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**MEMORANDUM**

**TO:** University Council

**FROM:** Christina A. Graham, Chief Financial Officer for Business and Finance; Myra Jones, Associate Chief Information Officer/ITS Chief of Staff; Dr. Mark Jee, Director of Environmental Health and Safety; Jeremy Ross, Chief Operating Officer; Kay Lennon McGrew, Esq., Associate University Counsel and Policy Counsel; Harden Scragg, Esq., Staff Attorney and Assistant Policy Counsel

**DATE:** June 1, 2023

**RE:** Consent Agenda Policy Items for June 12, 2023 UC Meeting

- *General Purchasing Policy*
- *Hazardous Energy Control (Lockout/Tagout)*
- *Acceptable Use of Information Technology Resources*
- *Building Access Control Policy*
- *Fire Protection and Life Safety Policy*

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**I. General Purchasing Policy.**

**A. Introduction.**

This policy governs the purchasing process and specifies the procedures for obtaining goods and services. It contains two major revisions.

Policy revisions include:

1. Subpart II (G and H) modifies the formal bid threshold from \$75,000 to \$100,000; and
2. A new subpart Sub-part II (P) has been added to the General Purchasing section to reflect the approval needed by ITS for all software products.

This policy will be effective 07/01/2023 (Fiscal Year 2024).

A copy of the policy is attached.

**B. Legal Review.**

The Office of University Counsel completed its review of this policy on 04/28/2023. Counsel found no legal issues and no conflicts or inconsistencies with other ETSU policies or procedures.

**C. Public Comment Period.**

The policy was posted from for public comment from 4/18/2023 to 5/01/2023. Two comments were submitted during this period:

Comment from Richard Prince: *“The language in sub-part II P is much too restrictive for the needs of faculty, researchers, and the university as a whole. Nearly any purchase going forward will include an aspect of software that will interface with the university network. Giving ITS the final say in a purchase is inappropriate given the teaching and research missions of the university.”*

**Sponsor’s Response:** ITS provides the highest quality technology services to students, faculty, and staff and delivers technologies that advance the University’s academic, research, and administrative goals. The university has a legal obligation to protect the privacy and security of university data and systems. It is essential to involve ITS in the review and approval of new software that will interface with university IT assets to ensure the software is both secure and compatible. The General Purchasing Policy as written captures this necessary process.

Comment from Jessimine Strauss: *“II Purchasing G appears to be missing a [“or more”] in relation to the third \$25,000. Currently reads as equal to exactly \$25,000 and also less than \$100,000. [It should clarify \$25,000 or more]”*

**Sponsor’s Response:** Purchasing provision II (G) has been revised accordingly to clarify the purchasing language.

**D. Recommendation.**

**IN CONSIDERATION** of all of the above the Office of University Counsel recommends **APPROVAL** of the **General Purchasing Policy**.

**II. Hazardous Energy Control (Lockout/Tagout).**

**A. Introduction.**

This policy specifies the procedures for implementing the federal Occupational Safety and Health Administration (OSHA) Standard for the Control of Hazardous Energy (Lockout/Tagout), 29 CFR 1910.147.

A copy of the policy is attached.

**B. Legal Review**

The Office of University Counsel completed its review of this policy on 04/07/2023. Counsel found no legal issues and no conflicts or inconsistencies with other ETSU policies or procedures.

**C. Public Comment Period.**

The policy was posted from for public comment from 4/5/2023 to 4/18/2023. No. comments were received.

**D. Recommendation**

**IN CONSIDERATION** of all of the above, the Office of University Counsel recommends **APPROVAL** of the policy on **Hazardous Energy Control (Lockout/Tagout)**.

**III. Acceptable Use of Information Technology Resources.**

**A. Introduction.**

This policy provides a framework for the appropriate and respectful use of information technology resources. The policy is intended to prevent abuse of resources and to ensure that usage honors the public trust and supports the University's mission.

A copy of the policy is attached.

**B. Legal Review.**

The Office of University Counsel completed its review of this policy on 04/06/23. Counsel found no legal issues and no conflicts or inconsistencies with other ETSU policies or procedures.

**C. Public Comment Period.**

The policy was posted from for public comment from 04/05/2023 to 04/18/2023. No comments were received.

**D. Recommendation.**

**IN CONSIDERATION** of all of the above, the Office of University Counsel recommends **APPROVAL** of the policy on **Acceptable Use of Information Technology Resources**.

#### IV. Building Access Control Policy.

##### A. Introduction.

This policy specifies when and how access control devices, electronic and/or key access is granted to ETSU facilities. ETSU will control access to facilities based on need, required job responsibilities, individual accountability, and least privilege.

A copy of the policy is attached.

##### B. Legal Review.

The Office of University Counsel completed its review of this policy on 03/29/2023. Counsel found no legal issues and no conflicts or inconsistencies with other ETSU policies or procedures.

##### C. Public Comment Period.

The policy was posted from for public comment from 04/05/2023 to 04/19/2023. Two comments were received:

*Comment from Brian Thompson:*

*“1. Policy Section II. If students who live in on-campus housing withdrawal from the university, their ID is needed to move out of their building. Student housing staff are the ones who check these students out after they remove personal belongings from their rooms. The checkout process involves removing encoding from the ID. I'd recommend establishing a protocol for how the ID is turned back in to the University. Does this have to occur during business hours at ID Services? Are Housing staff responsible for collecting the ID when said student checks out of their residence hall or apartment room? If so, where are those IDs turned in and when? What kind of enforcement is in place for those who do not turn in their ID upon withdrawal from the University?*

*Students do not always report their ID lost or misplaced promptly. If reported to housing staff after hours, staff do call Public Safety. If during office hours, housing staff does contact me, who can disable the ID due to my position.*

**Sponsor's Response:** After consultation with ID services, ID's will be deactivated rather than returned. The policy has been updated to reflect this change.

*Comment from Amy Slaughter: “Students who withdrawal have never returned their ID card. I am unsure of how this would be enforced. There is also not a graduation date or expiration date on the ID card. Those dates are automated by Banner and placed into CBORD behind the scenes. The cost of reprinting each time someone changes their graduation date would be way too high. The word fail in the last sentence should also be plural.*

Policy Statement Section III

*Reword the second sentence, the words from/must are not making sense. There is not an application for the ID card, as most people already have one. Access can be applied to a card once approved.*

### Procedure Section II

*Reword: issuance of ID access control and keys. This will ensure that proper Staff/faculty receive ID cards after E# is received. Students receive ID cards after they have registered for classes.*

*Not sure if the host unit has ever provided details of the visit to both ID and public safety. How detailed does this need to be? Usually just a general memo is sent to ID.*

### Procedure Section III

*Once an approval is received, the access is issued to the applicable user. (card should already be made at this point)*

**Sponsor's Response:** After consultation with ID services, ID's will be deactivated rather than returned. The policy has been updated to reflect this change. The policy was updated to reflect to process by which students receive their ID's. Information disclosed by host units is done through a form that is already in use. This is not a new process.

### **D. Recommendation.**

**IN CONSIDERATION** of all of the above, the Office of University Counsel recommends **APPROVAL** of the **Building Access Control Policy**.

## **V. Fire Protection and Life Safety Policy.**

### **A. Introduction.**

The purpose of this policy is to protect human life, property, and the environment from the risk of fire-related hazards through the application of regulations, best practices, engineering analysis, fire prevention techniques, and public fire safety education and awareness for the ETSU campus community.

A copy of the policy is attached.

### **B. Legal Review.**

The Office of University Counsel completed its review of this policy on 04/23/23. Counsel found no legal issues and no conflicts or inconsistencies with other ETSU policies or procedures.

**C. Public Comment Period.**

The policy was posted for public comment from 05/16/2023 to 05/29/2023. One comment was received during this period:

*Comment from Susan Epps: “It seems like the purpose of the policy is to establish the elements that are to be included in the fire and life safety inspection and preventative maintenance program, (not to protect life, etc.).”*

**Sponsor’s Response:**

The purpose of specifying the elements that are to be included in the fire and life safety inspection and preventative maintenance program is to protect human life, property, and the environment from the risk of fire-related hazards through the application of federal and NFPA regulations, best practices, engineering analysis, fire prevention techniques, and public fire safety education and awareness for the ETSU campus community.

**D. Recommendation.**

**IN CONSIDERATION** of all of the above, the Office of Environmental Health and Safety recommends **APPROVAL** of the policy on **Fire Protection and Life Safety Policy**