

LINCOLN UNIVERSITY

BOARD OF CURATORS

**BYLAWS AND RULES
OF PROCEDURE**

Effective: March 30, 2023

CHAPTER I

Constitutional and Statutory Authorization

1.00 Public Education and State Function

The Tenth Amendment to the Constitution of the United States has been construed as making education a state function and responsibility. The Tenth Amendment states:

The powers not delegated to the United States by the constitution nor prohibited by it to the states are reserved to the states respectively or to the people.

1.10 Establishment and State Support of Educational Institutions of Higher Learning in Missouri

A university is hereby instituted in this state, the government whereof shall be vested in a board of curators (Section 172.010, RSMo).

The government of the state university shall be vested in a board of curators consisting of nine members appointed by the governor, by and with the advice and consent of the Senate (Missouri State Constitution, Article IX, Section 9a).

The general assembly shall adequately maintain the state university and such other educational institutes as it may deem necessary (Missouri State Constitution, Article IX, Section 9b).

1.20 Authority

A university is hereby instituted in this state, the government whereof shall be vested in a board of curators (Section 172.010, RSMo).

It is hereby provided that the Board of Curators of the Lincoln University shall organize after the manner of the Board of Curators of the state University of Missouri: and it is further provided, that the powers, authority, responsibilities, privileges, immunities, liabilities and compensation of the Board of Curators of the Lincoln University shall be the same as those prescribed by statute for the Board of Curators of the state University of Missouri, except as stated in this chapter (Section 175.040, RSMo).

The Board of Curators of Lincoln University shall be authorized to afford to its students training up to the standards furnished at the state University of Missouri. To this end the Board of Curators shall be authorized to purchase necessary additional land, erect necessary additional buildings, to open and establish any new school, department or course of instruction, to provide necessary additional equipment, and to locate the respective units of the University wherever in the state of Missouri in their opinion the various schools will most effectively promote the purposes of this chapter (Section 175.050, RSMo).

1.25 Corporate Name; Powers of Curators; Restrictions on Dealings in Real Property, Timber or Minerals

The University is hereby incorporated and created a body politic and shall be known by the name "The Curators of Lincoln University," and by that name shall have perpetual succession, power to sue and be sued, complain and defend in all courts; to make and use a common seal, and to alter the same at pleasure; to take, purchase and to sell, convey and otherwise dispose of lands and chattels, except that the Curators shall not have the power to subdivide, sell or convey title to any portion of any parcel of land containing in excess of twenty-five hundred contiguous acres unless such transaction is approved by the General Assembly by passage of a concurrent resolution signed by the Governor. The Curators shall not sell, trade or otherwise convey or permit the severance of timber, minerals or other natural resources, unless the Curators comply with bidding procedures established by rule that mandate notice of the transaction be provided in a manner reasonably calculated to apprise prospective purchasers. Such rule or rules must at a minimum require at least one notice of the transaction be published in a newspaper of general circulation where the resources are located. The Curators may act as trustee in all cases in which there be a gift of property or property left by will to the University or for its benefit or for the benefit of students of the University; to condemn an appropriate real estate or other property, or any interest therein, for any public purpose within the scope of its organization, in the same manner and with like effect as is provided in Chapter 523, RSMo, relating to the appropriation and valuation of lands taken for telegraph, telephone, gravel and plank, or railroad purposes; provided, that if the Curators so elect, no assessment of damages or compensation under this law shall be payable and no execution shall issue before the expiration of sixty (60) days after the adjournment of the next regular session of the legislature held after such assessment is made, but the same shall bear interest at the rate of six percent (6%) per annum from its date until paid; and provided further, that the Curators may, at any time, elect to abandon the proposed appropriation of property by an instrument of writing to that effect, to be filed with the clerk of the court and entered on the minutes of the court, and as to so much as is thus abandoned, the assessment of damages or compensation shall be void. (Sections 172.020 and 175.010, RSMo).

1.30 Board to Prescribe Own Government

The Curators shall have power to make such bylaws or ordinances, rules and regulations as they may judge most expedient for the accomplishment of the trust reposed in them, and for the government of their officers and employees, and to secure their accountability, and to delegate so much of their authority as they may deem necessary to such officers and employees or to committees appointed by the Board (Section 172.100, RSMo).

1.35 Guiding Principle

As its guiding principle in the control and administration of the University, the Board of Curators conforms to the following statement of policy:

It is a rather generally accepted opinion that the functions of the Board of control and of committees of the Board should be the consideration and approval of policies rather than the execution of these policies.

The Board may properly act either directly or through its committees on any question in which its legal responsibilities are involved or on matters affecting the administration of invested funds. On other matters the Board is expected to act through its constituted executive officers.

This principle does not preclude action of an advisory nature by the Board or by committees of the Board, but there should be no interference by the Board with the detailed administration of the University, and Curators shall act in accordance with Bylaws and Rules of Procedure Chapter II, Section 2.102.

The Board should act either as a whole or through committees with specifically delegated power. It should be clear that the members of the Board have no power individually or personally to make decisions concerning the University except as that power has been specifically delegated to them by the Board itself.

The Board should have authority to make final decisions affecting the University without the necessity of having such decisions reviewed, and possibly reversed, by any higher agency.

1.40 Effective Date of New Policies

Each University policy statement, rule or regulation approved by the Board of Curators shall become effective at the beginning of the first business day following approval unless a different day and time is fixed, upon approval, as the effective day and time of said policy statement, rule or regulation.

1.45 Authority to Confer Degrees

The Curators shall have the authority to confer, by diploma, under their common seal, on any person whom they may judge worthy thereof, such degrees as are known to and usually granted by any college or university. (Section 172.280, RSMo).

1.50 Communications with the Board

All communications to the Board of Curators shall be filed in writing with the President of the University. The President of the University shall have authority to read the communications and to make thereon any comments he/she may see fit, but the President may have no authority to delay or withhold any communication addressed to the Board or to any of its committees or officers.

1.55 Presentations Before the Board

Any individual or group desiring to make a presentation before the Board of Curators may be placed on the agenda for a regular meeting if a written request to the Board through the Office of the President of the University is received at least two (2) weeks prior to the meeting. The request shall include the name(s) of the individual or group making the request together with a summary of the presentation. It will be the responsibility of the Executive Committee of the Board of Curators to decide whether the request will be approved. If the request is approved, the President of the Board shall determine an appropriate amount of time to be allowed for the presentation and shall relay the decision to the initiator of the request.

A request by an individual or group to present a matter that should be handled by the University administration shall be denied.

Presentation request forms are available in the Office of the President of the University.

1.60 Students' Right to Present Petitions

No rule or regulation shall ever be established by the Board which shall in any way limit the right of the students of the University, or any of its departments, to present their grievances, and to ask for their redress by respectful petitions presented to the Board. (Section 172.370, RSMo).

CHAPTER II

Organization, Administration and Meetings

2.00 Qualifications

The Board of Curators of Lincoln University of Missouri shall hereafter consist of nine (9) members who shall be appointed by the Governor, by and with the advice and consent of the Senate. No person shall be appointed a Curator who shall not be a citizen of the United States and who shall not have been a resident of the state of Missouri two (2) years prior to her/his appointment. Not more than five (5) Curators shall belong to any one political party (Section 175.020, RSMo).

2.03 Non-voting Student Representative Appointed to the Board

1. The Governor shall by and with the advice and consent of the Senate, appoint a student representative to the Board of Curators of Lincoln University, who shall attend all meetings and participate in all deliberations of the Board. Such student representative shall not have the right to vote on any matter before the Board.
2. Such student representative shall be a full-time student at the University as defined by the Board, selected from a panel of three (3) names submitted to the Governor by the student government association of the University, a citizen of the United States, and a resident of the state of Missouri. No person may be appointed who is not actually enrolled during the term of her/his appointment as a student at the University.
3. The term of the student representative shall be two (2) years.
4. If a vacancy occurs for any reason in the position of student representative, the Governor shall appoint a replacement who meets the qualifications set forth in subsection 2 of this section and who shall serve until her/his successor is appointed and qualified.
5. If the student representative ceases to be a student at the University, or a resident of the state of Missouri, or fails to attend any regularly called meeting of the Board of which the representative has due notice, the position shall at once become vacant, unless the absence is caused by sickness or some accident preventing the representative's arrival at the time and place appointed for the meeting.
6. The student representative shall receive the same reimbursement for expenses as other members of the Board of Curators receive pursuant to Section 175.030, RSMo.

7. Unless alternative arrangements for payment have been made and agreed to by the student and the University, the student representative shall have paid all student and tuition fees due prior to such appointment and shall pay all future student and tuition fees during the term of office when such fees are due (Section 175.021, RSMo).

2.06 Curator Emeritus

1. In order to recognize and honor extraordinary service by a past member of the Board of Curators, the Curator Emeritus Award may be bestowed by the Board of Curators on a deserving individual as herein provided.
2. Individuals shall not be eligible for this honor until a period of two (2) years has passed since their membership on the Board.
3. A nomination for the Curator Emeritus Award can only be made and seconded by currently-serving members of the Board of Curators.
4. The nomination must be approved by six (6) members of the Board of Curators.
5. The Curator Emeritus Award bestows no monetary benefit, rights, or privileges, but may be evidenced by a resolution of the Board of Curators, a plaque, statue, or such other remembrance as determined by the Board.

2.09 Confidentiality

1. For the purposes of this chapter, confidentiality, as determined by the Board and provided by law, shall apply to all members and representatives on the Board.
2. Any member or representative on the Board may recuse herself/himself from any deliberation or proceeding of the Board.
3. Upon a unanimous affirmative vote of the members of the Board who are present and who are not student representatives, a given meeting closed pursuant to Sections 610.021 and 610.022, RSMo, shall be closed to the student representative (Section 175.023, RSMo).

2.12 Term and Compensation

The term of service of the Curators shall be six (6) years, the term of three (3) expiring every two (2) years, the first expiration date occurring on the first day of January, 1942, and succeeding expirations of three (3) members every two (2) years thereafter. Said Curators while attending the meetings of the Board shall receive their expenses as allowed by these Bylaws and Rules of Procedure and University policy which shall be paid out of ordinary revenues of the University (Section 175.030, RSMo).

2.15 Filling Vacancies

The Governor shall, by and with the consent of the Senate, fill all vacancies caused by the expiration of the term of office of any Curator and he/she shall also fill all vacancies occasioned by death, resignation or removal which may occur while the General Assembly is not in session; but all such appointees shall continue in office only until the meeting of the General Assembly next thereafter, and until their successors be appointed and qualified. All vacancies which may exist at or during the meeting of the biennial sessions of the General Assembly, caused by death, resignation or removal, shall be filled in like manner as those created by the expiration of official term, and shall be only for the unexpired time of the party whose vacancy is thereby filled (Section 172.050, RSMo).

2.18 Term of Appointee to Fill Vacancy

All appointments to fill vacancies, except such as may be made to fill out unexpired terms, shall be for the term of six (6) years, and until the successors of such appointees shall be appointed and qualified (Section 172.060, RSMo).

2.21 Attendance Policy: Vacancies by Removal or Other Cause

1. If any member of the Board fails to attend any three (3) consecutive regularly called meetings of the Board, of which meetings he/she shall have had due notice, unless such absences shall be caused by sickness or some accident preventing her/his arrival at the time and place appointed for the meetings, the Secretary of the Board shall, upon request of the President of the Board, notify the Governor of the fact pursuant to Section 172.070 RSMo.
2. If a Curator is found by unanimous vote of the other Curators to have violated a bylaw as authorized by subsection 1 of this section, then the office of such Curator shall be vacant.
3. If a vacancy shall occur by death, resignation, or from any other cause, the Governor shall, without delay, upon being informed of the fact by the President of the Board of Curators, fill such vacancy by appointment; and the person so appointed shall serve until the next regular meeting of the General Assembly, and until such Curator's successor is appointed and qualified. The President of the Board of Curators shall notify the Governor of any vacancy as required by this subsection within thirty (30) days of such vacancy. (Section 172.070, RSMo).

2.24 Oath of Curators

The Curators shall severally take an oath to support the Constitution of the United States and of this state, and to faithfully demean themselves in office (Section 172.080, RSMo).

2.27 Orientation of New Board of Curators Members

There shall be a formal orientation program for each new Curator. This orientation shall consist of briefing sessions by the President of the Board of Curators, the President of the University, and each of the cabinet officers. The University President shall provide for a complete tour of the campus for all new Board members.

Each new Board member shall receive copies of relevant materials describing policies, procedures, and programs of the University. These materials shall include but not be limited to copies of the current undergraduate and graduate bulletins, the Rules and Regulations of the University, and the Bylaws and Rules of Procedure of the Lincoln University Board of Curators.

2.30 Election of Board Officers

The Board of Curators shall elect or the President of the Board appoint a nominating committee at the November meeting of the Board for the purpose of choosing a slate of officers to be elected at the first meeting of the calendar year of the Board of Curators. The nominating committee shall consist of four (4) members of the Board. The slate of officers shall be sent to the Board one (1) month prior to the meeting in which the officers are to be elected.

The officers of the Board shall be elected at the first meeting of the calendar year of the Board for one (1) term, or until their successor(s) are elected. They shall serve concurrently.

2.33 Officers of the Board

There shall be a President, and Vice President of the Board, who shall be chosen by the Board from the members thereof: a Secretary, Treasurer, and such other officers of the Board as they shall deem necessary, who shall be appointed by the Board, and hold their offices during the pleasure of the Board (Section 172.090, RSMo).

The Treasurer, or his/her designee, will serve as the Board representative to the Lincoln University Foundation, Inc.

2.36 Who Shall Preside

The President, and if he/she be absent, the Vice President, and if both be absent, a Curator chosen for the occasion, shall preside at the meetings of the Board (Section 172.150, RSMo).

2.39 Journal to Be Kept

The Secretary shall keep a journal of the proceedings of the Curators, in which the ayes and noes on all questions shall be entered, if requested by any one of the Curators present (Section 172.170, RSMo).

2.42 Regular Meetings of the Board

As it is within their power to do so under Section 172.110, RSMo, the Lincoln University Board of Curators has adopted the following meetings policy:

1. The regular annual meeting of the Board of Curators shall be held in June at Lincoln University.
2. Regular meetings will be held in the months of September, November, February and April.
3. There may be other meetings at times when needed.
4. At least one (1) week's written notice of the time and place of the Board meetings shall be given to each Curator by email communication or telephone contact, followed up by written communication.

2.45 Special Meetings

The President of the Board, and until her/his election, or in the case of her/his absence or disability, any three (3) Curators, shall have power to call a special meeting of the Board, provided they give timely notice thereof, in such form as the Board shall by law prescribe (Section 172.120, RSMo).

2.48 Adjourned Meetings

Adjourned meetings may be ordered and held by the Board at such time and place as shall be agreed upon by them (Section 172.130, RSMo).

2.51 Quorum

At all meetings of the Board of Curators, five (5) members shall be necessary to constitute a quorum for the transaction of business (Section 172.140, RSMo).

2.54 Absent Members

A Curator may participate in a regular scheduled meeting via video or any form of audio conferencing. When a Curator participates via video or audio conferencing, all votes will be taken by roll call. may use this privilege not to exceed two (2) meetings per year unless otherwise approved by a majority of the Board of Curators.

2.57 Order of Business

The order of business of each regular meeting of the Board of Curators shall generally be as follows:

1. Call to order - roll call
2. Approval of the agenda
3. Approval of the minutes of the previous meeting
4. Reports and recommendations of the President of Lincoln University
5. Board committee reports
6. Correspondence
7. Executive session
8. Adjournment

2.60 Records Open to Public and Exceptions

1. Any citizen of the state shall, at all times, have access to and be permitted to take copies of any or all the records, books, and papers of the Board except as described below or as otherwise prescribed by law or by action of the Board of Curators.

2. **Designation of Closed Records**

The following records and records relating to the following subjects, whether currently existing or hereafter created or received, are hereby designated as closed records:

- A. Legal actions, causes of action or litigation and any confidential or privileged communications with representatives and attorneys. However, any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation involving the Curators of Lincoln University or any agent or entity representing its interests or acting on its behalf or with its authority, including any insurance company acting on behalf of the University as its insured, shall be made public upon final disposition of the matter voted upon or upon the signing by the parties of the settlement agreement, unless, prior to final disposition, the settlement agreement is ordered closed by a court after a written finding that the adverse impact to a plaintiff or plaintiffs to the action clearly outweighs the public policy considerations of Section 610.011, RSMo; however, the amount of any moneys paid for settlement shall be disclosed, provided, however, in matters involving the exercise of the power of eminent domain, the vote shall be announced or become public immediately following the action on the motion to authorize institution of such a legal action. Legal work product shall be considered a closed record.
- B. Leasing, purchase or sale of real estate where public knowledge of the transaction might adversely affect the legal consideration thereof. However, any minutes, vote or public record approving a contract relating to the leasing, purchase or sale of real estate shall be made public upon execution of the lease, purchase or sale of the real estate.

- C. Hiring, firing, disciplining or promoting of particular employees when personal information about the employee is discussed or recorded. However, any vote on a final decision, when taken, to hire, fire, promote or discipline an employee shall be made available with a record of how each member voted to the public within seventy-two (72) hours of the close of the meeting where such action occurs; provided, however, that any employee so affected shall be entitled to prompt notice of such decision during the seventy-two (72) hour period before such decision is made available to the public. As used in this subdivision, the term "personal information" means information relating to the performance or merit of individual employees.
- D. The state militia or National Guard or any part thereof.
- E. Non-judicial mental or physical health proceedings involving identifiable persons, including medical, psychiatric, psychological, or alcoholism or drug dependency diagnosis or treatment.
- F. Scholastic probation, expulsion, or graduation of identifiable individuals, including records of individual test or examination scores; however, personally identifiable student records maintained by public educational institutions shall be open for inspection by the parents, guardian or other custodian of students under the age of eighteen (18) years and by the parents, guardian or other custodian and the student if the student is over the age of eighteen (18) years. This paragraph shall be subject to and construed to be consistent with existing and subsequent policies regarding maintenance and disclosure of educational records, including but not limited to policies issued in compliance with or in regard to the federal Family Educational Rights and Privacy Act (FERPA).
- G. Testing and examination materials, before the test or examination is given or, if it is to be given again, before so given again.
- H. Welfare cases of identifiable individuals.
- I. Preparation, including any discussions or work product, on behalf of the Board of Curators or its representatives for negotiations with employee groups.
- J. Software codes for electronic data processing and documentation thereof.
- K. Specifications for competitive bidding, until either the specifications are officially approved by the Board of Curators or the specifications are published for bid.

- L. Sealed bids and related documents, until the bids are opened; and sealed proposals and related documents or any documents related to a negotiated contract until a contract is executed, or all proposals are rejected.
- M. Individually identifiable personnel records, performance ratings or records pertaining to employees or applicants for employment, except that this exemption shall not apply to the names, positions, salaries and lengths of service of officers and employees once they are employed as such, and the names of private sources donating or contributing money to the salary of the President of the University and the amount of money contributed by the source.
- N. Records which are protected from disclosure by law.
- O. Meetings and public records relating to scientific and technological innovations in which the owner has a proprietary interest.
- P. Records relating to municipal hotlines established for the reporting of abuse and wrongdoing.
- Q. Confidential or privileged communications with auditors, including all auditor work product; however, all final audit reports issued by the auditor are to be considered open records pursuant to Chapter 610, RSMo.
- R. Operational guidelines, policies and specific response plans developed, adopted, or maintained by any public agency responsible for law enforcement, public safety, first response, or public health for use in responding to or preventing any critical incident which is or appears to be terrorist in nature and which has the potential to endanger individual or public safety or health. Nothing in this exception shall be deemed to close information regarding expenditures, purchases, or contracts made by an agency in implementing these guidelines or policies. When seeking to close information pursuant to this exception, it shall be affirmatively stated in writing that disclosure would impair the ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
- S. Existing or proposed security systems and structural plans of real property owned or leased by the University, and information that is voluntarily submitted by a non-public entity owning or operating an infrastructure to the University for use by the University to devise plans for protection of that infrastructure, the public disclosure of which would threaten public safety.

- i. Records related to the procurement of or expenditures relating to security systems purchased with public funds shall be open.
 - ii. When seeking to close specific information pursuant to this exception, the Board of Curators shall affirmatively state in writing that disclosure would impair the Board's ability to protect the security or safety of persons or real property, and shall in the same writing state that the public interest in non-disclosure outweighs the public interest in disclosure of the records.
 - iii. Records that are voluntarily submitted by the University shall be reviewed by the receiving agency within ninety (90) days of submission to determine if retention of the document is necessary in furtherance of a state security interest. If retention is not necessary, the documents shall be returned or destroyed.
- T. The portion of a record that identifies security systems or access codes or authorization codes for security systems of real property.
- U. Records that identify the configuration of components or the operation of a computer, computer system, computer network, or telecommunications network, and would allow unauthorized access to or unlawful disruption of a computer, computer system, computer network, or telecommunications network of the University. This exception shall not be used to limit or deny access to otherwise public records in a file, document, data file or database containing public records. Records related to the procurement of or expenditures relating to such computer, computer system, computer network, or telecommunications network, including the amount of moneys paid by, or on behalf of, the University for such computer, computer system, computer network or telecommunications network shall be open.
- V. Credit card numbers, personal identification numbers, digital certificates, physical and virtual keys, access codes or authorization codes that are used to protect the security of electronic transactions between the University and a person or entity doing business with the University. Nothing in this section shall be deemed to close the record of a person or entity using a credit card held in the name of the University or any record of a transaction made by a person using a credit card or other method of payment for which reimbursement is made by the University.
- W. Records submitted by an individual, corporation, or other business entity to the University in connection with a proposal to license intellectual property or perform sponsored research and which contains sales projections or other business plan information the disclosure of which may endanger the competitiveness of a business.

- X. Investigative reports of the LUPD or other law enforcement agencies are hereby designated as closed records pursuant to Section 610.100.2 RSMo. That section provides that " ... mobile video recordings and investigative reports of all law enforcement agencies ... are closed records until the investigation becomes inactive." Section 610.100.1(3) defines "inactive" as (a) when the law enforcement agency has decided not to pursue the case, (b) the statute of limitations has expired, or (c) all resulting convictions have become final. Although investigation reports are closed records, arrest and incident reports are open records.
 - Y. Records of, regarding or submitted to the Board of Curators during or in connection with a lawfully closed meeting or vote.
3. The purpose of this rule is to close all records that may legally be closed until such time as they are made open by majority vote of the Board of Curators or by written decision of the President of the University. Closed records shall not become open as a result of the negligent or unauthorized use or disclosure of those records.
 4. Closed records may be made available to individuals with a legitimate need to know as necessary for the accomplishment of University business and such availability and use shall not open the records generally. The University's attorney may authorize disclosure of closed records when such disclosure may avoid litigation or settle disputes or as required by a court or in the process of litigation. Such disclosure shall not open the records generally. Individuals receiving or using closed records owe a duty to the Board of Curators to maintain the confidentiality of those records.
 5. This rule shall be construed to be consistent with applicable law and guided by the concept that all records allowed to be closed are and shall be closed until opened by majority vote of the Board or Curators or by written decision of the President of the University.
 6. If the laws governing public access to records are amended from time to time to limit the ability of the Board of Curators to lawfully close records, this rule shall be automatically amended to make it consistent with such newly adopted law. If a change in the applicable law allows the Board of Curators to close a new category of records, this rule shall be automatically amended to designate such records as closed.

2.63 Records Access Policy

Lincoln University has adopted the following policy with regard to the access to and/or release of copies of records of the Curators of the University:

1. The University shall provide access to records of the Board which have not been designated "closed records" (as defined above in Section 2.60 herein and in Chapter

610, RSMo). Copies of records which have not been designated as "closed records" shall be available upon request and as provided therein.

2. Requests for access to records shall be made to the University Staff Secretary to the Board of Curators (who has been named by the Board as the Custodian of Records).
3. Copies of public records shall be available. A fee for copying may be assessed.
4. Original documents may not be removed from the Office of the Custodian of Records.
5. The University reserves the right to revise this policy as staffing and circumstances require.

2.66 Attendance of Press at Board Meetings

All open meetings of the Board of Curators shall be open to the news media.

News representatives may be seated in a designated area of the meeting room. They may not have direct contact or communication with the Board of Curators unless first recognized by the President of the Board of Curators. The news media is permitted to operate still and television cameras and other recording devices during the open session.

At the conclusion of the meetings, a press conference may be held for press representatives attending the meeting in order to clarify actions taken by the Board. Background materials, if available, will be distributed to the media in order to provide greater understanding of matters considered by the Curators. At the press conference, still and television cameras and other recording devices will be permitted.

2.69 Board Committees

The following Standing Committees shall be appointed by the President of the Board and shall serve for one (1) year or until they are replaced:

- Executive Committee
- Academic/Student Affairs Committee
- Budget and Finance Committee
- Buildings and Grounds Committee

2.72 Executive Committee

The Executive Committee of the Board shall consist of the President, Vice President, Secretary and the treasurer of the Board of Curators. Three (3) members of the Executive Committee shall constitute a quorum; a special provision is made whereby the President of the University is authorized to act with two (2) members so that the work of the University

may not suffer. The Executive Committee in the recess of the Board of Curators shall see to the execution of all orders and resolutions not otherwise provided for.

The Executive Committee may transact such part of its business by correspondence or by telephone or video conference call as it may deem advisable, The Executive Committee in consultation with the President of the University shall determine the items of business to be transacted in the interim between meetings of the Board of Curators.

A separate record of the actions of the Executive Committee shall be kept by the Secretary and a copy of this record mailed to each member of the Board of Curators from month to month.

2.75 Academic/Student Affairs Committee

The Academic/Student Affairs Committee has a major responsibility: making sure that the college or school establishes program priorities consistent with the academic philosophy of the University, and that actions taken by the University reflect those priorities. Further, this committee has the responsibility of ensuring adequate student service programs, due process policies and procedures, and effective communication channels.

The Academic/Student Affairs Committee may have referred to it all matters relating to curricula, faculty and student affairs. It shall review all recommendations of new degree programs submitted by the University President for approval by the full Board.

2.78 Budget and Finance Committee

The Budget and Finance Committee may have referred to it matters relating to the fiscal and accounting functions of the University. The Budget and Finance Committee shall be the Board committee on investments,; may inspect and examine all activities of the senior financial officer and shall review and approve the University's annual budget in terms of the manner in which it reflects the University's educational policy.

The Treasurer of the Board shall, by virtue of the office, be the Chairman of the Budget and Finance Committee.

2.81 Buildings and Grounds Committee

The Building and Grounds Committee has major responsibilities for the physical assets, including land, buildings, and utilities, of Lincoln University. Additionally, this committee recommends and advises the Board of Curators on the priorities, funding, and development activities related to the maintenance of land and facilities, including the purchase of equipment and supplies involved. It shall be the duty of this committee to inspect, investigate, and to keep informed of the conditions and the needs of an buildings and grounds which by law are under the control of the Board of Curators.

Contracts over \$150,000 shall be reviewed and recommendations shall be made to the Board of Curators by the Buildings and Grounds Committee for approval at the next regular meeting of the Board of Curators.

2.84 Meetings of the Standing Committees

The standing committees of the Board of Curators may meet prior to regularly scheduled Board meetings and at any other time at the call of the President of the Board or the chairperson of that committee.

The President of the University shall be ex-officio member (without vote) of all committees of the Board of Curators.

2.87 Duties and Responsibilities of the Administrative Liaisons to the Board of Curators Standing Committees

Administrative liaisons shall serve at the request of the President of the University and shall perform the following functions:

1. Attend all scheduled meetings of the standing committee to which they are assigned as liaison;
2. Meet with the University President prior to each committee meeting to review materials to be presented to the committee;
3. Deliver a briefing and, upon request, a full explanation of the materials to be reviewed to the committee; and
4. Serve as resource person(s) to obtain documentation and/or explanations required by the committee.

The chairperson of the standing committee shall deliver the formal presentation and/or report of that standing committee to the Board of Curators.

2.90 Special Committees

Special committees may be appointed to serve any special purposes not included in the functions of the standing committees. These committees shall continue to exist until their reports have been acted upon by the Board of Curators.

2.93 Legislative Affairs Committee

The Legislative Affairs Committee, together with the President of the University and the University's retained lobbyists, will provide general oversight of the legislative programs of the University. The committee will make recommendations to the Board regarding legislative matters as appropriate.

2.96 Presidential Evaluation Committee

The Presidential Evaluation Committee will provide leadership in the goal setting for the University President and the presidential evaluation process. The President of the University shall be evaluated in the manner and at times recommended by the Presidential Evaluation Committee and approved by the Board of Curators.

2.99 Presidential Search Committee

The Presidential Search Committee will provide leadership in the search for the next President of Lincoln University. The Search Committee shall be appointed by the President and approved by the Board of Curators.

2.102 Grievance Committee

The Grievance Committee will represent the Board in the review of any grievable issue or other matter submitted to the Board for final review. The committee upon review of the matter will make recommendation(s) to the Board for its final disposition.

2.102.1 Grievance Committee Review Procedures

a. Student Disciplinary Matters

In the case of a student disciplinary matter where disciplinary sanction imposed by the President is expulsion, dismissal or suspension, the student may file written notice of appeal to the Board of Curators within ten (10) calendar days of receipt of notification of the President's decision. The Grievance Committee of the Board of Curators or a designated committee representative shall review the full record of the case and the appeal documents except as may be provided otherwise herein. The committee shall, following its review, send to the Board its recommendation(s) for the disposition of the matter.

The decision of the Board shall be final.

The Grievance Committee shall not review any student disciplinary matter where the discipline imposed by the President is other than expulsion, dismissal or suspension.

b. Student Academic Matters

The Board of Curators will not review a student academic complaint or any complaint which presents solely an academic question.

c. Other Student Matters

The procedure for review in any other student matter for which University policy provides for Board review shall be as outlined in section (a) above.

d. Appeal of Employee Grievance Decision

Following each employee grievance hearing, the Hearing Panel sends its findings and recommendation(s) to the President of the University. The President may concur with or modify the recommendation(s) of the Hearing Panel or may make such other findings or reach such other conclusions as in her/his opinion is supported by the facts.

The President shall notify the grievant and the respondent of her/his decision.

Either party (the grievant or the respondent) may file written notice of appeal through the Office of the President to the Board of Curators within ten (10) working days following receipt of the President's decision. The Grievance Committee or a designated committee member representative shall review the complete grievance record together with the appeal documents. Should the review be conducted by a representative, said representative shall provide a complete report to the Grievance Committee for final review. The Grievance Committee shall, following its review, send its recommendation(s) to the Board of Curators for final decision.

The decision of the Board shall be final.

e. Other Employee Requests for Review

The procedure for review in any other employee matter in which a request for review is granted by the Board or in which University policy provides an opportunity for Board review shall be the same as outlined in section (d) above.

f. Hearing

A formal hearing is not a part of the normal review process; however, the Board in extraordinary circumstances may set a matter for a hearing before the full Board or its Grievance Committee.

2.102.2 Committee Transfer

If the subject matter of any grievance or other matter before the Grievance Committee involves issues regularly acted upon by another standing committee of

the Board of Curators in the normal course of business, the Grievance Committee may transfer the grievance case or other matter to that committee for review.

The review procedure(s) shall be the same as previously outlined herein.

2.105 Communications from or to Individual Curators

1. Curator's Responsibility

Curators shall not purport to speak for or commit the Board, or the President of the Board, or the President of the University, and shall make it clear they are speaking solely in a personal capacity, not in a representative capacity.

2. Contacts from a Curator

To the extent which is practical, Curators will actively refrain from direct contacts with faculty, non-academic employees or students pertaining to those administrative functions delegated by the Board to the President of the University.

3. Access to Information

Should any member of the Board of Curators request access to any information maintained by the University, such member shall be entitled to the information requested, except information or records that are protected by confidentiality by federal or state law or that information specifically excluded by a majority vote of all of the members of the Board of Curators. Such request shall be directed to the President of the University.

CHAPTER III

Operational Guidelines for Personnel

3.00 Affirmative Action Policy Statement

Lincoln University, as a federal government contractor with fifty (50) or more employees and a contract of \$50,000 or more, is required to have an Affirmative Action Program in accordance with the Office of Federal Contract Compliance Programs, U.S. Department of Labor. The complete Affirmative Action Program is available in Human Resources.

The Affirmative Action Program is a management tool designed to ensure equal employment opportunity. A central premise underlying affirmative action is that, absent discrimination, over time the University's workforce, generally, will reflect the gender, racial and ethnic profile of the labor pools from which the University recruits and selects. This Affirmative Action Program must contain a diagnostic component which includes a number of quantitative analyses designed to evaluate the composition of the workforce and compare it to the composition of the relevant labor pools. The Affirmative Action Program must also include action-oriented goals. If women and minorities are not being employed at a rate to be expected given their availability in the relevant labor pool, the Affirmative Action Program includes specific practical steps designed to address this under-utilization. The Affirmative Action Program will also include internal auditing and reporting systems as a means of measuring the progress toward achieving the workforce that would be expected in the absence of discrimination.

The Affirmative Action Program will ensure equal employment opportunity by institutionalizing the University's commitment to equality in every aspect of the employment process. Therefore, as part of its Affirmative Action Program, the University must monitor and examine its employment decisions and compensation systems to evaluate the impact of those systems on women and minorities.

The Affirmative Action Program will also include those policies, practices, and procedures that the University implements to ensure that all qualified applicants and employees are receiving an equal opportunity for recruitment, selection, advancement, and every other term and privilege associated with employment.

The University will also employ affirmative action guidelines towards individuals with disabilities and Vietnam-era and disabled veterans. This compliance will include an attestation of affirmative action policy statements and assurances plus an opportunity for employees to self-identify. Self-identification is strictly voluntary and confidential and will not result in any form of retaliation.

The University's Affirmative Action Program will comply with all other necessary provisions as stated in the federal regulations.

3.05 Equal Employment Opportunity Policy Statement

It is the policy of the University to promote and ensure equal employment opportunity for all persons regardless of race, color, national origin (including ancestry, or any other subcategory of national origin recognized by applicable law), sex (including marital status, family status, pregnancy, sexual orientation, gender identity, gender expression, or any other subcategory of sex recognized by applicable law), religion, age, disability, veteran status, genetic information or any other basis protected by applicable law.

Equal employment opportunity principles govern all aspects of the University's personnel policies, employment practices, and operations. All phases of employment, including recruitment, hiring, evaluation, promotion, transfer, assignment, training, benefits and separation, will be conducted in compliance with equal employment opportunity laws and regulations.

Supervisors at all levels share the responsibility to ensure equal employment opportunity.

The University has established a discrimination grievance procedure available to any University employees or job applicants who believe they have been discriminated against. Information pertaining to the filing of a discrimination complaint is kept on file in Human Resources.

3.10 Employment of Faculty and Employees: Compensation, Retirement, Death and Disability Plans

The Curators may appoint and remove, at discretion, the President, Deans, professors, instructors and other employees of the University; define and assign their powers and duties, and fix their compensation, and such compensation may include payments under, or provision for, such retirement, disability, or death plan or plans as the Curators deem proper for persons employed by the University and paid out of any of its public funds for educational services, their beneficiaries or estates, and the Curators may administer such plan or plans under such rules and regulations as they deem proper; and for these purposes the Curators may use state-appropriated or other public funds under their control and pay or transfer such funds into a fund or funds for paying such benefits, and they may enter into agreements for and make contributions to both voluntary and statutory plans for paying such benefits (Section 172.300, RSMo).

3.15 Relatives of Curators Not to Be Employed

No person who is related by blood or marriage to any member of the Board of Curators of the University shall be appointed to any position in the University as officer, member of the Board of Curators, faculty, or employee (Section 172.310, RSMo).

3.20 Personnel Action Policy

The following personnel actions are to be sent to the Board of Curators for approval:

1. All actions involving changes in compensation of Vice Presidents;
2. Certain personnel actions, as designated by the Board of Curators, during Board-declared periods of financial exigency, reductions in force, and/or administrative crises;
3. All recommendations for faculty promotion and tenure; and
4. All recommendations for sabbaticals and leaves of absence.

The following personnel information will be furnished to the Board of Curators for information only:

1. All new, part-time and continuing appointments in the following categories:
 - a. Administrative officers
 - b. Administrative staff
 - c. Academic administrative staff
 - d. Any employee category if the personnel action has been recommended for a member of the immediate family of an administrative officer
2. All actions involving termination or non-reappointment of categories a, b, c, and d above;
3. A complete list of all University employees with their total salaries (annually).

3.25 Hiring Procedures Exemption

Lincoln University, in compliance with the Equal Employment Opportunity Commission's "Uniform Guidelines for Employee Selection Procedures," has established the following hiring procedures exemption policy statement:

1. Any situation which, in the opinion of the area head or appointing officer, makes advertising impractical due to special circumstances may be considered for a hiring procedures exemption by the President of the University if so requested by the area head.
2. The presidential direct appointment procedure should be utilized under the special circumstances that make the regular selection and hiring process impractical. Hiring procedure exemptions shall be limited to **ten (10) appointments** per fiscal year. Direct appointments will be monitored yearly by the Office of Human Resources to ensure that there is no adverse impact on the hiring, promotion, or other employment opportunities of members of any race, gender, or ethnic group. If a pattern of demographic appointments suggests such an adverse impact on any of the aforementioned groups, the President will be informed so that proper

diversification of the workforce can be maintained and Equal Employment Opportunity guidelines can be met.

3. An intradepartmental promotion may be made without advertising a vacancy if the person promoted possesses the skills and qualifications required in the new assignment. All departmental personnel who are qualified will be considered.
4. Changes in titles and/or duties due to departmental reorganization shall not require the advertising of position vacancies.

3.30 Salary Administration Policy

The President of the University shall administer the salary program of the University. The President shall submit to the Board of Curators for approval the total amount requested for salary increases and a listing of salary ranges for each job description annually.

3.30.1 Salaries -When Suspended

Should the President, or any professor, instructor or other person holding office in the University, by selection, appointment, contract or engagement of the Board of Curators, fail to discharge for any length of time her/his official duties, without having obtained the permission of said Board, the salary or compensation of such President, professor, instructor or other person holding office in the University shall cease for the time he/she shall so fail to discharge her/his official duties, and no compensation shall be allowed for such time, but if said Board shall be satisfied that such President, professor, instructor or other person holding office in the University as aforesaid had good cause for failing to discharge her/his official duties, then no part of her/his salary or compensation shall be deducted or withheld on account of such failure (Section 172.340, RSMo).

3.35 Bank Depository Selection by Bid: Policies and Rules

The Curators shall adopt policies and rules to require selection of the lowest and best bid when bidding bank depository agreements or when purchasing supplies or other personal property (Section 172.320, RSMo).

3.40 Conflict of Interest Policy

All Curators, officers, faculty and employees of the University shall adhere to the University's Conflict of Interest Policy set out in Chapter X of the University's Rules and Regulations.

3.45 Curators Not to Participate in Board Decision if Conflict of Interest

Curators of the University in their individual capacity shall disclose any possible conflict of interest that may arise and shall not participate in any decision of the Board as otherwise

provided by law or as otherwise allowed under Chapter X of the University's Rules and Regulations (Section 172.320, RSMo).

3.50 Lincoln University Code of Conduct

This code establishes the University's expectation of integrity and ethical and professional conduct by the following members of the University community: members of the Board of Curators; executive officers, faculty, staff, and other individuals employed by the University and using University resources or facilities; consultants, vendors and contractors when they are doing business with the University; and volunteers and representatives acting as agents of the University. The code is not an attempt to define specifically what one should and should not do, but to communicate that the University affirms that conduct consistent with accepted standards is an integral part of its mission.

Consequently, each University community member must transact University business in compliance with all federal and state laws and in accordance with the University policies and regulations established by the Board of Curators. Executive officers, managers and supervisors are responsible for knowing the laws and regulations that are relative to their positions and responsibilities and for systematically teaching and monitoring compliance in their areas. Examples include but are not limited to human resources and employment regulations, conflict of interest policies, confidentiality, security and integrity of University documents and records, computer use and security policies, procurement guidelines, sound business practices, environmental health and safety regulations, and ethical stewardship of the University's property and resources. Located appropriately throughout the Rules and Regulations, these standards of conduct, supported through policies, procedures and workplace rules, provide guidance for making decisions and exemplify the University's commitment to responsible and ethical behavior.

Students are not subject to this code unless they are employed by the University, but must comply with the University's Student Code of Conduct as described in Chapter V of the University's Rules and Regulations and published in the official Student Handbook.

CHAPTER IV

Fiscal Management, Finances and Property

4.00 Grants Not to Be Diverted

Grants made to the Curators for specific purposes and uses shall not be applied, whether wholly or in part, to any other uses (Section 172.290, RSMo).

4.05 Designation and Responsibility

The senior fiscal officer shall be the Vice President for Administration and Finance (VPAF). The VPAF is appointed by the President of the University and has administrative responsibility for all areas of Administration and Finance. The VPAF serves as the chief business officer for the University and is directly responsible for the financial control and security of all institutional funds and assets. Areas reporting to the VPAF shall be listed in the current University organizational structure (available in the Office of the President). In the absence of the President and the VPAA, the VPAF shall serve as acting President of the University. The VPAF shall also have the following duties and powers:

- Provide leadership for all units reporting to Administration and Finance
- Recommend appointment, retention, promotion, or termination of all personnel assigned to Administration and Finance
- Supervise and evaluate unit directors and coordinators who report directly to the VPAF
- Oversee all budget development such as the Operating, Auxiliary, Land Grant and the Capital Improvement Budgets for the University
- Oversee contract negotiations and supervise staff responsible for preparing documents for capital improvement projects, coordinating capital improvement projects and processing payments for capital improvement projects
- Oversee staff responsible for collection of all monies due the University and pay all bills in settlement of the University's obligations
- Supervise staff responsible for helping the University pursue and administer grants and sponsored programs in compliance with grantor rules, regulations and laws
- Provide general supervision of and responsibility for all physical property of the University
- Establish and implement procedures for the procurement of all goods and services of the University
- Supply periodic financial reports as required by the President, the Board of Curators, and other official internal and external agents
- Ensure that the academic and administrative technology needs of the University are addressed
- Oversee the Office of Student Financial Services and ensure student accounts and financial aid is properly administered in accordance with the University, state and federal regulations and laws

- Provide oversight of all University audits and federal/state grantor monitoring as needed
- Assume additional duties and responsibilities as assigned by the President

4.05.1 Office of the Comptroller

The Office of the Comptroller, headed by the Comptroller, is responsible for monitoring, recording and reporting the University's financial activity in accordance with University policy and procedures, external audit requirements, generally accepted accounting principles, and governmental rules and regulations.

The Office of the Comptroller directs the University's financial services to include Financial Accounting, Accounts Payable, Students Accounts Receivable, Cashier Services, Payroll Operations, and Post-Award Grant Accounting.

The Office of the Comptroller is also responsible for cash and investment management of University funds, long-term debt management, and endowment management. In addition, the office issues routine financial reports for Curators and external constituents and publishes annual audited financial statements.

See the Lincoln University Rules and Regulations, Chapter IV, Section 4.10, for all policies relating to the Office of the Comptroller.

4.05.2 University Budget Office

It is every University employee's responsibility to be a good steward of the resources entrusted to the University and to make decisions in good faith which serve the best interest of the University.

Primary fiscal responsibility rests at the level where the expenditures are made, with those who initiate programs and make decisions on how to implement programs. Financial planning is a collaborative process that ultimately results in approval at the upper levels (Board of Curators, Board Budget and Finance Committee, President, Vice President, etc.).

The actual details are decided at the operating level (Deans, Directors and Department Chairs) within the constraints of Board and University policies. Ultimate responsibility for ensuring that fiscal transactions are in accordance with approved plans, programs and policies rests at the Dean/Director/Department Chair level. All individuals with fiscal responsibilities will comply with the University's Conflict of Interest Policy under Chapter X and decision-making public servants are subject to annual financial reporting to the Missouri Ethics Commission as required under Chapter X, Section 10.05.

Development of the annual budget is the responsibility of the President in conjunction with the VPAF and the Budget Officer. Working in conjunction with

the President's Advisory Council (PAC), Deans/Directors/Department Chairs help to provide information as a part of the ongoing budget process. The projected revenues and expenses are included and provided to the Board for review and approval annually. Generally, as long as the total approved budget does not exceed the budget approved by the Board of Curators, the President and his/her designees are responsible for the implementation and tracking of obligations and expenditures resulting from the approved budget and to ensure and maintain a balanced budget, making budget revisions as necessary.

The President and his/her designee may utilize the advisory budget committee to seek advice from University stakeholders as needed. This team will make recommendations regarding the budget for consideration by the President.

The VPAF and the Budget Officer are standing members of the University Budget Committee.

4.05.3 Purchasing

All commodities and services required for official University business, via purchase, lease, or rental, shall be purchased in conformance with all applicable statutes and regulations. The objective of the purchasing process is to acquire needed commodities and services as economically as possible within specified standards of quality and service, while giving responsible suppliers fair consideration. This should be done in a timely and organized manner that provides for accountability of University expenditures. Departments are responsible for complying with University purchasing policies and procedures and must exercise the same care in incurring University purchasing expenses as they would for personal purchases. This policy applies to all University purchases regardless of the source of funds. When purchases are to be funded by a sponsored project, the governance of the applicable award will take precedence if such terms are more restrictive than University policy. Divisions, colleges, or departments may impose more restrictive guidelines for budgetary or control reasons, but such guidelines may not be less restrictive than the guidelines stated in this policy and its respective procedures. The VPAF shall be responsible for developing operating procedures to implement this policy. Purchasing is headed by the Director of Acquisitions and General Services who is responsible for planning, directing, and coordinating all functions related to the purchase of goods and services for the University, including administration, academics, athletics, extension and research, maintenance, housing, and other related service areas.

The Director is also responsible for purchasing/travel card administration, liability and property insurance and risk management, central receiving, central stores, inventory control/surplus property, campus mail services, shipping/receiving and record management.

See the Lincoln University Rules and Regulations, Chapter IV, Section 4.12, for all policies relating to Purchasing.

4.05.4 Facilities and Planning

The area of Facilities and Planning is headed by a Director who is responsible for the management of facilities planning, master planning, and facilities design activities of the University campus. The Director administers the University's capital improvement program and supervises and provides leadership for architectural services, design and construction, space management and energy consultation.

4.10 Curators to Improve and Protect Property

It shall be the duty of the Curators to provide for the protection and improvement of the site of the University, as selected and established by law; to erect and continue thereon all edifices designed for the use and accommodation of the officers and students of the University, and to furnish and adapt the same to the uses of the several departments of instruction (Section 172.260, RSMo).

4.10.1 Property to be Inventoried and Appraised

The Curators shall cause to be made annually a careful and complete inventory and appraisal of all property, real and personal, belonging to the University in every department thereof; and in order to preserve said property from waste or injury, it shall be the duty of the Board to prescribe such rules and regulations as shall secure a careful inspection of said property, and comparison of the same with prior inventories (Section 172.270, RSMo).

4.10.2 Properties

The VPAF shall have general supervision of and be responsible for the physical properties of the University. He/she shall cause to be prepared and shall keep in convenient form an inventory of all property, both real and personal, committed to her/his charge. The VPAF shall have custody of all deeds and other documents relating to the property of the University.

4.20 Policies for Selecting Architectural, Engineering and Land Surveying Firms

In accordance with Chapter 8 of the Missouri Revised Statutes, as well as any applicable Code of State Regulations, the Lincoln University Board of Curators has adopted the following policies and procedures for selecting architectural, engineering and land surveying firms (all referred to below as "firms"):

A. Contracts and Fees

It shall be the policy of Lincoln University to negotiate contracts with firms for services based on the qualifications needed for the type of service required and at fair and reasonable prices.

B. Qualifications of Firms

It shall be the policy of Lincoln University to actively seek firms engaged in the lawful practice of their professions through broad advertising (statewide). For major projects, the firms interested shall submit statements of their qualifications and performance record. Whenever a proposed project requires the expertise of a firm, Lincoln University will also notify firms who have expressed an interest and who have their qualifications on record. Lincoln University shall use the following criteria in evaluating the qualifications of each firm:

1. The specialized experience and technical competence of the firm with respect to the type of service required;
2. The capacity and capability of the firm to perform the work in question, including specialized services, within the time limitations fixed for the completion of the project;
3. The past record of performance and the firm to produce the end product at an agreed upon cost, quality of work, and ability to meet schedules; and
4. The firm's proximity to and familiarity with the area in which the project is located.

C. Projects

1. Major Projects: Those projects with an expenditure exceeding \$150,000. Contracts for major projects shall be approved by the Board of Curators and signed by the President of the University.
2. Minor Projects: Those projects with an expenditure less than \$150,000. Contracts for minor projects shall be signed by the President of the University and do not require Board approval.

D. Advisory Committee

1. Major Projects: The advisory committee for each major project shall be composed of the Director of Facilities and Planning, the facilities staff, a representative(s) designated by the President and a representative(s) of the functional area in which the project is located. It shall be the policy of the Board of Curators that the President will send the names and addresses of all firms to be contacted, along with the Request for Proposal, to the Buildings and Grounds Committee of the Board of Curators for their information. The advisory committee will send out the Request for Proposals. Once the proposals are received, the advisory committee shall review the information at hand and the scope of work, conduct the

interviews with the principals of the firms and make a recommendation in rank order to the President through the VPAF. The Buildings and Grounds Committee of the Board of Curators shall review the President's recommendations and send its recommendation to the full Board for action.

2. Minor Projects: The advisory committee shall be composed of the Director of Facilities and Planning, the facilities staff, a representative designated by the President and a representative of the functional area in which the project is located. The advisory committee shall review all information at hand and the scope of work prior to conducting interviews with the firms. The advisory committee shall select three (3) firms from the original group and place them in ranked order and send them as a recommendation to the President through the VPAF. The President shall make the final decision.

E. Interview Presentation

Each firm shall be asked to submit to the advisory committee a comprehensive written proposal demonstrating its methods and experience related to the project, which principals shall be assigned to the project, the consultants to be used, a schedule of document preparation, estimating procedures, services to be rendered during construction, and any other information helpful in determining how well the particular firm is qualified to do the job. The Advisory Committee will first evaluate the submission for each firm and select the top three (3) to five (5) firms to be interviewed. If three (3) or less firms show interest, all the firms will be interviewed.

F. Contract Negotiation

1. The advisory committee, in consultation with the VPAF and upon approval of the Board of Curators, shall proceed with the fee negotiations with the identified firm. The VPAF or her/his designee shall negotiate the contract. If the parties reach an agreement, a contract shall be signed and the other firms shall be promptly advised.
2. If the first-ranked firm's proposal is not satisfactory, negotiations shall be initiated with the second-ranked firm. Again, if the negotiations are unsatisfactory, the committee shall negotiate with the third-ranked firm. If these negotiations prove unsatisfactory, the process of identifying and selection shall start over.
3. The proceedings of the selection process shall be conducted in accordance with the closed records policy of the University. (See Chapter I, Section 1.09 of the University's Rules and Regulations.)

G. University Files for Firms and Projects

1. The Director of Facilities and Planning shall maintain a file of firms that are potential consultants for doing projects for Lincoln University. Companies on this list will be notified of opportunities at the same time as projects are advertised in the newspapers. The primary purpose of this list is for emergency needs and for smaller projects that are below the advertising bid threshold.
2. The Director of Facilities and Planning shall prepare, annually a list of all firms used in the preceding year for review by the Buildings and Grounds Committee of the Board of Curators.
3. When a construction project is proposed, the Facilities and Planning Team shall prepare a description of the project, including the Scope of Work, the identification of applicable campus standards, relationship of campus development plans, a timetable and a budget.
4. The advisory committee, in consultation with the Director of Facilities and Planning, shall prepare a list of firms from the file for the proposed project. Selection of the firms shall be based on preliminary review comparing the nature of the job with the experience of the firms, costs and other significant factors.
5. The firms selected shall be sent a description of the project and a questionnaire designed to obtain more detailed information related to the firm's qualifications for the specific project.
6. Except for major projects, the President shall delegate to the VPAF responsibility to adopt procedures appropriate for each assignment that shall assure opportunities for a number of qualified firms. The VPAF shall present periodic reports to the President giving assurance that these standards are being met.
7. Firms to be selected for projects of any size that involve significant architectural or engineering questions, redesign of the exterior of the building, major engineering and site planning, or change in interior spaces of significant architectural or engineering importance as determined by the VPAF and approved by the President, shall be reviewed with the Board of Curators before an assignment is made.
8. Each firm may be evaluated within thirty (30) days after completing a contract with the University.

4.20.1 Bidding Policy for All Construction Projects

1. Advertising or Invitation to Contractors

Lincoln University complies with Section 8.250, RSMo, regarding bidding of construction projects involving state buildings and lands. Responsibility for compliance with this statutory provision follows the chain of command from Director of Facilities and Planning to the VPAF, the President and the Board of Curators.

2. Prevailing Wages

Prevailing wages will be paid on all construction work performed for the University under a construction contract. Prevailing wage rates used will be as provided by Division of Labor standards. It is the responsibility of the Office of Facilities and Planning to obtain, from the Missouri Department of Labor and Industrial Relations, the current prevailing wage for a particular project.

3. Minority Business Enterprise/Women Business Enterprise Participation

In awarding major construction projects, Lincoln University shall work to achieve or exceed establish targets for utilization in current state statutes and executive orders as related to Minority Business Enterprise (MBE) and Women Business Enterprise (WBE) participation levels. If a vendor is selected that is not a M/WBE, the selected firm will be encouraged to subcontract with a M/WBE firm (as appropriate) and/or encouraged to hire a diverse staff for the project. Any selected firm must be an equal opportunity employer.

4.25 Approval and Execution of University Documents

All transactions involving the purchase, sale or other disposition of real property shall be first approved and authorized by the Board of Curators. Unless otherwise specifically provided by the Board of Curators, all land contracts and deeds conveying University property shall be executed by the President of the University and the VPAF acting in concert.

Transactions involving personal property shall be approved and executed as follows:

1. The President is authorized to join in the execution of all instruments whenever necessary to the proper conduct of the business of the University. He/she shall recommend to the Board of Curators the investment of gift, trust, agency, or deposit funds and the purchase, rental, or sale of real estate or other properties acquired by or given to the University.

2. All contracts for sponsored research, all grants for extra-mural program funding, all agreements for fellowships, scholarships, and grants-in-aid, and all contracts covering payment for tuition and supplies shall be executed by the President of the University or her/his designee.

In case the President is absent or for any reason is unable to execute business documents requiring her/his signature, then they shall be executed on her/his behalf by the Vice President for Academic Affairs (VPAA).

In case the VPAA is also absent or for any reason is unable to execute business documents on behalf of the President, then such documents may be executed on behalf of the President by the VPAF; and if the President, the VPAA and the VPAF are absent or for any reason are unable to execute business documents on behalf of the President, then such documents may be executed on behalf of the President by the Vice President for Student Affairs (VPSA); and if the President, the VPAA, the VPAF, and the VPSA are all absent or for any reason unable to execute business documents requiring the signature of the President, then such documents shall be executed on behalf of the President by the Vice President for Advancement, Athletics and Campus Recreation (VPAACR).

Employees in the following positions may sign checks in the name of Lincoln University:

- a. The President of the University;
- b. The VPAF;
- c. Two other persons identified by the President of the University may be delegated signature authority to sign checks in the absence of the above.

4.30 Reports: Financial, Business, and Property

The VPAA shall be responsible for the following:

1. Prepare and deliver periodically to the President a brief statement showing under general heads the receipts and disbursements during the preceding period or since the last report was made;
2. Report not less than quarterly concerning the investment and reinvestment of University funds;
3. Prepare for the President an annual financial report showing in required detail the receipts and disbursements of University funds for the fiscal year, and other such matters as experience or common practice of educational institutions shall require; and

4. Make such special reports and furnish such information as may be required from time to time by the Board concerning University finances, investments, student loan funds, business, or property.

4.35 Solicitation

Commercial solicitation is prohibited in and on all University property. For purposes of this policy, solicitation shall mean the sale of, or offer for sale of, any service, article or thing whatever to any person or University property by any agent, peddler or other person. Exceptions to this rule may be made by the President of the University only. This prohibition shall not apply to any University group officially recognized as a campus organization by the University.

4.40 Use of University Facilities

In order for Lincoln University to carry out its mission, the top priorities for use of University facilities are for instructional activities, as well as cultural, recreational and social use by the students, faculty and staff.

Facilities that are not reserved by University organizations are available for non-University programs and activities on a space-available basis only. Rental fees for facilities may apply to all non-University use.

Any outside group or organization wishing to use a University facility must request the use of the desired facility in writing through the designated reservation office for facilities. An outside group is defined as any individual or organization that is not affiliated with the University or is not sponsored by a University organization.

The University reserves the right to refuse access to any of its facilities to any individual or group if there is convincing evidence that such access would disrupt the prime educational mission of the University. Any person or group which has been denied access to a University facility may request a hearing on such denial before the President. Use of a University facility by a person or group does not constitute an endorsement by the University of aims, policies, programs or beliefs of the person or group or any of its members. Access to any University facility is provided subject to the right of the University to retain control of its facilities at all times and subject to the rules and regulations and policies governing the use of University facilities. The University may establish and assess fees for the use of any of its facilities.

4.45 Advertising

Upon approval from the Office of the President, commercial advertisements may be posted on designated bulletin boards in or at the following locations such as:

- Departmental offices and classrooms at the discretion of the area head and/or faculty

- Residence halls
- Scruggs University Center
- Jason Gymnasium
- Dwight T. Reed Stadium

The University President is authorized to implement a marketing and/or outreach plan that can include the following:

- Website marketing and outreach
- Social media marketing and outreach
- Search engine optimization strategies
- Advertisements and public notifications in published print and digital media
- Video and radio advertisements and outreach
- Digital and regular billboards whether leased or owned by the University
- Email campaigns
- Other venue and sponsorship methods to promote the University and/or conduct outreach activities for the land grant programs

The University does not permit the advertising of alcoholic beverages, any substance the use of which is prohibited by federal or state laws, and any item which may tend to promote or suggest immoral, lewd or promiscuous behavior. Permission granted to an individual or organization to post an endorsement at the University facility does not constitute the endorsement by the University of the aims, policies, programs, products or beliefs of the individual or the organization or any of its members. The University reserves the right to regulate or limit the period of and assess fees for commercial advertising.

Upon approval from the Office of the President, non-commercial advertisements may be posted in or near any University facility which has erected a bulletin board for such purposes. Permission granted by the University to an individual or organization to use a bulletin board for advertising does not constitute endorsement by the University of the aims, policies, programs or beliefs of the individual or the organization or any of its members.

4.50 Policy on Gifts and Donations

All gifts to the University in the form of money and securities or in other forms, whether for the benefit of the entire institution or any of its departments or activities, must be reported to the President of the University and the Board of Curators. Gifts to the University may be accepted by the Board or by the President of the University or her/his designee. No officer or member of the staff of the University is permitted, without express permission of the Board of Curators, to accept a gift for building purposes or to accept a gift, the maintenance of which will add to the ordinary operating budget of the University.

Each gift is accepted subject to the general policy of the Board of Curators that the wishes of the donor(s) with respect to the disposition of the gift shall be observed, so long as in

the opinion of the Board such wishes do not conflict with the proper administration of the University.

4.50.1 Accepting Gifts

The Vice President for Advancement, Athletics and Campus Recreation ensures that all gifts are properly processed and acknowledged and that accounts are established for use of the proceeds. (See the Lincoln University Rules and Regulations, Chapter VI.

Restricted gifts shall be accepted on condition that the University may use the funds or gift for other purposes if it becomes impractical or impossible to use the funds or gift for the original purpose.

The University reserves the right to dispose of gifts of tangible personal property as it deems appropriate and discourages such gifts that are made subject to the condition that they be kept for a certain period of time.

4.55 Expenditures from Gifts or Trust Funds

Expenditures from gifts or trust funds or from income thereof shall be made in accordance with budgets approved by the Board of Curators and such expenditures shall be made in accordance with regular University policies and procedures and with requirements requested by the donors and approved by the Board. In all cases where no instructions have been provided by the donors, the Board shall approve the expenditures.

No pledge shall be made of or encumbrance placed upon any of the securities or other investments of the University, other than a pledge of securities in the General Fund upon the approval of the Board of Curators.

4.60 Ownership of Patents, Copyrights, and Other Property Rights

All members of the University community (whether or not employed by, compensated by, or enrolled at the University) shall comply with the University's Intellectual Property Policy set out in Chapter XI of the University's Rules and Regulations.

4.65 Travel Policy

Hotel and conference lodging for Board members must be secured on behalf of Board members by the Executive Assistant to the Board of Curators. Travel by vehicle shall not exceed the sum available to State of Missouri employees as mileage reimbursement rate. Requests for travel should be made, when possible, at least four (4) weeks in advance, in writing:

1. In-state trips must be approved by the President of the Board prior to occurring.

2. Trips outside the state must be unanimously approved by the Executive Committee of the Board of Curators prior to occurring.

Receipts Required

If travel is approved as outlined above, Board members must provide the Executive Assistant to the Board of Curators the following receipts prior to reimbursement:

1. Air travel
2. Train travel
3. Vehicle rental
4. Lodging expenses
5. Registration fees
6. Meal expenses exceeding the per diem rate. (The per diem rate for meals shall not exceed the federally prescribed maximum Per Diem Rate for the continental United States published periodically in the Federal Register by the Government Services Administration.)

The President of the Board or the President's designee should be encouraged to attend the following meetings: Association of Public and Land Grant Universities; American Council on Education; the annual meeting of the Higher Learning Commission of the North Central Association; the Association of Governing Boards; other professional association meetings deemed appropriate by the President of the University and the President of the Board; and the National Alumni Association Meeting.

The Executive Assistant to the Board of Curators should be encouraged to attend the Association of Governing Boards meeting and other meetings deemed appropriate and agreed to by the President of the Board of Curators and the President of Lincoln University.

CHAPTER V

Amendments, Reviews, and Oversight of Bylaws and Rules

5.00 Amendment of Bylaws

The Bylaws and Rules of Procedure may be amended at any meeting of the Board by a two-thirds (2/3) majority vote of members present, provided that notice and complete written text of proposed amendment be delivered to all Board members no later than that Board meeting which occurs first before the meeting at which the vote on the amendment will be taken. In no event, however, shall delivery be made less than thirty (30) days prior to date set for the vote to be taken.

5.01 Development and Oversight of University Policies

An individual, a committee, a department, a college, a unit, or any other University group may bring a proposal for a new policy, a change in policy, or a deletion of a policy to the appropriate chair(s) of one or both shared governance bodies or to the appropriate administrative officer. If the proposal is passed or accepted, it will then be sent through the appropriate chain of command. At any point in this process, the President may seek the advice of any individual or committee. The Board will be the final authority on all policies in the Lincoln University Rules and Regulations.

Once the proposal has final approval, it must be sent to the Rules and Regulations Review Committee (a standing University committee charged by the President). This committee shall be responsible for determining where the new policy should be placed in the Rules and Regulations document and whether it replaces or conflicts with an existing policy, in which case the existing policy would be revised to reflect adoption of the new policy or deleted.