

ALABAMA STATE UNIVERSITY BOARD OF TRUSTEES MEETING RECONVENED FROM THE FEBRUARY 8, 2013 MEETING

Dunn-Oliver Acadome Board Room May 10, 2013 10:00 a.m.

MINUTES

I. **CALL TO ORDER**

The reconvened meeting from February 8, 2013, of the Alabama State University Board of Trustees was called to order by Chairman Elton N. Dean, Sr. at 10:07 a.m. on May 10, 2013 in the Dunn-Oliver Acadome Board Room.

II. INVOCATION

The invocation was given by Henry Davis, Executive Director of Public Safety at Alabama State University.

III. PLEDGE OF ALLEGIANCE

The pledge of allegiance was recited by all.

Trustee Dean asked that the agenda be revised so that the swearing of the newly appointed trustees would become Agenda Item IV.

SWEARING IN OF NEWLY APPOINTED TRUSTEES - ROBERT GILPIN AND IV. LARRY THORNTON

Mr. Gilpin and Mr. Thornton were respectively sworn in by Mr. Kenneth Thomas, University Counsel. A copy of the Oath of Office was appropriately executed by both trustees.

V. SWEARING IN OF EXECUTIVE BRANCH SGA OFFICERS FOR 2013-2014

The SGA Executive Branch officers for 2013-2014 Sharod Campbell, president, Darrick Long, vice president, Marvin Cox, treasurer and Mycal Hinton, secretary were sworn in.

ESTABLISHMENT OF QUORUM VI.

President Harris read letters from Governor Robert Bentley appointing David B. Byrne,

Jr., Carrie McCollum and Franklin Johnson as proxies to attend Alabama State University Board meetings in his absence, without the authority to vote or otherwise act for him in his capacity as ex officio Board member and President of Alabama State University Board of Trustees. These proxies shall be in force for all Alabama State University Board meetings held during 2013.

Upon voice roll call by President Harris a quorum was affirmed. Those trustees present were: Elton N. Dean, Sr., Marvin Wiggins, Locy Baker, Buford Crutcher, Thomas Figures, Robert Gilpin, Alfreda Green, Bobby Junkins, and Larry Thornton. Trustee Taylor Hodge joined the meeting after roll call.

Ms. Carrie McCollum was present on behalf of Governor Bentley.

Trustees Jacqueline Brooks and Herbert Young were absent.

VII. ADOPTION OF THE AGENDA

Trustee Wiggins moved, seconded by Trustee Baker, to adopt the agenda as revised. The agenda was unanimously adopted.

VIII. **ADOPTION OF THE MINUTES - FEBRUARY 8, 2013**

Trustee Wiggins moved, seconded by Trustee Baker, to adopt the minutes of the February 8, 2013 meeting. The motion passed by majority vote. Trustee Figures abstained.

IX. PRESIDENT'S REPORT

President Harris began his report by welcoming Trustees Gilpin and Thornton to the Board. He said that an orientation session would be planned for the new trustees with senior administrators to discuss the issues and accomplishments of the University.

He then addressed the recent health inspection score of 74 received in the Fred Shuttlesworth Dining Hall. He said that the low score was an anomaly, however he expressed that it is wholly unacceptable. Several discussions have taken place with Gourmet Services and currently all deficiencies have been addressed. More importantly, the administration has fully communicated with the ownership and leadership of Gourmet Services, Inc., both written and orally, that this issue is intolerable and if this should occur again it will be considered a breach of contract.

Continuing, President Harris mentioned that the university's administration has been discussing the implementation of a smoke-free workplace policy. A copy of the proposed policy was distributed to board members for review and consideration for approval at the

next meeting of the board.

Additionally, President Harris stated that the administration proposes to bring a recommendation for a tuition increase before the board at its next meeting.

President Harris announced that he had signed documents that will increase the university's bandwidth in order to alleviate the problem currently being experienced with Wi-Fi accessibility on campus.

President Harris said that several years ago the Board approved a dual enrollment policy which allows high school students to take college courses while still in high school. This program is fully accepted by the State Board of Education and many universities participate in it. However, ASU has been at a disadvantage in attracting dual enrollees because of the university's fee structure. Currently, the university charges the same tuition for dual enrolled high school students as college students. He said that the administration is proposing tuition of \$300.00 per semester for dual enrolled students. The Resolution has been shared with Trustee Young, Chair of the Finance Committee, and he concurs with the recommendation. It will be brought forth for approval during the report of the Finance Committee.

Concluding, President Harris said that the remainder of his report would come through the various committee reports. All committees previously met on April 25-26, 2013.

X. **COMMITTEE REPORTS**

A. Academic Affairs

Trustee Taylor Hodge, Chair of the Academic Affairs Committee, reported that the Committee met and voted to bring one Resolution forward to the full board for approval. He then asked Provost Wilson to present the Resolution.

1) Resolution to Reorganize University College (Attachment A) Trustee Wiggins moved, seconded by Trustee Figures, to approve the Resolution to Reorganize University College. The motion passed unanimously.

B. Student Affairs Committee

No action items.

C. Finance Committee

1) Dual Enrollment Per President Harris' introduction of this Resolution in his report, Vice President Freddie Gallot presented the Resolution on Dual Enrollment.

Trustee Figures moved, seconded by Trustee Green, to approve the dual Enrollment Resolution. The motion passed unanimously.

(Attachment B)

D. Property Committee

No action items.

E. Audit Committee

Trustee Alfreda Green, Chair of the Audit Committee said that the Audit Committee met on April 25, 2013 and approved a Resolution to bring forward for full board approval.

1) Resolution Approving the WVAS-FM Audit and the Title VI Agreed-Upon Procedures for the period ending September 30, 2012. (Attachment C)

A motion to accept the WVAS-FM Audit and the Title VI Agreed-Upon Procedures for the period ending September 30, 2012 was made by Trustee Wiggins. Trustee Baker seconded the motion and it passed by unanimous vote.

F. Athletics Committee

No action items.

G. Development Committee

No action items.

Trustee Dean announced a change in chairmanship of the Development Committee. Previously, Trustee Thornton had been asked to serve as Chair of the Development Committee. However, Mr. Thornton was unable to serve in this capacity, therefore Chairman Dean asked Mr. Robert Gilpin to serve as the Chair of the Development Committee with Trustee Thornton remaining a member of the Committee.

Chairman Dean said that an updated list of current standing committee appointments will be forwarded to all board members.

XII. EXECUTIVE SESSION

Attorney Thomas submitted a letter certifying the appropriateness of the Board to convene an Executive Session to discuss legal matters. (Attachment D)

Trustee Hodge moved, seconded by Trustee Baker, to convene into executive session. The motion was unanimously approved.

REPORT FROM EXECUTIVE SESSION XIII.

President Harris recommended that the Board grant authority to the President to appoint legal counsel for certain ASU officials in their official and individual capacities as it relates to the Agreed-Upon Procedures ("AUP"), Forensic Audit ("FSS") and certain other investigations.

On motion by Trustee Junkins, seconded by Trustee Hodge, the Board of Trustees unanimously declared that the separate legal representation of its officers and employees by privately-retained counsel in responding to the aforesaid matters is well within the corporate interest of the University.

Further, the Board authorized and directed the President to pay the legal fees and expenses of its officers and employees reasonably incurred in connection with matters related to the financial transactions of the University, or to reimburse University officers and employees for payment of the same. The Board's position is fully set forth in the Resolution attached to these minutes as **Attachment F**.

FACULTY SENATE REPORT - MR. CHARLIE HARDY, CHAIRMAN XIV.

Mr. Hardy began his report by recognizing Dr. Necoal H. Driver, associate professor and chair of Instructional Support Programs. She was honored by the Faculty Senate for her outstanding leadership in helping the College of Education establish several new programs and achieve accreditation from the Council for the Accreditation of Counseling and Related Educational Programs (CACREP) for the Mental Health Counseling program at ASU.

Further, Mr. Hardy requested representation on the Presidential Search Committee. He thanked the Administration for their support for providing an office for the Faculty Senate in Trenholm Hall.

He also reported that the Faculty Senate had new elections and a full report of newly elected senators would be forthcoming.

NON-INSTRUCTIONAL STAFF COUNCIL - MRS. GEORGETTE VARNER XV. There was no formal report. Mrs. Varner stated that she would be seeking an appointment with the President to discuss various issues concerning the staff.

STUDENT GOVERNMENT REPORT - MR. KYLE BURNEY, SGA PRESIDENT XVI. Mr. Burney gave his final report as SGA President. He mentioned some of the activities of the SGA Administration for the 2012-2013 year. These accomplishments include speaking at various engagements, conducting student forums, and spearheading student government elections. Burney's administration also was instrumental in proposing the extension of the dining hall hours and working with student affairs to install benches on campus. He thanked the University's administration and the Board for their support during his term as SGA President. Lastly, he congratulated the newly elected SGA officers for 2013 - 2014.

XVII. APPROVAL OF PERSONNEL ACTIONS (JANUARY 26, 2013 – APRIL 26, 2013)

- 1) Promotion Recommendation (2013-2014)
- 2) Tenure Recommendation (2013-2013)
- 3) New Faculty and Non-Instructional Hires

President Harris presented the personnel actions for approval, to include promotion recommendations (2013-2014), tenure recommendations (2013-2014) and new faculty and staff hires (January 26, 2103 – April 2013).

Trustee Wiggins moved, seconded by Trustee Baker, to approve the administration's recommendation of all personnel actions as stated by President Harris. The motion passed unanimously. (Attachment E)

XVII. OTHER BUSINESS

Trustee Green asked whether the university has considered changing the date of commencement so that it doesn't fall on Mother's Day weekend. President Harris responded that this has been traditionally the date because of the way in which the academic calendar is structured.

Trustee Dean asked for Board approval to allow a faculty representative from the Faculty Senate to serve on the Presidential Search Committee as requested by Mr. Charlie Hardy. The Board unanimously agreed to allow a faculty representative to serve on the Presidential Search Committee.

XIX. RECESS

Trustee Dean called for a motion to recess the meeting.

Trustee Baker moved, seconded by Trustee Wiggins, to recess until the call of the Chair. The meeting recessed at 11:15 a.m.

Elton M. Dean, S.

Chair

Alabama State University Board of Trustees

ept. 27, 2013

President Emeritus/Interim President

Secretary to the Alabama State

University Board of Trustees

ALABAMA STATE UNIVERSITY Board of Trustees

Resolution to Reorganize University College at Alabama State University

WHEREAS, University College currently houses three non-degree-granting departments; and

WHEREAS, to better serve our students and utilize our faculty, the Department of Humanities and English, and the Department of Mathematics and Science will merge with degree-granting colleges; and

WHEREAS, the Department of Advancement Studies will remain in University College and continue to provide remedial and orientation courses; and

WHEREAS, this reorganization places faculty, with appropriate credentials, in a better position to teach courses beyond remedial and orientation; and

WHEREAS, students will be able to move into their area of study much quicker; and

WHEREAS, the administrative staff will be reassigned to similar levels of responsibility within the university; and

WHEREAS, reallocation of the budget will be based on the number and percentage of faculty transferring to degree-granting colleges; and

WHEREAS, a committee of across-the-board representation researched and made recommendations to reorganize University College; and

WHEREAS, The Academic Affairs Committee of the Board approved the recommendations at its meeting on Friday, April 26, 2013.

NOW, THEREFORE, BE IT RESOLVED THAT, The Board of Trustees of Alabama State University approve the recommendation to reorganize University College by merging non-degree-granting departments and faculty into degree-granting colleges.

Executed this 10th day of May, 2013.

William H. Harris

President of Alabama State University

Secretary to the Board of Trustees

Elton N. Dean, Sr

Chair, ASU Board of Trustees

ATTACHMENT A
Alabama State University
Board of Trustees
Minutes – May 10, 2013

ALABAMA STATE UNIVERSITY Board of Trustees

Resolution to Assess Tuition and Fees for The Advanced Precollege Experience Program (APEX) at Alabama State University

(Dual Enrollment)

WHEREAS, Alabama State University will implement the Advanced Precollege Experience Program, dual enrollment, for students who wish to attend Alabama State University while simultaneously completing requirements for high school graduation; and

WHEREAS, the Alabama State Board of Education authorizes institutions within the Alabama college systems to establish dual enrollment programs with local boards of education; and

WHEREAS, students must meet all eligibility requirements established by the Alabama college systems, Alabama State Board of Education, and Alabama State University; and

WHEREAS, students participating in a dual enrollment program shall pay an established tuition fee, plus incidental fees; and

WHEREAS, to remain competitive with other area universities, Alabama State University proposes to assess a tuition fee of \$300.00 per course, plus incidental fees.

NOW, THEREFORE, BE IT RESOLVED THAT, the Board of Trustees of Alabama State University approve for Alabama State University to assess a tuition fee of \$300.00 per course, plus incidental fees, to each student enrolled in the Advanced Precollege Experience Program, dual enrollment.

Executed this 10th day of May, 2013.

William H. Harris

Date

Elton Dean

Date

President of Alabama State University

Secretary to the Board of Trustees

Chair, ASU Board of Trustees



OFFICE OF GENERAL COUNSEL

MEMORANDUM

To:

Board of Trustees for Alabama State University

From:

Kenneth L. Thomas/klt

Alabama State Bar Number: ASB-3924-M69K

Re:

Executive Session to Discuss Pending Litigation

From:

May 10, 2013

This letter is to advise the Board of Trustees of Alabama State University ("the Board") that I have reviewed the matter upon which it is considering convening an executive session for discussion with legal counsel. I have determined that this matter is appropriate for executive session under Section (7)(a)(3) of Act No. 2005-40.

Pursuant to the Act, a copy of this letter should be attached to the Minutes of the Board Meeting wherein the Board has considered and approved a Motion to Convene for Executive Session.

:sgs

ALABAMA

STATE

UNIVERSITY

P.O. Box 271

MONTGOMERY,

ALABAMA

36101-0271

334.229.1465

334.277.2301

www.alasu.edu

ATTACHMENT D

Alabama State University Board of Trustees Minutes – May 10, 2013

ALABAMA STATE UNIVERSITY

RESOLUTION FOR APPROVAL OF WVAS RADIO STATION AUDIT AND TITLE VI AGREED-UPON PROCEDURES FOR THE PERIOD ENDING SEPTEMBER 30, 2012

WHEREAS, Alabama State University has completed the audit of WVAS Radio Station and the Title VI Agreed –Upon Procedures for the period ending September 30, 2012; and

WHEREAS, there were no findings associated with the audit or the Agreed-Upon Procedures; and

WHEREAS, the Audit Committee of the Board of Trustees in their meeting of April 26, 2013 reviewed and adopted the Audit and Agreed-Upon Procedures;

THEREFORE BE IT RESOLVED THAT: The Audit Committee of the Board of Trustees recommends that the Board of Trustees approve the WVAS Radio Station Audit and the Title VI Agreed-Upon Procedures.

William H. Harris

/Date

President of Alabama State University

Secretary to the Board of Trustees

Elton N. Dean, Sr

Date

Chair, ASU Board of Trustees



ALABAMA STATE UNIVERSITY

Human Resources Office Board Report January 26, 2013 Through April 26, 2013

ACADEMIC NEW HIRES

Name	Position/Status	Highest Degree Education	Experience (Last three positions)
None			1.

ACADEMIC SEPARATIONS (Information Only)

Name	Position	Division/Department	Date
Joseph Harris	Associate Professor	College of Visual & Performing Arts	5/13/2013
Donna Edwards-Todd	Instructor	College of Visual & Performing Arts	5/13/2013
Brian Kaschube	Assistant Professor of Lighting & Sound	College of Visual & Performing Arts	5/13/2013
Jacqueline Weber	Assistant Professor of Arts	College of Visual & Performing Arts	5/13/2013

RECOMMENDED ACADEMIC PROMOTIONS IN RANK

NAME	CURRENT RANK	RECOMMENDED RANK	COLLEGE	STATUS
Calvin McTier	Assistant Professor	Associate Professor	College of Education	Pending
Veronica Jackson	Assistant Professor	Associate Professor	College of Health Sciences	Pending

Brenda Marshall	Assistant Professor	Associate Professor	College of Liberal Arts & Social Sciences	Pending
Mehdi Estakhr	Assistant Professor	Associate Professor	University College	Pending
Manoj Mishra	Assistant Professor	Associate Professor	University College	Pending
Shreekumar Pillai	Associate Professor	Professor	University College	Pending
Mary Smeal	Assistant Professor	Associate Professor	University College	Pending
Komal Vig	Assistant Professor	Associate Professor	University College	Pending

RECOMMENDED ACADEMIC TENURE

NAME	DEPARTMENT	RANK	COLLEGE	STATUS
Calvin McTier	Instructional Support Programs	Assistant Professor	College of Education	Pending
Veronica Jackson	Physical Therapy	Assistant Professor	College of Health Sciences	Pending
Bernadette Williams-York	Physical Therapy	Professor	College of Health Sciences	Pending
Cheryl Plettenberg	Health Information Management	Associate Professor	College of Health Sciences	Pending
Brenda Marshall	Criminal Justice and Social Sciences	Assistant Professor	College of Liberal Arts & Social Sciences	Pending
Michelle Foster	Mathematics & Computer Science	Associate Professor	College of Science, Mathematics & Technology	Pending
John Garland	Advancement Studies	Associate Professor	University College	Pending
Manoj Mishra	Mathematics & Science	Assistant Professor	University College	Pending
Mary Smeal	Mathematics & Science	Assistant Professor	University College	Pending
Komal Vig	Mathematics & Science	Assistant Professor	University College	Pending

NON INSTRUCTIONAL STAFF NEW HIRES

NAME	POSITION/STATUS	EDUCATION	EXPERIENCE (LAST THREE POSITIONS)
Ja'Nae L. Deville	Admissions Assistant Probationary	B.S. University of Southwestern LA	 Wire Transfer Specialist/Teller, BB&T Bank, Prattville, AL 36067 Contact Agent, Focus Tech/Veterans' Affairs Call Center, Montgomery, AL 36117 Customer Service Representative, Alabama Power, Montgomery, AL 36104
Leslie Hart	Administrative Assistant Probationary	B.S. Faulkner University	Administrative Secretary IV, Montgomery Public Schools, Montgomery, AL 36104 Administrative Secretary III, Montgomery Public Schools, Montgomery, AL 36104 Secretary IV, Montgomery Public Schools, Montgomery, AL 36104
Taurean Urquhart	Staff Associate Probationary	No Degree Alabama State University	 Education Specialist, Montgomery Area Chamber of Commerce, Montgomery, AL 36104 Administrative Assistant, Montgomery Area Chamber of Commerce, Montgomery, AL 36104 Data Entry Clerk, Alabama State University, Montgomery, AL 36104
Lois Williams	Administrative Secretary Probationary	M.S. Troy University Montgomery	Ticket Seller, Alabama State University, Montgomery, AL 36104 Managing Consultant, Options Consulting, Inc., Montgomery, AL Marketing Coordinator, Maggie Street Missionary Baptist Church, Montgomery, AL

RETIRING OR RETIRED EMPLOYEES (INFORMATION ONLY)

NAME	RANK OR TITLE	DEPARTMENT	DATE
Beverly Adams	Instructor	Advancement Studies	6/1/2013
Glenda Horton	HR Data/Student Employment Specialist	Human Resources	7/31/2013
Gow-Cheng Huang	Professor of Accounting/Finance/Marketing/CIS	College of Business Administration	7/31/2013
Gladys Lyles-Gray	Professor of Sociology	Criminal Justice & Social Sciences	3/31/2013
Connie McDuffie	Custodial Services Supervisor	Physical Plant	4/1/2013
Flossie Vandiver	Custodian	Physical Plant	6/1/2013
Karl Westhauser	Professor	University College	3/1/2013
Vernell Williams	Instructor	Early Childhood Center	6/1/2013

NON INSTRUCTIONAL STAFF SEPARATIONS (INFORMATION ONLY)

NAME	POSITION	DEPARTMENT	EFFECTIVE DATE
Alexis Avery	Assistant AD for Compliance	Intercollegiate Athletics	2/15/2013
Rosetta Benson	Custodian	Physical Plant	3/7/2013
Sandra Bozeman	Custodian	Physical Plant	4/11/2013
Kaneisha Brundidge	Data Analyst 2	Financial Aid	3/14/2013
Ja'Nae L Deville	Admissions Assistant	Admissions	3/4/2013
Brenda Glenn	Administrative Secretary	Football	3/29/2013
Jeffrey Hughley	Mail Service Assistant	Campus Mail Service	3/1/2013
Jennifer Jackson	Admissions Assistant	Admissions	2/1/2013
Alondria Long	Accountant	Grants & Contracts Accounting	5/23/2013
Willie Matthews	Computer Lab Manager	College of Education	2/1/2013
Salina O'Brian	Financial Aid Counselor	Financial Aid	4/12/2013
Kenneth Powe	Account Executive/Counselor	Small Business Development Center	4/12/2013
Karen Pugh	Staff Associate	Development	4/12/2013

Derek Rogers	Senior Accountant	Comptroller	2/28/2013
DeWayne Stallworth	Academic Advisor	Academic Advising	3/29/2013
Jamilia S. Tatum	Staff Associate	Inservice Center	1/31/2013
Frederick Thomas, Jr.	Coordinator of Recruitment	Admissions	2/4/2013
Telisa Warren	Staff Associate	Purchasing	4/8/2013
Anne Williams	Administrative Secretary	Auxiliary Enterprises	1/31/2013

DROP TERMINATION/CONTINUED EMPLOYMENT (INFORMATION ONLY)

NAME	DEPARTMENT	DATE
None		

NEW POSITIONS ESTABLISHED AFTER FISCAL YEAR

POSITION	DEPARTMENT	FUND SOURCE	
Linebackers Coach	Football	25001	

STEP APPROVAL BY BOARD OF TRUSTEES

NAME	POSITION	DEPARTMENT	GRAND/STEP
None			

RELASSIFICATION

CURRENT TITLE	GRADE	DEPARTMENT	NEW TITLE	GRADE
None				

Special Athletics Appointments & Other Athletic Department Actions

NAME	POSITION	DEPARTMENT	REASON	Date
Kevin T Montgomery	Assistant Softball Coach	Women's Softball	New Hire	2/6/2013
Andy Follett	Assistant Coach (Wide Receiver)	Football	New Hire	1/28/2013
Valerie Armstrong	Assistant Women's Volleyball Coach	Women's Volleyball	New Hire	3/1/2013
Michelle Osunbor	Assistant Women's Volleyball Coach	Women's Volleyball	New Hire	3/1/2013
Verna Julaton	Assistant Women's Volleyball Coach	Women's Volleyball	Separation	3/1/2013
Justin B. Pinckney	Assistant Strength & Conditioning Coach	Football	Separation	3/12/2013

OTHER EMPLOYMENT ACTIONS

NAME	POSITION	DEPARTMENT	REASON FOR CHANGE
None			

DECEASED EMPLOYEE (INFORMATION ONLY)

NAME/TITLE	DEPARTMENT	DATE
Donald Woodard/Instructor of Computer Science	Computer Information Systems	3/5/2013

AUTHORIZATION OF <u>TENURE</u> FOR CERTAIN FACULTY MEMBERS

WHEREAS, the current Alabama State University Faculty
Handbook and the faculty evaluation plan (A System of Faculty Evaluation for
the Improvement of Faculty Performance) delineate the criteria, policies and
procedures for the tenure and promotion of faculty members; and

WHEREAS, a number of faculty members have made applications for tenure and promotion in compliance with the established policies and procedures; and

WHEREAS, the applicants recommended herein have been appropriately evaluated against the established criteria, and the University has followed the prescribed procedures in doing so; now, therefore,

BE IT RESOLVED, that the faculty members named on the attached lists be granted tenure as indicated, effective at the beginning of the 2013 Fall Semester.

AUTHORIZATION OF <u>PROMOTION</u> FOR CERTAIN FACULTY MEMBERS

WHEREAS, the current Alabama State University Faculty
Handbook and the faculty evaluation plan (A System of Faculty Evaluation for
the Improvement of Faculty Performance) delineate the criteria, policies and
procedures for the tenure and promotion of faculty members; and

WHEREAS, a number of faculty members have made applications for tenure and promotion in compliance with the established policies and procedures; and

WHEREAS, the applicants recommended herein have been appropriately evaluated against the established criteria, and the University has followed the prescribed procedures in doing so; now, therefore,

BE IT RESOLVED, that the faculty members named on the attached lists be granted promotion as indicated, effective at the beginning of the 2013 Fall Semester.

RESOLUTION OF THE ALABAMA STATE UNIVERSITY BOARD OF TRUSTEES

PAYMENT OF LEGAL FEES AND EXPENSES INCURRED BY UNIVERSITY OFFICERS AND EMPLOYEES IN THE PERFORMANCE OF THEIR OFFICIAL DUTIES

WHEREAS, certain officers and employees of Alabama State University, in both their official and individual capacities, have been required to respond to a forensic audit and other investigations/inquiries ("matters") relating to financial transactions of the University over a period of years, and

WHEREAS, the response obligation of the University officers and employees to these matters, in their individual and official capacities, arises solely from their performance of their official duties, and such performance confers a substantial benefit to the University; and

WHEREAS, the performance by the University officers and employees of their official duties in responding to the aforesaid matters may serve as a basis for unwarranted criminal proceedings or civil causes of action in which the University may be made a party defendant;

BE IT RESOLVED, that the Alabama State University Board of Trustees hereby declares that the separate legal representation of its officers and employees by privately-retained counsel in responding to the aforesaid matters is well within the corporate interest of the University, pursuant to *City of Montgomery v. Collins*, 355 So.2d 1111 (Ala.1978); and

BE IT RESOLVED, that the Interim President, or when selected, the President of the University, is hereby authorized and directed to pay the legal fees and expenses of its officers and employees reasonably incurred in connection with matters related to the financial transactions of the University, or to reimburse the University officers and employees for payment of the same; and

BE IT FURTHER RESOLVED, that the University's payment/reimbursement for the said legal fees and expenses shall include without limitation civil and criminal investigations, proceedings, and trials; provided, however, that such payments/reimbursements shall not be made for legal services rendered or expenses incurred after a University officer or employee is no longer entitled to the presumption of innocence.

Done on this 10th day of May, 2013.

Eston N. Dean, Sr.

CHAIRMAN OF THE ALABAMA STATE UNIVERSITY BOARD OF TRUSTEES

DR. WILLIAM H. HARRIS

PRESIDENT AND SECRETARY TO THE ALABAMA STATE UNIVERSITY BOARD OF **TRUSTEES**