tuition by statute, including but not limited to, T.C.A. § 49-4-704 and T.C.A. § 49-7-164, shall not be required to pay out-of-state tuition.

(12) Veterans or other individuals eligible to receive educational benefits administered by the United States Department of Veterans' Affairs, shall not be required to pay out-of-state tuition or any out-of-state fee, if the veteran or individual is:

- (a) Enrolled in any public institution of higher education in Tennessee;
- (b) Utilizing such benefits at the enrolling institution; and
- (c) Living in the state of Tennessee, regardless of the individual's formal state of residency.

Statutory Authority: T.C.A. § 49-8-101(b); T.C.A. § 49-8-102(b)(1); T.C.A. § 49-8-104(a); T.C.A. § 49-7-301; T.C.A. § 49-7-1304; T.C.A. § 49-7-164.

Rule 0240-10-05-.05 Appeal is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.05 Appeal

Initial residency classification will be determined by the Office of Undergraduate Admissions and Orientation for undergraduate students and the Graduate Admissions Office for graduate students. Students may appeal their initial residency reclassification by submitting a written request for reclassification with supporting documentation on forms prescribed by the University. Appeals for the current term must be made to the Residency Appeals Committee on or before the last day to add or change sections for the current full term. Appeals received after this date may only change a student's residency for future terms. Individuals disagreeing with the decision of the Residency Appeals Committee may appeal that decision in accordance with applicable laws and regulations.

Statutory Authority: T.C.A. § 49-7-101.

Rule 0240-10-05-.06 Reclassification is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.06 Reclassification

If a student classified as out-of-state or international applies for in-state tuition and is subsequently reclassified, his or her in-state classification shall be based on the date the appeal form was received by the appeal committee. However, out-of-state tuition will be charged for any quarter or semester during which reclassification is sought and obtained unless application for reclassification is made in accordance with University policy.

Statutory Authority: T.C.A. § 49-7-101.

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
G. Douglas Edwards					
Marvin Ellison					
Alan Graf, Jr.					
Cato Johnson					
R. Brad Martin					
David North					
Carol Roberts					
Susan Springfield					
David Kemme					
Noah Agnew	Non-voting				

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the University of Memphis Board of Trustees on 12/04/19 (mm/dd/yyyy), and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 8/20/19

Rulemaking Hearing(s) Conducted on: (add more dates). 10/23/19

Date: _____

Signature: _____

Name of Officer: Melanie Murry

Title of Officer: University Counsel and Board Secretary

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: _____

Rule Chapter Number(s): _____

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

The public hearing was held on October 23, 2019, and there were no comments.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have an impact on small business.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local governments except for the typical influx of out-of-state students who may reside in those jurisdictions after being admitted to the University.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A)** A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

The University has historically followed TBR's rule for classification of students. The University has developed its own rule which clarifies language and provides additional definitions. It also removes the exceptions for paying out of state tuition for those in study abroad programs or who are awarded tuition waiver scholarships for participation in bona fide campus performance-based programs.

- (B)** A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

TCA 49-7-101 states that students shall be entitled to admission only in accordance with the rules prescribed by the board. TCA 49-8-104 provides that the University Board of Trustees is authorized to establish reasonable and appropriate rules and policies defining residency of students, which shall be used for the purpose of determining whether or not out-of-state tuition shall be charged to a student wishing to enrolling in the University.

- (C)** Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

Those most impacted by the rule are those individuals wishing to attend or currently attending the University of Memphis. A public hearing was held on October 23, 2019, and there was no objection to the promulgation of this rule.

- (D)** Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None.

- (E)** An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F)** Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

William Akey, Vice Provost of Enrollment Services; Eric Stokes, Director of Undergraduate Admissions & Orientation

- (G)** Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Melanie Murry, University Counsel; William Akey, Vice Provost of Enrollment Services; Eric Stokes, Director of Undergraduate Admissions & Orientation

- (H)** Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Melanie Murry, University Counsel, 201 Administration Building, Memphis, TN 38152; William Akey, Vice Provost of Enrollment Services, 200 Wilder Tower, Memphis, TN 38152; Eric Stokes, Director of Undergraduate Admissions & Orientation, 204 Wilder Tower, Memphis, TN 38152

(I) Any additional information relevant to the rule proposed for continuation that the committee requests.

None

Rules of
University of Memphis

Chapter 0240-10-05
Classifying Students In-State and Out-of-State

NEW

Table of Contents is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

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0240-10-05-.02 Definitions
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0240-10-05-.06 Reclassification

Rule 0240-10-05-.01 Purpose is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.01 Purpose

The purpose of this rule is to establish reasonable and appropriate rules and policies for the purpose of making admission decisions and determining whether out-of-state tuition shall be charged to a student enrolling at the University of Memphis ("University"). These rules are promulgated in accordance with the principle that as a state, tax-supported institution, the University extends preference in admission and tuition to residents of the state of Tennessee.

Statutory Authority: T.C.A. § 49-7-101(b); T.C.A. § 49-8-102(b)(1); T.C.A. § 49-8-104(a); T.C.A. § 49-7-138.

Rule 0240-10-05-.02 Definitions is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.02 Definitions

(1) Continuous enrollment; Continuously enrolled: Attendance at a school or schools in the state of Tennessee shall be deemed "continuous" if the person claiming continuous attendance has been enrolled at a public higher education institution in Tennessee as a part-time or full-time student. Such person need not enroll in summer sessions or other such inter-sessions beyond the normal academic year in order that his or her enrollment be deemed continuous, notwithstanding lapses in enrollment occasioned solely by the scheduling of the commencement and/or termination of the academic year.

(2) Domicile: A physical presence in the state of Tennessee with simultaneous intent to make Tennessee one's permanent home and place of habitation and abandonment of any former domicile.

(3) Emancipated/independent student: A student whose parents or legal guardian/custodian have entirely surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such emancipated/independent person.

(4) Parents: a person's father or mother. If there is a non-parental guardian or legal custodian of an un-emancipated person, then "parent" shall mean such guardian or legal custodian; provided, that there are not circumstances indicating that such guardianship or custodianship was created primarily for the purpose of conferring the status of an in-state student on such un-emancipated person.

(5) Performance based program: Recognized University programs with entrance criteria based on clearly established academic standards or satisfactory program participation that must be maintained to continue participation in the program.

(6) U.S. Armed Forces: the U.S. Army, Navy, Air Force, Marine Corps, and Coast Guard.

Statutory Authority: T.C.A. § 49-8-104.

Rule 0240-10-05-.03 Residency Requirements for Admission and In-State Tuition is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.03 Residency Requirements for Admission and In-State Tuition

(1) A student will be considered a Tennessee resident for admission and in-state tuition purposes if the student is a citizen of the United States, has resided in Tennessee for one (1) year immediately prior to the beginning of the term being applied to, and meets one of the following conditions:

- (a) Graduated from a Tennessee public secondary school;
- (b) Graduated from a private secondary school that is located in Tennessee; or
- (c) Earned a Tennessee high school equivalency diploma.

(2) A student who is domiciled in the state of Tennessee will be considered a Tennessee resident for admission and in-state tuition purposes.

(a) A student can establish domicile by establishing that the student, or the student's parent(s) or legal guardian/custodian if the student is considered a dependent student, has a physical presence in the state with simultaneous intent to make Tennessee one's permanent home and place of habitation and abandonment of any former domicile.

(b) Presence in Tennessee primarily for educational purposes is insufficient to establish domicile.

(c) Undocumented aliens cannot establish domicile in Tennessee, regardless of length of residence in Tennessee.

(d) Decisions regarding domicile will be made by the University based on a review of all evidence presented and upon consideration of its reliability, authenticity, credibility and relevance.

Statutory Authority: T.C.A. § 49-8-104; T.C.A. § 49-8-203.

Rule 0240-10-05-.04 Additional Categories of Individuals Who Are Not Required to Pay Out-Of-State Tuition is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.04 Additional Categories of Individuals Who Are Not Required to Pay Out-Of-State Tuition

(1) An unemancipated/dependent, currently enrolled student whose parent(s) or legal guardian/custodian relinquish residence or domicile in the state of Tennessee shall not be required to pay out-of-state tuition at the University so long as he or she maintains continuous enrollment at a state of Tennessee public higher educational institution or institutions.

(2) Students participating in an approved University performance-based program may not be required to pay out-of-state tuition. Such programs may include, but are not limited to: the Helen Hardin Honors Program, ROTC, and the National Student Exchange program.

(3) A person who otherwise meets admission requirements shall not be required to pay out-of-state tuition if they reside in a county of another state lying immediately adjacent to a county where the University is located or if they reside within thirty (30) miles of the University.

(4) Unemancipated/dependent students of divorced parents shall not be required to pay out-of-state tuition when one (1) parent, regardless of custodial status, is domiciled in Tennessee.

(5) A student who is a United States citizen or permanent resident and is the spouse of a current student classified as in-state for tuition purposes shall not be required to pay out-of-state tuition.

(6) Academic Common Market: Students enrolled at the University of Memphis in an approved and designated Academic Common Market degree program or concentration shall not be required to pay out-of-state tuition.

(7) An unemancipated/dependent person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee pursuant to military orders shall not be required to pay out-of-state tuition. Further, such a person who maintains continuous enrollment shall not be required to pay out-of-state tuition if his or her parent thereafter is transferred on military orders.

(8) Part-time students who are not domiciled in Tennessee but who are employed by one (1) or more employers in the State and such employment is equivalent to full-time employment shall not be required to pay out-of-state tuition.

(9) U.S. Armed Forces personnel, their spouses, and dependents, stationed in the State of Tennessee, shall not be required to pay out-of-state tuition. This provision shall not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.

(10) Active-duty military personnel who begin working on a college degree at the University while stationed in Tennessee and who are transferred or deployed prior to completing their degrees, can continue completion of the degree(s) at the University without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.

(11) Qualified, dependent children entitled to scholarship or exemption from out-of-state tuition by statute, including but not limited to, T.C.A. § 49-4-704 and T.C.A. § 49-7-164, shall not be required to pay out-of-state tuition.

(12) Veterans or other individuals eligible to receive educational benefits administered by the United States Department of Veterans' Affairs, shall not be required to pay out-of-state tuition or any out-of-state fee, if the veteran or individual is:

- (a) Enrolled in any public institution of higher education in Tennessee;
- (b) Utilizing such benefits at the enrolling institution; and
- (c) Living in the state of Tennessee, regardless of the individual's formal state of residency.

Statutory Authority: T.C.A. § 49-8-101(b); T.C.A. § 49-8-102(b)(1); T.C.A. § 49-8-104(a); T.C.A. § 49-7-301; T.C.A. § 49-7-1304; T.C.A. § 49-7-164.

Rule 0240-10-05-.05 Appeal is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.05 Appeal

Initial residency classification will be determined by the Office of Undergraduate Admissions and Orientation for undergraduate students and the Graduate Admissions Office for graduate students. Students may appeal their initial residency reclassification by submitting a written request for reclassification with supporting documentation on forms prescribed by the University. Appeals for the current term must be made to the Residency Appeals Committee on or before the last day to add or change sections for the current full term. Appeals received after this date may only change a student's residency for future terms. Individuals disagreeing with the decision of the Residency Appeals Committee may appeal that decision in accordance with applicable laws and regulations.

Statutory Authority: T.C.A. § 49-7-101.

Rule 0240-10-05-.06 Reclassification is added to Chapter 0240-10-05 Classifying Students In-State and Out-of-State and shall read as follows:

0240-10-05-.06 Reclassification

If a student classified as out-of-state or international applies for in-state tuition and is subsequently reclassified, his or her in-state classification shall be based on the date the appeal form was received by the appeal committee. However, out-of-state tuition will be charged for any quarter or semester during which reclassification is sought and obtained unless application for reclassification is made in accordance with University policy.

Statutory Authority: T.C.A. § 49-7-101.

8. Parking and Traffic Rules

Report

Presented by Melanie Murry

The University of Memphis Board of Trustees

Recommendation

For Discussion

Date: December 4, 2019

Committee: Governance and Finance Committee

Topic: Parking and Traffic Rules

Presented by: Melanie Murry, Secretary of the Board and Legal Counsel

Summary of Rule: The purpose of this proposed rule is to help facilitate the safety and orderly operation of The University of Memphis (“University”) and provide parking facilities for this operation within the limits of available space. The rule defines the terms and conditions by which students, employees and visitors may park on the University’s campus, including the registration process for parking permits, a description of the parking areas and criteria for parking in each area, and the guidelines for acceptable vehicle operation as well as financial penalties for violations. The rule also describes the appeals process for any citations.

June 2019 Board Action: The Board Considered this rule at the June 5, 2019 board meeting. Role Call vote consisted of eight (8) Ayes, and one (1) board member was absent (Ellison).

November 18, 2019 Parking and Traffic Rule Hearing: The University conducted a public hearing for the Parking and Traffic Rules on November 18, 2019 at 9:00 am. It published notice about the hearing in accordance with the statutory requirements for rulemaking hearings. Only one person attended the hearing on November 18. No one raised any questions or suggested any changes to the Rule. The rule the University will now file is the same version that was approved at the June 2019 board meeting.

Tennessee Secretary of State

Tre Hargett



Publications Division
312 Rosa L. Parks Avenue, 8th Floor
Nashville, Tennessee 37243-1102

Cody Ryan York
Director of Publications

615-253-4564
Cody.York@tn.gov

October 7, 2019

Mr. John Michael Ryall
Office of Legal Counsel
University of Memphis
201 Administration Building
Memphis, TN 38152

Mr. Ryall,

Included with this letter is one (1) Notice of Rulemaking Hearing your agency filed with us on September 18, 2019. The filing with the sequence number 09-15-19 and Notice ID 3012 can be found on our website at <http://tnsos.org/rules/RulemakingHearings.php>.

If you have any questions, please feel free to contact my office at 615-741-2650.

Sincerely,

A handwritten signature in cursive script that reads "Cody Ryan York".

Cody Ryan York
Director of Publications

Enclosure

Department of State
Division of Publications
312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
Nashville, TN 37243
Phone: 615-741-2650
Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 09-15-19
Notice ID(s): 3012
File Date: 9/18/19

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

Agency/Board/Commission: The University of Memphis
Division: Office of Legal Counsel
Contact Person: John Michael Ryall
Address: 201 Administration Building
Phone: 901.678.2155
Email: jryall@memphis.edu

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact: John Michael Ryall
Address: 201 Administration Building
Phone: 901.678.2155
Email: jryall@memphis.edu

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	November 18, 2019		
Address 2:	499 University, Beale Room, Rm 363		
City:	Memphis, TN		
Zip:	38152		
Hearing Date :	November 18, 2019		
Hearing Time:	9:00 AM	X	CST/CDT ___EST/EDT

Additional Hearing Information:

--

Revision Type (check all that apply):

☐ Amendment
☒ New
☐ Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-10-04	Parking and Traffic Rules
Rule Number	Rule Title
0240-10-04-.01	Definitions
0240-10-04-.02	General Provisions
0240-10-04-.03	Registration

0240-10-04-.04	Parking Zones
0240-10-04-.05	Motor Vehicle Operation
0240-10-04-.06	Violations
0240-10-04-.07	Fines
0240-10-04-.08	Enforcement
0240-10-04-.09	Appeals

Rules of
University of Memphis

Chapter 0240-10-04
Parking and Traffic Rules
New Chapter

Table of Contents is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.01 Definitions
0240-10-04-.02 General Provisions
0240-10-04-.03 Registration
0240-10-04-.04 Parking Zones
0240-10-04-.05 Motor Vehicle Operation
0240-10-04-.06 Violations
0240-10-04-.07 Fines
0240-10-04-.08 Enforcement
0240-10-04-.09 Appeals

0240-10-04-.01 Definitions is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.01 Definitions.

(1) The term "motor vehicle" means any self-propelled vehicle that is capable of exceeding twenty-five (25) miles per hour.

0240-10-04-.02 General Provisions is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.02 General Provisions.

(1) The purpose of these rules is to facilitate and regulate the safety and orderly operation of The University of Memphis ("University") and provide parking facilities for its operation within the limits of available space.

(2) The University's Parking and Transportation Services and Police Services are responsible for implementation and enforcement of these rules.

(3) Any person operating a motor vehicle on the University campus is required to obey these rules as a condition of parking or operating a motor vehicle on campus.

(4) The issuance of a parking permit does not guarantee a parking space on University property. The inability to locate a marked parking space does not diminish the responsibility to park in accordance with these rules.

(5) The absence of "no parking" signs or painted curbs/lines does not imply that parking is allowed. Parking in designated lots is restricted to marked spaces only. Motor vehicles parked outside of marked spaces are subject to citation and towing, and the owner/operator may be subject to disciplinary or administrative action.

(6) The University shall have no responsibility for loss or damage to any motor vehicle or its contents operated or parked on any University campus.

(7) These rules are enforceable seven (7) days a week, twenty-four (24) hours a day, including holidays and breaks.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-10-04-.03 Registration is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.03 Registration.

(1) Parking and Transportation Services is responsible for the administration of parking permits at the University. Parking permits are available for pickup and purchase at the Parking and Transportation Services office at the

University.

(2) Only motor vehicles properly displaying a University parking permit, motorcycle/convertible permit, visitor pass or those motor vehicles legally parked at parking meters or in parking garages may be parked on property owned or leased by the University.

(3) Permit holders are only eligible for one (1) parking permit at a time. Permits may be moved from one (1) motor vehicle to another.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-10-04-.04 Parking Zones is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.04 Parking Zones.

(1) Parking facilities are designated by signs at the entrance of each lot as either General, Priority, Resident, or Reserved. Motor vehicles can only park in lots designated by the sticker on the University issued parking permit.

(2) Persons utilizing disabled parking spaces on any University campus must have a state-issued disability license plate or disability placard. All students, faculty and staff who have a state issued placard or license plate should be registered with Parking and Transportation Services to ensure access to the appropriate disabled parking spaces on campus.

(3) Visitor parking is available at an hourly rate in any metered parking space or in a parking garage. Visitors may also purchase visitor permits, which provide access to park in General Permit Parking facilities. Visitor permits are available for purchase through Parking and Transportation Services and must be displayed in the motor vehicle in accordance with the instructions provided at the time of purchase and/or in accordance with the instructions printed on the permit.

(4) Motorcycles, motor bikes, and motor scooters must display a Motorcycle Permit and are only permitted to park in spaces designated as "Motorcycle Parking" or in other regularly marked parking spaces. Operating these motor vehicles on any surface other than designated streets or parking areas is expressly prohibited.

(5) Replacement and temporary parking permits can be purchased from Parking and Transportation Services. All lost or stolen parking permits should be reported to Parking and Transportation Services.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-10-04-.05 Motor Vehicle Operation is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.05 Motor Vehicle Operation.

(1) Operators of motor vehicles on University property or in the campus area, which includes city streets running through University property, must obey all traffic rules, regulations, postings, or directions of police officers, regardless of whether the rule, regulation, posting, or direction is included in this policy, and all applicable traffic rules, regulations, postings, or directions.

(2) The speed limits on all University streets as well as city streets running through University property are enforced by the University's Police Services. Violations may result in the operator of the motor vehicle receiving a citation.

(3) All persons operating motor vehicles are responsible for maintaining proper control of the motor vehicle, safe operation, and observance of traffic control signs, barriers and devices.

(4) Operating a motor vehicle in any area other than a street or a roadway intended for motor vehicles is prohibited.

(5) Pedestrians have the right of way at established pedestrian crossings, except where regulated by traffic control lights or police officers.

(6) Bicycles operated on University property or city streets must comply with all applicable traffic rules, regulations, postings, or directions.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-10-04-.06 Violations is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.06 Violations. The following constitutes non-exclusive examples of violations of these rules:

(1) Registration.

- (a) Unauthorized possession of a University parking permit;
- (b) Falsification of registration information; and
- (c) Illegal use, unauthorized use, reproduction or alteration of University parking permit or temporary parking permit.

(2) Parking.

- (a) In a no parking zone;
- (b) No permit or visitor pass;
- (c) Improper display of permit or visitor pass;
- (d) Parked outside of lines or appropriately marked space;
- (e) In such a manner as to block or obstruct traffic, street, sidewalk, driveway, fire hydrant, building entrance or exit, or another motor vehicle;
- (f) In a fire lane;
- (g) Parked overtime in a metered space;
- (h) Illegal entry/exit in an access-controlled gated parking facility, which includes, but is not limited to, tailgating another motor vehicle;
- (i) Breaking the gate in an access-controlled gated parking facility; and
- (j) Disability parking violation, as defined by State law (including, but not limited to, unauthorized use of a disabled parking space, ramp, plate, or placard; parking a motor vehicle so that a portion of the motor vehicle encroaches into a disabled space in a manner that restricts, or reasonably could restrict, a person confined to a wheelchair from exiting or entering a motor vehicle properly parked within a disabled parking space).

(3) Officers of the University's Police Services may, under certain circumstances, issue citations for violations of city ordinances and/or state laws. Individuals who receive a citation for violations of city ordinances and/or state laws must appear in court on the court date listed on the citation or pay the citation fine if appearance in court is not required.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-10-04-.07 Fines is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.07 Fines.

(1) Fines may be set as determined by the University but shall not exceed the amounts set by state/county/municipal ordinance for the same offense. Such fines are subject to the prior review and approval of the University of Memphis President. Proposed fines shall be submitted to the University of Memphis President

together with information sufficient to justify the fine. Such information shall include consideration of state/county/municipal fines for the same offense, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff and students of the institution through the University of Memphis' website.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-10-04-.08 Enforcement. is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.08 Enforcement.

- (1) University issued citations must be paid in person at the University & Student Business Services' Office, or by mail at The University of Memphis, PO Box 1000, Department 313, Memphis, TN 38152, within fifteen (15) days of the issuance date of the citation.
- (2) The University may tow, boot, or remove to a place of storage at the owner's expense any motor vehicle, without advance notice, that is parked in a fire lane, designated disabled parking space, spaces reserved for designated motor vehicles, or motor vehicles parked in such a manner as to impede the flow of traffic or disrupt the orderly affairs of the University.
- (3) The University may tow, boot, or remove to a place of storage at the owner's expense any motor vehicle that has unpaid parking citations as long as advance notice and an opportunity to contest has been given. Windshield notices and/or other methods of notification will be used to provide the operator of the motor vehicle with advance notice of University's intent to tow and the operator's right to a contest.
- (4) The University may revoke parking privileges for repeated and/or deliberate parking or moving violations.
- (5) University students with outstanding citations may not be permitted to receive grades, transcripts, or diplomas.
- (6) Any student who receives \$100.00 or more in traffic and/or parking violations on University controlled property during any semester may be subject to disciplinary action in accordance with applicable University rules.
- (7) Outstanding University employees' citations may be recouped in accordance with applicable University indebtedness rules.
- (8) Parking permits are issued to persons, not motor vehicles, and are required to be affixed to a motor vehicle. Permit holders are responsible for citations incurred with their permit. Persons will also be held liable for a violation incurred by a motor vehicle without a permit when that motor vehicle is reasonably shown to be associated with the person.

Authority: T.C.A. § 49-8-203(a)(1)(D).

0240-10-04-.09 Appeals is added to Chapter 0240-10-04 Parking and Traffic Rules and shall read as follows:

0240-10-04-.09 Appeals.

- (1) Any student who has received a University citation may appeal the citation to the Student Government Association within fifteen (15) days of the of the issuance date of the citation. Appeals may be filed in person at Parking and Transportation Services or online using the University's parking portal. All decisions of the Student Government Association are final.
- (2) Any University employee who has received a University citation may appeal the citation to the Faculty/Staff Appeals Committee within fifteen (15) days of the of the issuance date of the citation. Appeals may be filed in person at Parking and Transportation Services or online using the University's parking portal. All decisions of the Faculty/Staff Appeals Committee are final.
- (3) Any person not affiliated with the University who has received a University citation may appeal the citation to the Assistant Director of Parking and Transportation Services within fifteen (15) days of the date of the issuance date of the citation. Appeals may be filed in person at Parking and Transportation Services or online using the

University's parking portal.

Authority: T.C.A. § 49-8-203(a)(1)(D).

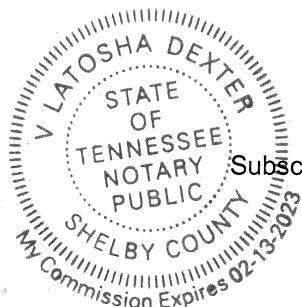
I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: 9/13/19

Signature: Melanie Murry

Name of Officer: Melanie Murry

Title of Officer: Board Secretary



Subscribed and sworn to before me on: Sept. 13, 2019

Notary Public Signature: V. Latosha Dexter

My commission expires on: 2.13.2023

Department of State Use Only

Filed with the Department of State on: 9/19/19

Tre Hargett

Tre Hargett
Secretary of State

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9. Athletics Committee

For Discussion

Presented by David North

The University of Memphis Board of Trustees

Recommendation

For Discussion

Date: December 4, 2019

Committee: Governance and Finance Committee

Topic: Athletics Committee

Presented by: Dave North, Chairman

10. THEC 2020-21 Operating Capital Recommendations

Presentation

Presented by Tony Poteet

The University of Memphis Board of Trustees

Recommendation

For Discussion

Date: December 4, 2019

Committee: Governance & Finance Committee

Topic: THEC 2020-21 Recommendations

Presented by: Raaj Kurapati, Chief Financial Officer

Background:

Each year, the Tennessee Higher Education Commission (THEC), at its fall meeting, makes the following recommendations for the campuses:

- Tuition guidance ranges
- Operating appropriations
- Capital Outlay appropriations
- Capital Maintenance appropriations

Tuition guidance range:

The Complete College Tennessee Act (CCTA) requires THEC to make student fee and state appropriation recommendations concurrently. The FOCUS Act expanded THEC's authority on student fees, requiring THEC to issue binding tuition ranges each year. THEC staff is recommending a guiding tuition (maintenance fee) range of zero to two percent for all public universities, community colleges, and TCATs, as well as a guiding tuition and mandatory fee range of zero to two percent. A final binding tuition range will be approved later in the fiscal year once clarity around the state budget and overall impact on higher education funding is determined.

Operating Appropriations:

THEC staff is recommending operating state appropriations for FY2020 – 21 in the amount of \$127.2 million for UofM, representing a \$3.8 million increase, or 3.1%, over FY2019 – 20 appropriations. This net increase is a combination of a decrease of \$243k in the outcomes formula adjustments and a \$4 million increase in proposed new funding for higher education. At the request of Finance and Administration (F&A), THEC did not include in their recurring recommendation a salary component, allowing F&A to apply general government's salary policy to higher education in the Governor's Budget. This makes the increase in appropriations appear much smaller than in previous years; however, this is not the case when you factor in an allocation for partially funded salary increases. A schedule of THEC's FY2020 – 21 state appropriations distribution recommendation is included in these materials.

Capital Outlay Recommendations:

In June of this year, the UofM Board of Trustees approved the University's submittal of a new STEM Research & Classroom Building for Engineering, with a total project budget of \$41 million. The proposed STEM Research and Classroom Building consists of a new 65,000 square foot facility and 17,000 square feet of renovated space that will provide critical needed space for the Herff College of Engineering and will better support the UofM's aggressive research agenda and prepare more students to fill in-demand STEM openings Statewide

The Tennessee Higher Education Commission (THEC) staff ranked priority list of recommended projects for funding in 2020-21 is included in these materials. UofM's STEM Research and Classroom building is ranked #5 on THEC's request for capital outlay funding. THEC is recommending a total of eight (8) projects for funding in 2020-21 out of a total of sixteen (16) projects submitted. The capital outlay funding request totals \$310.2 million and includes three (3) projects for the Tennessee Board of Regents totaling \$64.6 million and five (5) projects for the LGI's totaling \$245.6 million.

Capital Maintenance Recommendations:

In June of this year, the UofM Board of Trustees approved the University's submittal of six (7) capital maintenance projects for the 2020-21 fiscal year with a total project budget of \$18.4 million. The projects included Building Code and Safety Repairs; HVAC for central chiller and Communication & Fine Arts building; Phase II Building Interiors, Phase II Boiler Decentralization; Wilder Tower Repairs, HVAC Controls replacements; and Window replacements; THEC staff is recommending all capital maintenance projects for funding in 2020-21. A list of the individual capital maintenance projects and their associated budgets are included in these materials. A schedule of THEC's FY2020 – 21 Capital Maintenance recommendations is included in these materials.

The above recommendations were presented to the Tennessee Higher Education Commission for approval at their November 7th meeting.



THEC Recommendation for Operating Appropriations

THEC 2020-21 State Appropriations Distribution Recommendation

Academic Formula Units	2019-20 Appropriation ¹	2020-21 Formula Calculation	Outcomes Formula Adjustments	Share of New Funding	2020-21 Changes	2020-21 Recommendation	Percent Change	Percent Funded
LGI Universities								
Austin Peay	\$50,503,100	\$76,111,000	\$263,700	\$1,671,500	\$1,935,200	\$52,438,300	3.80%	68.90%
East Tennessee	69,479,000	105,044,500	586,800	2,306,900	2,893,700	72,372,700	4.20%	68.90%
Middle Tennessee	107,399,400	158,590,000	-1,618,200	3,482,900	1,864,700	109,264,100	1.70%	68.90%
Tennessee State	41,795,200	61,600,800	-706,800	1,352,800	646,000	42,441,200	1.50%	68.90%
Tennessee Tech	56,597,500	85,458,500	404,200	1,876,800	2,281,000	58,878,500	4.00%	68.90%
University of Memphis	123,370,700	184,595,400	-243,600	4,054,000	3,810,400	127,181,100	3.10%	68.90%
Subtotal	\$449,144,900	\$671,400,200	(\$1,313,900)	\$14,744,900	\$13,431,000	\$462,575,900	3.00%	68.90%
Community Colleges								
Community College Subtotal	\$291,614,000	\$441,592,400	\$2,932,700	\$9,698,000	\$12,630,700	\$304,244,700	4.30%	68.90%
UT Universities								
UT Chattanooga	\$58,905,900	\$88,588,800	\$183,800	\$1,945,500	\$2,129,300	\$61,035,200	3.60%	68.90%
UT Knoxville ²	244,059,300	365,012,200	-592,400	8,016,200	7,423,800	251,483,100	3.00%	68.90%
UT Martin ²	35,108,200	50,848,900	-1,191,500	1,116,700	-74,800	35,033,400	-0.20%	68.90%
Subtotal	\$338,073,400	\$504,449,900	(\$1,600,100)	\$11,078,400	\$9,478,300	\$347,551,700	2.80%	68.90%
Total Colleges and Universities	\$1,078,832,300	\$1,617,442,500	\$18,700	\$35,521,300	\$35,540,000	\$1,114,372,300	3.30%	68.90%
TN Colleges of Applied Technology	\$75,301,400	\$112,865,900	(\$18,700)	\$2,478,700	\$2,460,000	\$77,761,400	3.30%	68.90%
Total Academic Formula Units	\$1,154,133,700	\$1,730,308,400	\$0	\$38,000,000	\$38,000,000	\$1,192,133,700	3.30%	68.90%

1 - Recurring funding. Includes historical funding of \$7.4M for legislative initiatives. A breakdown of these initiatives by campus is included in Appendix A.

Appendix A
Legislative Initiatives Included in Funding Formula

This appendix presents legislative initiatives that are distributed through the funding formula. Projects identified for distribution outside the funding formula or those appropriated to non-formula units are excluded.

TBR Universities	Initiative	Funding
Middle Tennessee	Small Business Development Center	\$ 270,800
	Center for Dyslexic Studies	218,700
Tennessee State	Cooperative Agriculture	\$ 50,000
	Center on Aging	37,000
	Upward Bound	31,800
	Intracampus Transportation	75,500
	Academically-Talented Student Scholarships	832,000
Tennessee Tech	Horticultural Research	\$ 92,300
	Joe L. Evins Center	608,600
	Carnegie Classification Change	2,100,000
University of Memphis	Seismic Safety Commission	\$ 65,000
Subtotal		\$ 4,381,700

Community Colleges		
Columbia	Collegiate Center	\$ 72,700
Roane	Oak Ridge Campus Operations	\$ 150,000
System-wide	Administrative Support Services	\$ 2,060,300
Subtotal		\$ 2,283,000

UT Universities		
UT Martin	Ripley Center	\$ 310,000
Subtotal		\$ 310,000

TN Colleges of Applied Tech	Administrative Support Services	\$ 384,500
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Total Funding		\$ 7,359,200
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THEC Recommendation for Capital Outlay

ATTACHMENT I **THEC 2020-21 Capital Projects Recommendation Summary**

THEC Priority	Capital Outlay	Total Cost	Project Cost	Previous Years Funding	2020-21 Project Cost	Match Percentage	Total Match Funds ¹	Request ²
1	LGI TTU Engineering Building	\$55,000,000	\$51,750,000	\$3,250,000	\$51,750,000	15%	\$8,250,000	\$43,500,000
2	TBR TCAT Chattanooga New Advanced Manufacturing Building	21,900,000	-	-	21,900,000	1%	200,000	21,700,000
3	LGI APSU Health Professions Building	67,735,000	-	-	67,735,000	10%	6,773,500	60,961,500
4	TBR Nashville Clarksville Lab and Classroom Building	19,000,000	-	-	19,000,000	10%	1,900,000	17,100,000
5	LGI UM STEM Research and Classroom Building	41,000,000	-	-	41,000,000	20%	8,089,000	32,911,000
6	TBR Columbia and TCAT Williamson County Relocation Building Dickson 4	27,500,000	-	-	27,500,000	6%	1,675,000	25,825,000
7	LGI MTSU Applied Engineering Building	51,000,000	-	-	51,000,000	10%	5,100,000	45,900,000
8	LGI ETSU Humanities Building	71,800,000	-	-	71,800,000	13%	9,513,500	62,286,500
	TBR Total	\$68,400,000	\$ -	\$ -	\$68,400,000	6%	\$3,775,000	\$64,625,000
	LGI Total	\$286,535,000	\$3,250,000	\$3,250,000	\$283,285,000	13%	\$37,726,000	\$245,559,000
	UT Total	\$ -	\$ -	\$ -	\$ -	NA	\$ -	\$ -
Capital Maintenance								
	TBR Total	\$30,020,000	32					\$30,020,000
	LGI Total	\$59,970,000	29					\$59,970,000
	UT Total	\$60,010,000	12					\$60,010,000
	Special Initiative	\$5,000,000	1					\$5,000,000
	Total Capital Outlay Request	\$354,935,000	8				\$41,501,000	\$310,184,000
	Total Capital Maintenance Request	\$155,000,000	74				NA	\$155,000,000
	Total Capital Investment	\$509,935,000	82				\$41,501,000	\$465,184,000

1 - Match is applicable to the entire scope of each capital outlay project. Total Match Funds consist of previous years match funds and 2020-21 match funds.

2 - Reflects total state appropriation request after all other funding sources — including previous years funding, total match funds and other institutional funds — are taken into account.

**THEC Five-Year Plan for Capital Outlay - Out Years Summary
2021-22 through 2024-25**

UofM Capital Outlay Out Years		Total Project Cost	Potential Match	State Funds Request
UM	Research Modernization	28,500,000	2,850,000	25,650,000
UM	Research Park	45,000,000	15,000,000	30,000,000
UM	Academic Building Replacement	76,000,000	7,600,000	68,400,000
UM	Art Gallery and Art Renovations	20,000,000	2,000,000	18,000,000
UM Total		169,500,000	27,450,000	142,050,000



THEC Recommendation for Capital Maintenance

ATTACHMENT IV

THEC 2020-21 Capital Maintenance Projects Recommendation

Priority	Type	Governing Board	Institution	Project	Total
1	Spec. Init.	TSU	TSU	Electrical Upgrades	\$ 5,000,000
2	Gen. Maint.	UM	UM	Building Code and Safety Repairs	3,000,000
3	Gen. Maint.	TBR	ChSCC	East Omni Roof Replacement	590,000
4	Gen. Maint.	TTU	TTU	Roof Replacements Phase IV	2,100,000
5	Gen. Maint.	TBR	WSCC	Sevier County Campus Reroof	1,000,000
6	Gen. Maint.	TSU	TSU	Strange Roof Replacement	456,500
7	Gen. Maint.	UT	UTK	Window Replacements and Masonry Repairs	4,500,000
8	Gen. Maint.	ETSU	ETSU	Main Campus Primary Electrical Service Upgrade	3,300,000
9	Gen. Maint.	MTSU	MTSU	Murphy Center Window Repair/Replacement	4,600,000
10	Gen. Maint.	APSU	APSU	Dunn Center HVAC Replacement	3,295,000
11	Gen. Maint.	TBR	VSCC	Roof Replacements & Envelope Repairs	1,160,000
12	Gen. Maint.	TBR	TCAT Paris	Exterior Repairs	280,000
13	Gen. Maint.	TBR	NaSCC	Lighting and Security Updates	410,000
14	Gen. Maint.	TBR	PSCC	Alarm System Upgrades	700,000
15	Gen. Maint.	TBR	NeSCC	Powers Building Foundation Stabilization	360,000
16	Gen. Maint.	TBR	DSCC	Admin. Building Electrical Upgrades	400,000
17	Gen. Maint.	TBR	STCC	Central Plant Updates A	1,500,000
18	Gen. Maint.	UT	UTM	EPS Building Systems Upgrades	9,870,000
19	Gen. Maint.	TBR	RSCC	Cumberland & Scott Campus HVAC Updates	1,100,000
20	Gen. Maint.	TBR	CoSCC	Mechanical System Upgrades	950,000
21	Gen. Maint.	TBR	MSCC	McMinnville Campus HVAC Upgrades	920,000
22	Gen. Maint.	UT	UTC	Roof Replacements	5,030,000
23	Gen. Maint.	TBR	JSCC	McWherter HVAC Updates	1,260,000
24	Gen. Maint.	TBR	TCAT Statewide	TCAT Mech., Elec., & Plumb. Updates A	1,890,000
25	Gen. Maint.	TBR	TCAT Jacksboro	Door and Window Replacements	140,000
26	Gen. Maint.	UM	UM	HVAC Central Chiller and CFA	5,000,000
27	Gen. Maint.	TSU	TSU	Power Plant Equipment / Lighting Upgrades Phase II	3,073,400
28	Gen. Maint.	UT	UTHSC	Campus Police Building Upgrades	8,000,000
29	Gen. Maint.	TBR	TCAT Statewide	TCAT Parking Improvements A	1,350,000
30	Gen. Maint.	TTU	TTU	Building Controls Upgrade Phase I	3,000,000
31	Gen. Maint.	TBR	CISCC	Science Building Renovations	1,880,000
32	Gen. Maint.	UM	UM	Phase II Building Interiors	2,000,000
33	Gen. Maint.	TBR	TCAT Statewide	TCAT Maintenance Repairs A	1,450,000
34	Gen. Maint.	UT	UTIA	CRC/MAST, BESS & JARTU Improvements	7,120,000
35	Gen. Maint.	TBR	ChSCC	Warehouse Roof Replacement	280,000
36	Gen. Maint.	TBR	PSCC	Strawberry Plains Roof Replacement	460,000
37	Gen. Maint.	ETSU	ETSU	HVAC Repairs Phase I	3,470,000
38	Gen. Maint.	UT	UTK	Building Systems Improvements	4,000,000
39	Gen. Maint.	MTSU	MTSU	Elevator Modernization Phase III	2,000,000
40	Gen. Maint.	APSU	APSU	Elevator Upgrades	750,000
41	Gen. Maint.	UM	UM	Phase II Boiler Decentralization	2,500,000
42	Gen. Maint.	UT	UTC	Elevator Upgrades	2,330,000
43	Gen. Maint.	TSU	TSU	HVAC Upgrades	1,881,000
44	Gen. Maint.	UT	UT Statewide	Facilities Space Analytics	1,000,000
45	Gen. Maint.	TBR	TCAT Statewide	TCAT Mech., Elec., & Plumb. Updates B	3,230,000
46	Gen. Maint.	MTSU	MTSU	Water & Sewer System Updates Phase II	490,000
47	Gen. Maint.	TSU	TSU	Upgrade Building Envelopes	396,000
48	Gen. Maint.	TBR	WSCC	Morristown Campus Exterior Building Repair	1,110,000
49	Gen. Maint.	TBR	TCAT Memphis	Security System Updates	140,000
50	Gen. Maint.	TBR	TCAT McMinnville	Communication System Updates	260,000
51	Gen. Maint.	TSU	TSU	McMinnville / Floyd NRS Interiors Improvements	165,000
52	Gen. Maint.	TBR	NeSCC	Powers and Maintenance Roof Replacements	380,000
53	Gen. Maint.	TBR	PSCC	Central Plant Improvements	850,000
54	Gen. Maint.	UM	UM	Wilder Tower Repairs	2,200,000
55	Gen. Maint.	MTSU	MTSU	Several Buildings Roof Replacements	950,000
56	Gen. Maint.	UT	UTIA	Morgan Hall Improvements	8,100,000
57	Gen. Maint.	TBR	WSCC	Mechanical System Updates	1,250,000
58	Gen. Maint.	UM	UM	HVAC Controls Replacement	1,680,000
59	Gen. Maint.	ETSU	ETSU	Exterior Building Improvements	2,690,000
60	Gen. Maint.	TBR	RSCC	Oakridge Campus HVAC Updates	1,300,000
61	Gen. Maint.	TBR	TCAT Hartsville	Safety and Security Updates	190,000
62	Gen. Maint.	UT	UTHSC	Student Alumni Center Improvements	3,400,000
63	Gen. Maint.	TBR	NaSCC	Parking Updates	870,000
64	Gen. Maint.	MTSU	MTSU	Steam/Condensate & Manhole Repair/Replacement Phase III	1,400,000
65	Gen. Maint.	UT	UTC	Building Envelope Repairs	3,660,000
66	Gen. Maint.	TBR	TCAT Statewide	TCAT Parking Improvements B	1,430,000
67	Gen. Maint.	APSU	APSU	Sundquist Exhaust Systems Controls Phase I	625,000
68	Gen. Maint.	ETSU	ETSU	Shelbridge Repairs	1,500,000
69	Gen. Maint.	MTSU	MTSU	Sidewalk Repair/Replacement Phase I	610,000
70	Gen. Maint.	TSU	TSU	Gentry Center HVAC Upgrades Phase II	1,838,100
71	Gen. Maint.	TTU	TTU	Building Controls Upgrade Phase II	3,000,000
72	Gen. Maint.	UM	UM	Window Replacements	2,000,000
73	Gen. Maint.	UT	UTHSC	Roof Replacements	3,000,000
74	Gen. Maint.	TBR	ChSCC	CAT Building Renovations Phase I	930,000

ATTACHMENT VII
THEC Five-Year Plan for Capital Maintenance Projects - Out Years 2021-22 through 2024-25

University of Memphis		Total	
2021-22	UM	HVAC Fieldhouse and B and E	\$5,000,000
2021-22	UM	Lambuth Various Maintenance	2,500,000
2021-22	UM	Roof Replacements	3,000,000
2021-22	UM	HVAC Controls Replacement Phase II	1,500,000
2021-22	UM	HVAC Repairs and Replacements	5,000,000
2021-22	UM	Campus Lighting Replacement	2,500,000
2021-22	UM	Building Interior / Exterior Repairs	3,000,000
2021-22	UM	Building Code and Safety Repairs	2,500,000
2022-23	UM	Deferred Maintenance 2023	25,000,000
2023-24	UM	Deferred Maintenance 2024	25,000,000
2024-25	UM	Deferred Maintenance 2025	25,000,000
UM Out Years Total		11 Projects	\$100,000,000

THEC FY20-21 Recommendations

Governance and Finance Committee

Raaj Kurapati
Chief Financial Officer

December 4, 2019
Wilder Student Union
UofM Lambuth



Each year, the Tennessee Higher Education Commission (THEC), at its fall meeting, makes the following recommendations for the campuses:

- Tuition guidance range – 0 to 2%
- Operating appropriations
- Capital Outlay appropriations
- Capital Maintenance appropriations

Tuition Recommendations

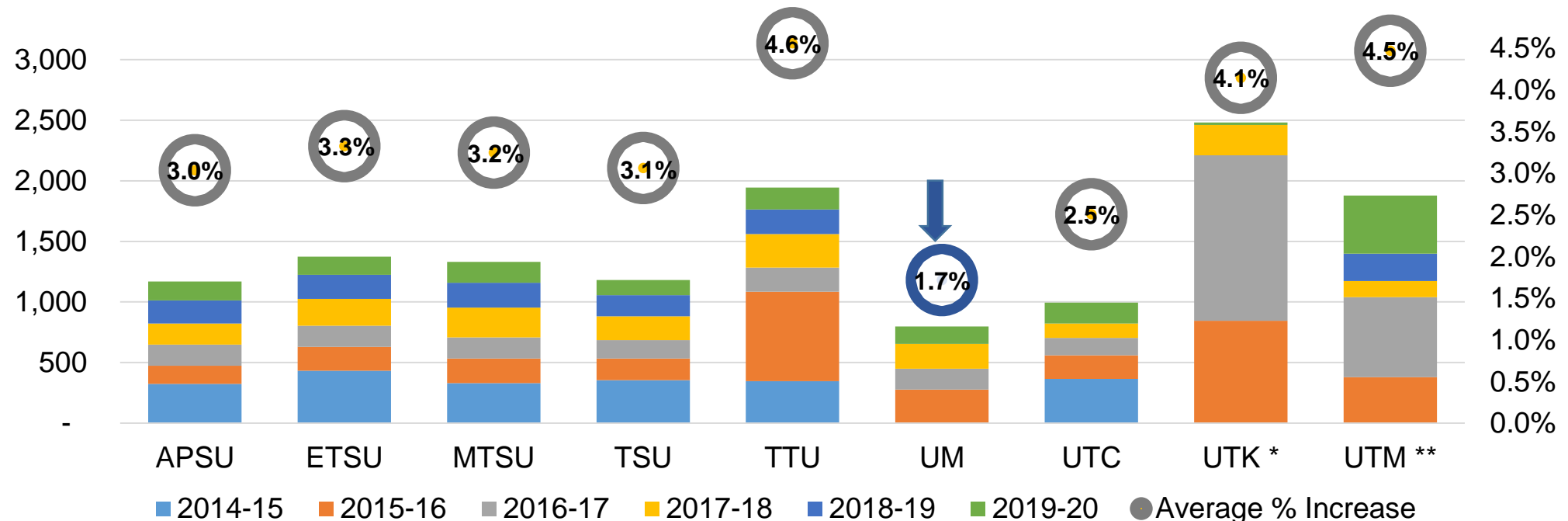
THEC staff is recommending a guiding tuition (maintenance & mandatory fee) range of zero to two percent for all public universities

The UofM's Commitment to Affordability and Accessibility

Lowest average tuition increase of 1.7% over the last 6 years

0% tuition increase in 2 of the last 6 years

Total Tuition Increase Over 6 Years



THEC 2020-21 State Appropriations Recommendations

THEC is recommending \$38M in new funding for Higher Ed with UofM receiving a net increase of \$3.8M

Academic Formula Units	2019-20 Appropriation ¹	2020-21 Formula Calculation	Outcomes Formula Adjustments	Share of New Funding	2020-21 Changes	2020-21 Recommendation	Percent Change	Percent Funded
LGI Universities								
Austin Peay	\$50,503,100	\$76,111,000	\$263,700	\$1,671,500	\$1,935,200	\$52,438,300	3.80%	68.90%
East Tennessee	69,479,000	105,044,500	586,800	2,306,900	2,893,700	72,372,700	4.20%	68.90%
Middle Tennessee	107,399,400	158,590,000	-1,618,200	3,482,900	1,864,700	109,264,100	1.70%	68.90%
Tennessee State	41,795,200	61,600,800	-706,800	1,352,800	646,000	42,441,200	1.50%	68.90%
Tennessee Tech	56,597,500	85,458,500	404,200	1,876,800	2,281,000	58,878,500	4.00%	68.90%
University of Memphis	123,370,700	184,595,400	-243,600	4,054,000	3,810,400	127,181,100	3.10%	68.90%
Subtotal	\$449,144,900	\$671,400,200	(\$1,313,900)	\$14,744,900	\$13,431,000	\$462,575,900	3.00%	68.90%
Community Colleges								
Community College Subtotal	\$291,614,000	\$441,592,400	\$2,932,700	\$9,698,000	\$12,630,700	\$304,244,700	4.30%	68.90%
UT Universities								
UT Chattanooga	\$58,905,900	\$88,588,800	\$183,800	\$1,945,500	\$2,129,300	\$61,035,200	3.60%	68.90%
UT Knoxville ²	244,059,300	365,012,200	-592,400	8,016,200	7,423,800	251,483,100	3.00%	68.90%
UT Martin ²	35,108,200	50,848,900	-1,191,500	1,116,700	-74,800	35,033,400	-0.20%	68.90%
Subtotal	\$338,073,400	\$504,449,900	(\$1,600,100)	\$11,078,400	\$9,478,300	\$347,551,700	2.80%	68.90%
Total Colleges and Universities	\$1,078,832,300	\$1,617,442,500	\$18,700	\$35,521,300	\$35,540,000	\$1,114,372,300	3.30%	68.90%
TN Colleges of Applied Technology	\$75,301,400	\$112,865,900	(\$18,700)	\$2,478,700	\$2,460,000	\$77,761,400	3.30%	68.90%
Total Academic Formula Units	\$1,154,133,700	\$1,730,308,400	\$0	\$38,000,000	\$38,000,000	\$1,192,133,700	3.30%	68.90%

THEC 2020-21 Capital Projects Recommendation Summary

STEM Research and Classroom Building ranked number 5 on the Capital Outlay request

THEC Priority	Capital Outlay			Total Project Cost	Previous Years Funding	2020-21 Project Cost	Match Percentage	Total Match Funds ¹	Request ²
1	LGI	TTU	Engineering Building	\$55,000,000	\$3,250,000	\$51,750,000	15%	\$8,250,000	\$43,500,000
2	TBR	TCAT Chattanooga	New Advanced Manufacturing Building	21,900,000	-	21,900,000	1%	200,000	21,700,000
3	LGI	APSU	Health Professions Building	67,735,000	-	67,735,000	10%	6,773,500	60,961,500
4	TBR	Nashville	Clarksville Lab and Classroom Building	19,000,000	-	19,000,000	10%	1,900,000	17,100,000
5	LGI	UM	STEM Research and Classroom Building	41,000,000	-	41,000,000	20%	8,089,000	32,911,000
6	TBR	Columbia and TCAT Dickson	Williamson County Relocation Building 4	27,500,000	-	27,500,000	6%	1,675,000	25,825,000
7	LGI	MTSU	Applied Engineering Building	51,000,000	-	51,000,000	10%	5,100,000	45,900,000
8	LGI	ETSU	Humanities Building	71,800,000	-	71,800,000	13%	9,513,500	62,286,500
TBR Total				\$68,400,000	\$ -	\$68,400,000	6%	\$3,775,000	\$64,625,000
LGI Total				\$286,535,000	\$3,250,000	\$283,285,000	13%	\$37,726,000	\$245,559,000
UT Total				\$ -	\$ -	\$ -	NA	\$ -	\$ -

Capital Maintenance			Total	Total Projects
TBR Total			\$30,020,000	32
LGI Total			\$59,970,000	29
UT Total			\$60,010,000	12
Special Initiative			\$5,000,000	1

Total Capital Outlay Request	\$354,935,000	8	\$41,501,000	\$310,184,000
Total Capital Maintenance Request	\$155,000,000	74	NA	\$155,000,000
Total Capital Investment	\$509,935,000	82	\$41,501,000	\$465,184,000

1 - Match is applicable to the entire scope of each capital outlay project. Total Match Funds consist of previous years match funds and 2020-21 match funds.

2 - reflects total state appropriation request after all other funding sources — including previous years funding, total match funds & other institutional funds - are taken into account.



Capital Maintenance Request - \$18,380,000

- | | |
|--|-------------|
| 1. Building Code and Safety Repairs | \$3,000,000 |
| 2. HVAC for Central Chiller and Communication and Fine Arts Building | \$5,000,000 |
| 3. Phase 2 Building Interiors | \$2,000,000 |
| 4. Phase 2 Boiler Decentralization | \$2,500,000 |
| 5. Wilder Tower Repairs | \$2,200,000 |
| 6. HVAC Controls Replacement | \$1,680,000 |
| 7. Window Replacements | \$2,000,000 |



Questions?

11. Update on Investment Strategies

Presentation

Presented by Raajkumar Kurapati

The University of Memphis Board of Trustees

Recommendation

For Discussion

Date: December 4, 2019

Committee: Governance and Finance Committee

Topic: Update on Cash Pool Investment Strategies and CFI

Presented by: Raaj Kurapati, Chief Financial Officer

This is an overview of our cash position and investment strategies for improving yields and managing risk in a decreasing interest rate environment. Working with our investment manager, we have developed strategies to capitalize on the opportunity to earn additional interest income while maintaining an appropriate level of liquidity.

This will also include an update on our CFI score based on our most recent financial statements for the year ending June 30 2019 and the impact of including the Herff Trust assets.

Update on Cash Pool Investments and CFI score

Governance and Finance Committee

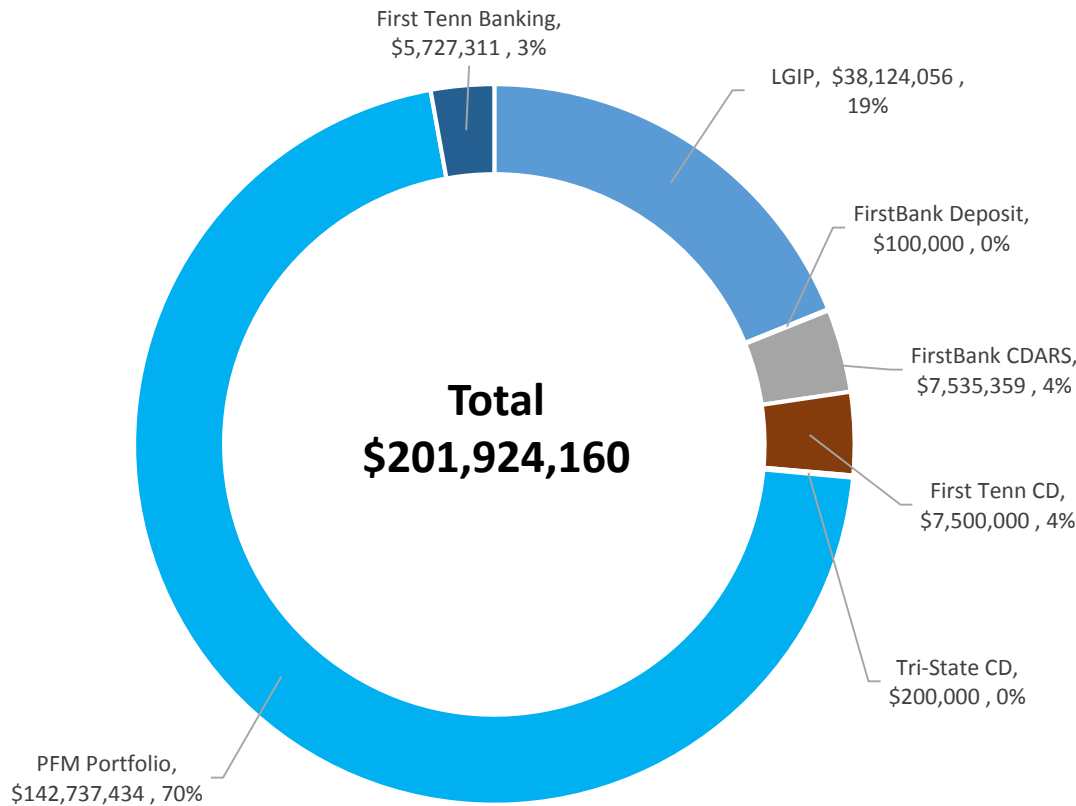
Raaj Kurapati
Chief Financial Officer

December 4, 2019
Wilder Student Union
UofM Lambuth

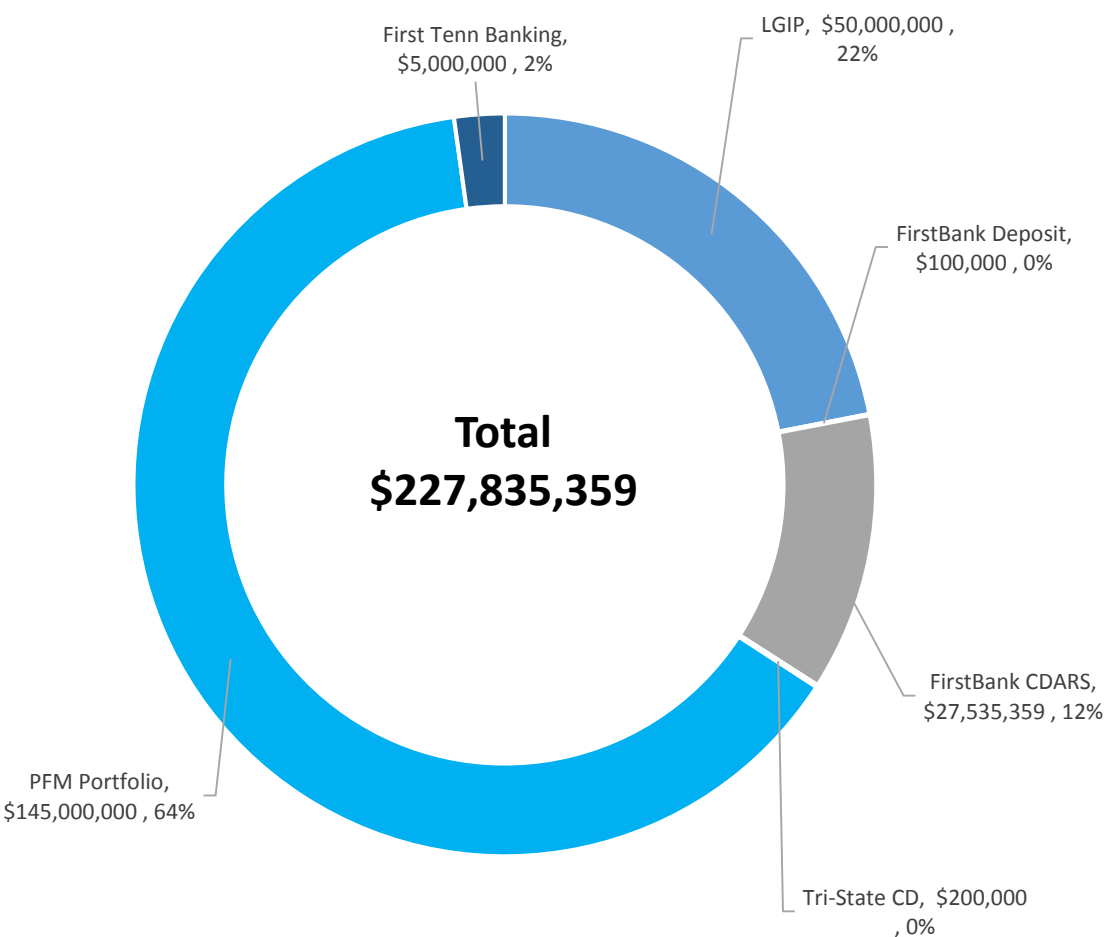


Investment Portfolio: FY19 vs Projected FY20

June 30, 2019 Portfolio

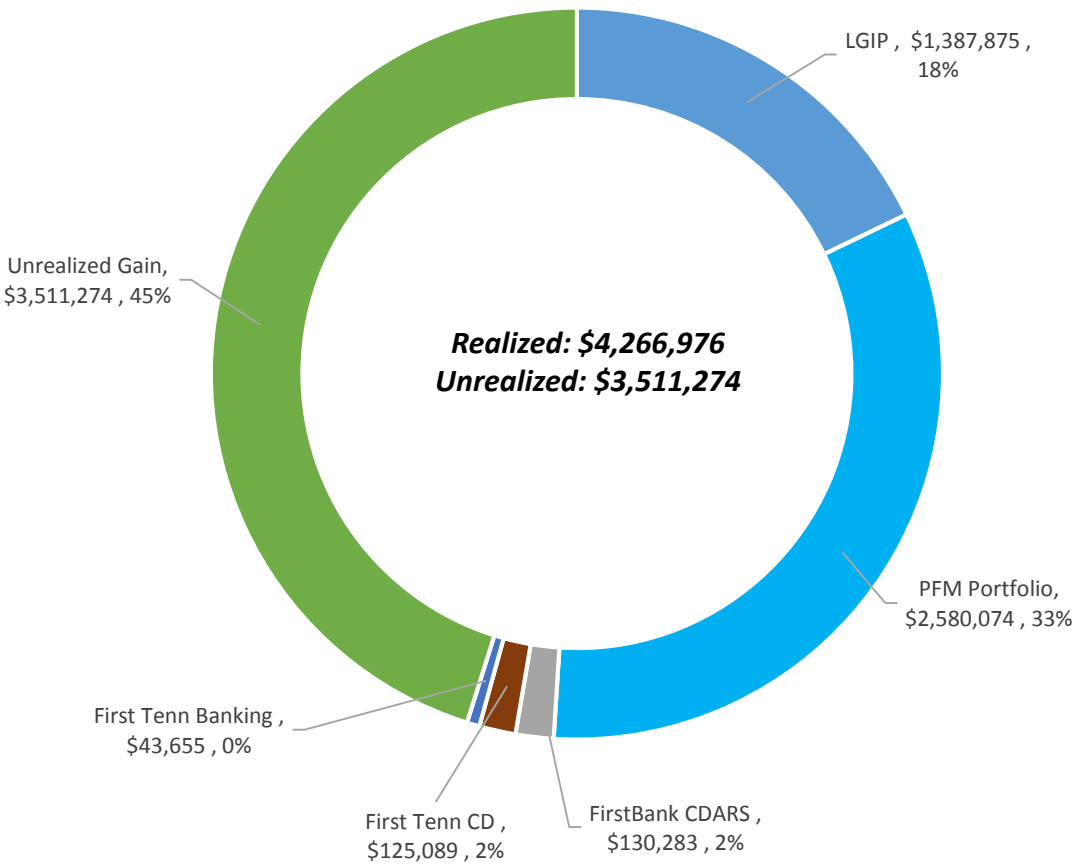


June 30, 2020 *Projected* Portfolio

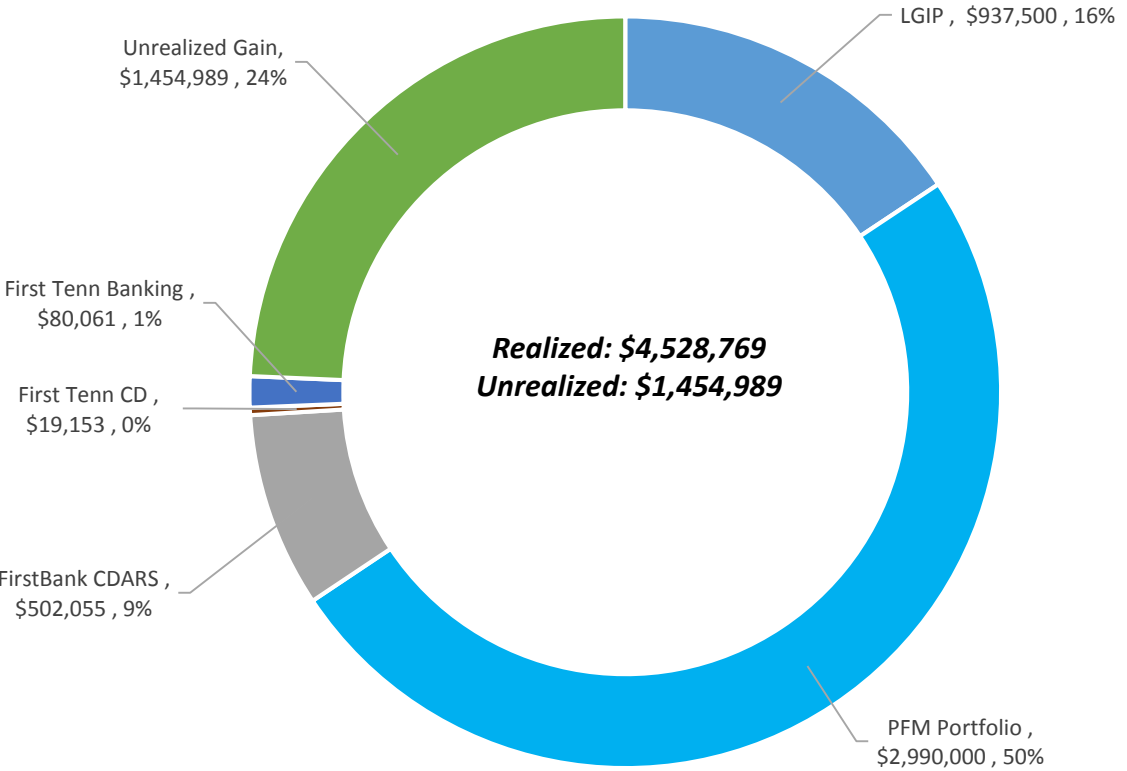


Investment Returns: FY19 vs Projected FY20

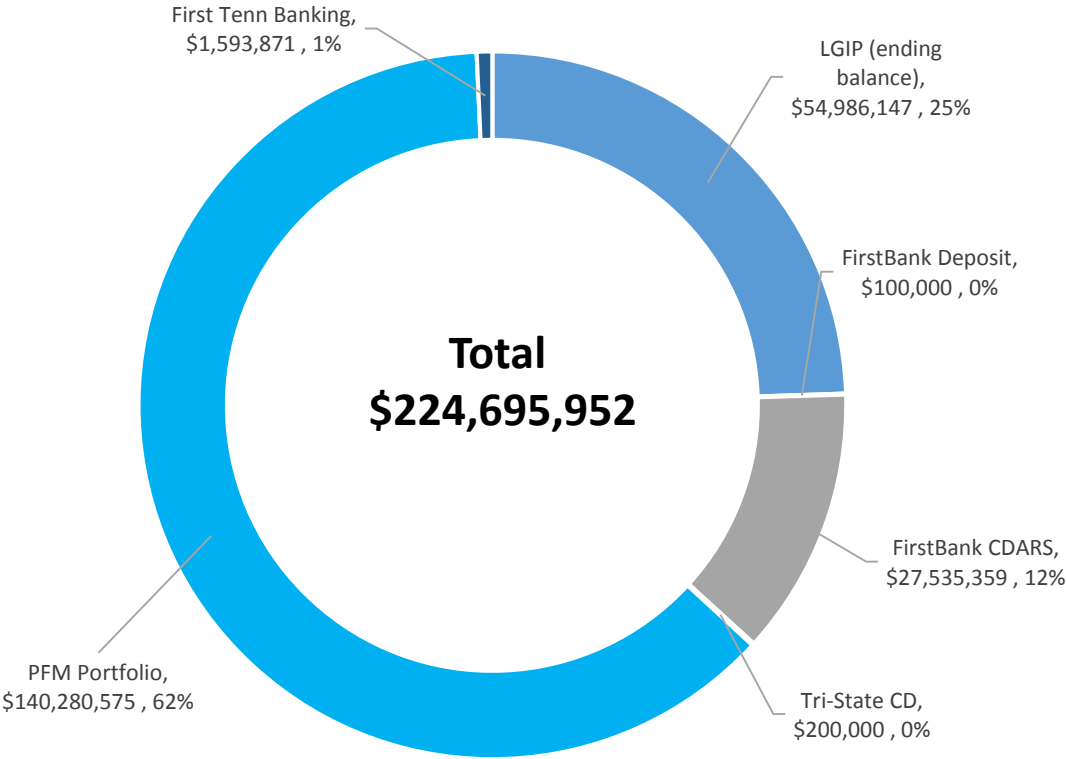
FY 2019 Investment Returns



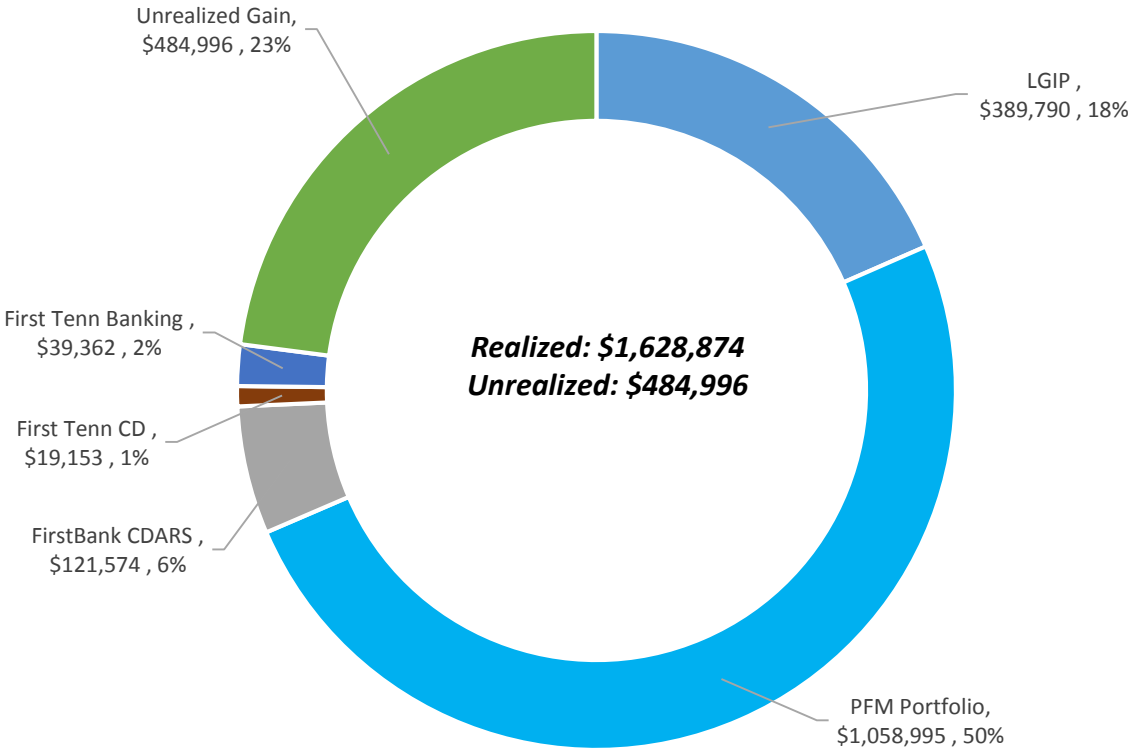
FY 2020 Investment *Projected* Returns



October 31, 2019 Portfolio

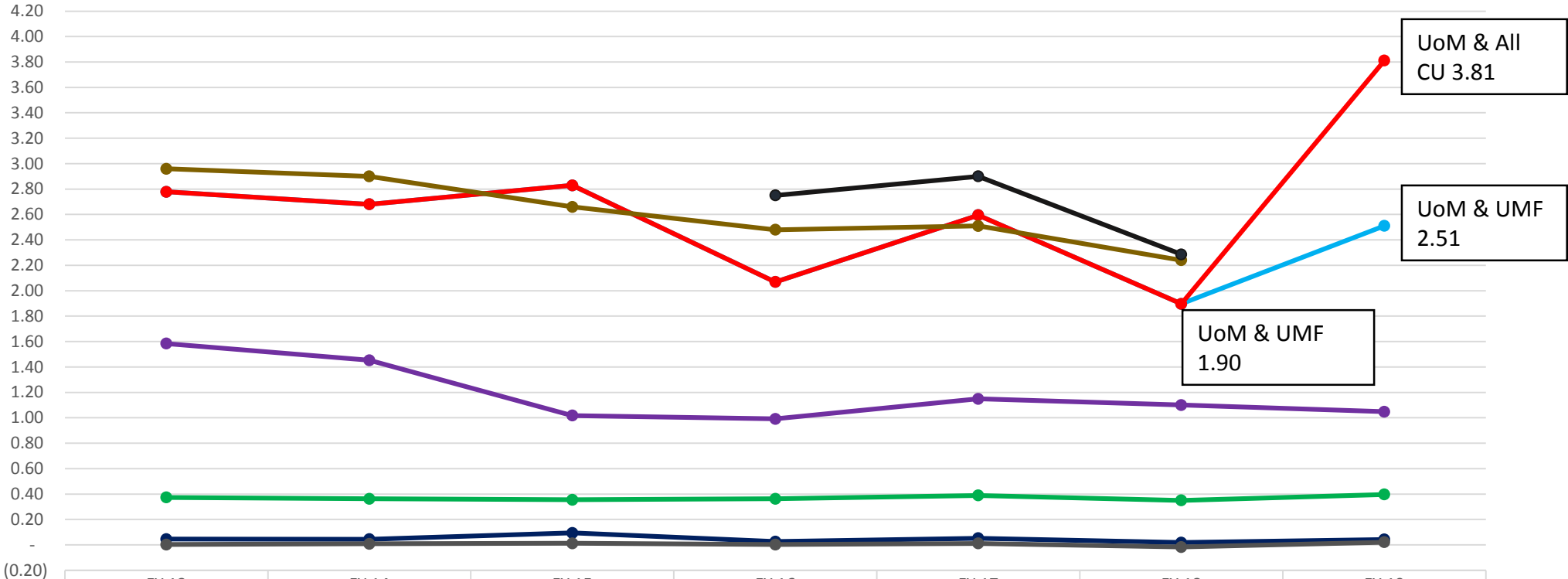


FY 2020 Investment Returns YTD
October 31, 2019
(Net of Fees)



Composite Financial Index (CFI) – Historic Trend

(CFI) – Historic Trend



	FY 13	FY 14	FY 15	FY 16	FY 17	FY 18	FY 19
Primary Reserve	0.37	0.36	0.36	0.36	0.39	0.35	0.40
Viability	1.58	1.45	1.02	0.99	1.15	1.10	1.05
Return on Net Assets	4.51%	4.41%	9.44%	2.62%	5.22%	1.78%	4.27%
Net Operating Revenues	0.22%	0.85%	1.25%	0.29%	1.09%	-1.65%	2.08%
UoM & UM Foundation (UMF)	2.78	2.68	2.83	2.07	2.59	1.90	2.51
UoM & All Component Units (CU)	2.78	2.68	2.83	2.07	2.59	1.90	3.81
LGI Avg CFI	2.96	2.90	2.66	2.48	2.51	2.24	
UT Sys				2.75	2.90	2.29	

CFI – Comparison Table

	<u>FY 13</u>	<u>FY 14</u>	<u>FY 15</u>	<u>FY 16</u>	<u>FY 17</u>	<u>FY 18</u>	<u>FY 19</u>
Expected	3.00	3.00	3.00	3.00	3.00	3.00	3.00
Watch	1.00	1.00	1.00	1.00	1.00	1.00	1.00
LGI Avg	2.96	2.90	2.66	2.48	2.51	2.24	
UoM & UM Foundation (UMF)	2.78	2.68	2.83	2.07	2.59	1.90	2.51
UoM & All Component Units (CU)	2.78	2.68	2.83	2.07	2.59	1.90	3.81
APSU	2.10	1.62	1.65	1.74	2.03	1.72	
ETSU	1.83	2.33	2.06	2.05	2.57	3.05	
MTSU	2.68	2.04	1.17	1.47	1.30	1.50	
TSU	3.35	3.40	3.85	3.84	2.63	2.23	
TTU	5.01	5.31	4.39	3.68	3.96	3.05	
UT Sys				2.75	2.90	2.29	

Questions?

12. Additional Business

Presented by David North

13. Adjournment

Presented by David North