



MEMORANDUM

TO: University Council

FROM: Myra Jones, Associate Chief Information Officer/ITS Chief of Staff; Lori Erickson, Assistant Vice President for Human Resources; Kay Lennon McGrew, Esq., Associate University Counsel, Policy Counsel, Harden Scragg, Esq., Staff Attorney and Assistant Policy Counsel

DATE: April 10, 2023

RE: Consent Agenda Policy Items for April 10, 2023 UC Meeting:

- *ETSU Information Security Policy*
- *Workplace Accommodations for Disabilities (Employees and Applicants)*
- *Hot Work Permit Policy*

I. ETSU Information Security Policy

A. Introduction.

This policy specifies the overarching framework for implementing a University-wide, comprehensive, standards-based information security program to protect the information that is critical to teaching, research, and the University's varied activities, our business operation, and the communities we support, including students, faculty, staff members, and the public.

A copy of the policy is attached.

B. Legal Review

The Office of University Counsel completed its review of this policy on 03/25/2023. 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 3/13/2023 to 3/28/2023. One comment was submitted during this period:

1. *This doesn't read like an actual policy. Is this necessary as a policy?*

Commentor: Susan Epps

Submitted on: 3/20/2023 at 10:16:18 AM

Policy originator's response:

Yes, this policy is an actual and necessary policy. It has been re-written to specify the NIST 800-53 framework as the overarching framework for information systems security at ETSU. The NIST SP 800-53 set of controls is the "gold standard" for information systems security. NIST SP 800-53 is regularly revised, and is designed to meet the needs of organizations as technology and risks continuously evolve, ensuring controls continue to be effective.

D. Recommendation

IN CONSIDERATION of all of the above and noting the response to public comment, the Office of University Counsel, on behalf of the Office of Information Technology Services, recommends **APPROVAL** of the **ETSU Information Security Policy**.

II. Workplace Accommodations for Disabilities (Employees and Applicants)

A. Introduction

This policy specifies the requirements for an employee or applicant for employment to request workplace accommodations pursuant to the Americans with Disabilities Act. ETSU is committed to complying with the Americans with Disabilities Act (ADA) and the Tennessee Disability Act (TDA). The ADA and TDA are non-discrimination laws which protect Qualified Individuals with Disabilities and prohibit discrimination on the basis of Disability in recruitment, hiring, promotions, training, pay, social activities, and other privileges of employment.

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 03/15/2023 to 03/29/2023. Two comments comment were received:

1. *When no reasonable accommodations are available and the only feasible action is a voluntary demotion and pay cut is a new probationary period necessary or appropriate? I imagine it would be devastating and demoralizing to discover the only option is the loss of achieved position and compensation. A new probationary period could make an unfortunate situation worse. The probationary could be perceived and used as an opportunity to achieve employment termination.*

Commentor: Name Omitted

Submitted on: 3/27/2023 11:38:56 AM

Policy originator's response:

The probation period is not specific to the issue of reassignment or the person. Anytime an employee changes from one position to another at the institution they are subject to a probation period.

2. *I find nothing objectionable, but due to the nature of graduate students who are both students and employees, I have seen no mechanism either under accommodations for students or employees that directs which policy applies to whom and in what scenario. I would like to see some clarification on that in either document or perhaps it may require its own stand-alone document.*

Commentor: Niki Hall

Submitted on: 3/21/2023 6:26:52 PM

Policy originator's response:

When an individual receives an accommodation because of their status as a student, that accommodation is always applicable. If the student has additional responsibilities that are unique to employment, this policy would also apply.

D. Recommendation

IN CONSIDERATION of all of the above and noting the response to public comment, the Office of University Counsel, on behalf of the Office of Disability Services, recommends **APPROVAL** of the policy on **Workplace Accommodations for Disabilities (Employees and Applicants)**.

II. Hot Work Permit Policy

A. Introduction

This policy specifies the program and procedures implemented to control the risk of fire hazards on campus resulting from Hot Work maintenance and construction activities that have the potential to produce open flames, sparks or significant heat.

A copy of the policy is attached.

B. Legal Review

The Office of University Counsel completed its review of this policy on 03/28/2023. 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 03/22/2023 to 04/04/2023. No comments were received.

D. Recommendation

IN CONSIDERATION of all of the above and noting the lack of public comment, the Office of University Counsel, on behalf of the Office of Facilities Management, recommends **APPROVAL** of the **Hot Work Permit Policy**.