

**Deans Council**  
**April 18, 2011**  
**1:30 PM**  
**Allen 611**

**Members Present:** Jerry Gilbert (chair), Laura Crittenden (for Mark Binkley), Richard Blackbourn, Timothy Chamblee, Harry Llull (for Frances Coleman), Lou D'Abramo, Paul Grimes (for Louis Dawkins), Jerry Emison, Halston Hales, Kent Hoblet, Walter Taylor (for George Hopper), Joan Lucas, Dave Breau (for Gary Myers), Mike Rackley, Sarah Rajala, Lynn Reinschmiedt, Peter Ryan, Sharon Nobles (for Butch Stokes), Jim West.

**Others Present:** Bennett Evans, Teresa Gammill, Keith Gaskin, Rob Jenkins, Brandon Jolly, Jimmy Kight, Neil Lewis, Jack McCarty, Nathan Moore, Vanessa Reaves, John Rush, Jud Skelton, Judy Spencer, P.K. Thomas, Charlie Weatherly.

**Minutes taken by:** Martha Thomas.

1. A suggested revision of the minutes of the March 21, 2011 meeting was:
  - a. Changing item 4e to: "Dr. Rajala discussed the difficulties of not being able to use the extension faculty title in Engineering for those faculty whose primary responsibility is extension service-related. Dr. Rajala stated that there are some employees in Engineering who are classified as Research Associates but perform as Extension Associates."
2. Upon a motion and second, the minutes of the March 21, 2011, meeting were approved with the above correction.
3. Announcements:
  - a. Jerry Gilbert discussed having New Faculty Orientation on Monday, August 15 and asked that the colleges let him know of any potential conflicts.
  - b. Dr. Gilbert announced the following upcoming dates:
    - i. April 21 – last day of class
    - ii. April 22 – holiday
    - iii. April 25-29 – exams
    - iv. April 29 at 7:00 PM – commencement
    - v. April 30 at 10:00 AM – commencement
  - c. Dr. Gilbert announced the Maroon Edition book for the 2011-2012 academic year: *The Optimist's Daughter* by Eudora Welty. This book won the 1973 Pulitzer Prize.
  - d. Dr. Gilbert introduced Brandon Jolly who is the new Associate General Counsel.
4. Endowed Faculty Positions:
  - a. Dr. Gilbert stated that the StatePride program is in its second year. In its first year, we awarded 406 awards to faculty members of \$2,500 each. Another 406 awards will be distributed in the fall. The colleges should be working on that process with their selection committees.
  - b. After the second distribution, we will move to the second set of fundraising goals – endowed professorships.
  - c. John Rush stated that the goal of StatePride is to raise \$100 million towards faculty awards and student scholarships. \$53 million has been raised so far.

- d. Mr. Rush said that \$200,000 per year is available in ESPN contract money to apply towards endowed professor positions. Over the next five years, that adds up to \$1 million. Endowed professorships are \$500,000 each and most donors pay this over a five-year period.
  - e. Development Officers and Deans will meet with a committee consisting of John Rush, Jerry Gilbert, and a few Development representatives who will listen to the status of the donor solicitation, where the position would be housed, what the need is, etc. This committee will rank the colleges based on priority of 1-4. If the college is in the first four, there is a three-month window to get a commitment for the endowed professorship position. If the commitment is not attained, the priority 5 college will get a chance. The four colleges that do not get to participate in the first round will get an automatic top 4 ranking during the next round.
  - f. There was a question of whether this matching opportunity could be used for endowed chairs. Mr. Rush said yes, but that only \$250,000 would be matched.
  - g. Sarah Rajala asked whether the endowed faculty positions could be kept at the college level. Mr. Rush said yes and this allows the flexibility to move the position within the college.
  - h. Dr. Gilbert stated that colleges should be working with their Development Officers to identify potential donors as your best prospect. They are essentially getting an endowed professorship for “half price.” The second phase of this is five years away and donors can be cultivated over this period.
  - i. Mr. Rush stated that these gifts need to be paid out over five years. Gifts can be items that can be liquidated within that five-year window.
  - j. Dr. Rajala clarified that if a donor gave their full \$250,000 in cash, the match would still come in over time.
  - k. Vanessa Reaves stated that the first payment needs to be made by May of 2012.
  - l. There was a question of whether corporations would be eligible. Mr. Rush stated that this is an opportunity to maximize this opportunity for our donors, creating an opportunity for donors who normally wouldn't be able to fund a \$500,000 professorship.
5. New I-129 H-1B Visa:
- a. Neil Lewis stated that on the new I-129 application for H-1B and other visas that you must mark whether the individual will need an export control license. When Human Resources Management (HRM) receives an application for an H-1B visa, they will send Mr. Lewis the person's name and department. Mr. Lewis will then contact the department head requesting information regarding the person's research interests. Mr. Lewis will make a determination about the export control license based upon this information.
  - b. Mr. Lewis stated that 99% of the time individuals will not need an export control license.
  - c. Judy Spencer stated that when a review was done of this, only two individuals needed an export control license.

- d. Paul Grimes asked about the process of an export control license is needed. Mr. Lewis stated that he will help with the application to the government.
  - e. There was discussion about the importance of the required national print advertisement for faculty positions.
  - f. Ms. Spencer stated that it is taking much longer for paperwork to be processed in the government. She asked that deans and department heads contact HRM if they have made a job offer or anticipate making a job offer for someone to start in the fall term that will need sponsorship. Ms. Spencer said to call HRM if you have any questions about visas or sponsorships.
6. Other Items:
- a. Joan Lucas discussed the Cotton Mill project which is ongoing.
  - b. Peter Ryan stated that Butch Stokes has requested that whomever is managing orientation for the colleges call in to the command center to let the command center know that the college is done with registering students.
  - c. Dr. Ryan thanked everyone for their cooperation with enduring the weather challenges on April 15. He asked that if the colleges were aware of any problems related to weather notifications to convey them to Bill Kibler or Jim Jones. The Crisis Action Team is assembling a document that will be sent to the Vice Presidents for their input.
  - d. Dr. Gilbert stated that deans and department heads should have received an e-mail from him regarding class attendance on April 15.

# **Handouts**

# STATEPRIDE

MISSISSIPPI STATE UNIVERSITY

*Initiative for Student and Faculty Support*

## ENDOWED FACULTY POSITIONS

Beginning in fiscal year 2012 through 2021, the MSU Bulldog Club will provide \$200,000 a year as a challenge grant to support endowed faculty positions.

### Qualifications For Matching Funds:

- Minimum commitment of \$250,000 (\$50,000 for 5 years).
- First payment of at least \$50,000 must be paid by May 2012.

For example:

The minimum for a professorship is \$500,000. The athletic match will designate \$50,000 a year for 5 years for each professorship. A pledge of \$250,000 with payments of \$50,000 a year for five years will qualify for the matching funds. A professorship can be designated for any college or department.

Each of the eight colleges/schools will have an opportunity to receive matching funds for one endowed faculty position. Four colleges will be chosen for FY12 – FY16, and another four will be chosen for FY17 – FY21. The selection process is detailed below.

### Endowed Faculty Position Match Funding Selection Process:

- In May 2011, each college development officer will submit a case based on college need, prospect likelihood and prospect solicitation progress to the review committee. *The review committee will consist of representatives from the provost office and the MSU Foundation.*
- The review committee will hear the cases and make a determination for each college based on a priority tier. Each college will receive a priority rating, and the top four colleges will be chosen in the first round. Each college chosen in the first round will have three months to close the gift (July through September 2011).
- After the three-month period, the committee will review the progress. Those who have not received closure will be moved down the list and the second tier will advance and have three months to close the gift. This system will continue until all four endowed faculty positions have been closed.
- These procedures will be repeated for the additional four endowed faculty positions in 2017.

## I-129 Information

### Issue:

On 20 February 2011 the Department of Homeland Security (DHS) initiated the use of a new I-129 application for H-1B, H-1B1 (Chile & Singapore), L-1 & O-1A visas. The new form includes a statement on deemed export certification.

The I-129 Part 6 statement is as follows:

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### **Part 6. Certification Regarding the Release of Controlled Technology or Technical data to Foreign Persons in the United States**

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(For H-1B, H-1B1 (Chile/Singapore), L-1 and O-1A petitions only. This section of the form is not required for all other classifications.)

#### **Check Box 1 or Box 2 as appropriate:**

With respect to the technology or technical data the petitioner will release or otherwise provide access to the beneficiary, the petitioner certifies that it has reviewed the Export Administration Regulations (EAR) and the International Traffic in Arms Regulations (ITAR) and has determined that:

1. A license is not required from either the U.S. Department of Commerce or the U.S. Department of State to release such technology or technical data to the foreign person; or
2. A license is required from the U.S. Department of Commerce and/or the U.S. Department of State to release such technology or technical data to the beneficiary and the petitioner will prevent access to the controlled technology or technical data by the beneficiary until and unless the petitioner has received the required license or other authorization to release it to the beneficiary.
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What is a deemed export?

A deemed export is the legal concept that the release of certain controlled data, information, technology, etc. to a foreign national employee within the U.S. is deemed an export to the employee's home country.

**Process:**

When HRM initiates a visa application for one of the listed visa classifications a note is sent to the Office of Research Security (ORS) with the individual's name and department. A request is sent via E-mail to the respective Department Head requesting information on the individual's job description and research areas/interest on which they are or will be working. Based upon the information received ORS makes a determination on appropriate answer for the I-129 deemed export certification. That decision is sent to HRM who marks the appropriate box, signs the Part 6 certification and forwards the visa application to the appropriate agency.

This process was initiated to have a paper/audit trail to prove what we, MSU, have done in determining the deemed export certification. This is needed in case we are ever audited or investigated by DHS. Unfortunately this also adds another agency into the export control arena which was already comprised of the Departments of Commerce, State, Treasury and now Homeland Security.

Violations - Export control laws provide for substantial penalties, both civil and criminal. Failure to comply with ITAR can result in civil fines as high as \$500,000 *per violation*, while criminal penalties include fines of up to \$1,000,000 and 10 years imprisonment *per violation*. Under EAR, maximum civil fines can reach \$250,000 *per violation*, while criminal penalties can be as high as \$1,000,000 and 20 years imprisonment *per violation*.

**Your role:**

Please inform your respective Department Heads of this new requirement and the need for a timely response as the visa application does not go forward until everything is complete.

If there are any questions concerning this process or if an electronic copy of this information is needed, please do not hesitate to contact me.

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