

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
MAY 2023 SPECIAL CALLED MEETING

11:00 a.m.–12:00 p.m. EDT
Friday
May 19, 2023

East Tennessee Room
D.P. Culp Student Center
412 J.L. Seehorn Road
Johnson City, TN

ORDER OF BUSINESS

- I. Call to Order
- II. Roll Call
- III. [Action Item: Approval of Gatton College of Pharmacy Tuition for FY24 – Graham](#)
- IV. [Action Item: Immunization Rule – Fulks](#)
- V. Other Business
- VI. Executive Session
 - A. Discuss pending legal action (if necessary)
- VII. Adjournment

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: May 19, 2023

ITEM: Approval of Gatton College of Pharmacy Tuition for FY24

RECOMMENDED ACTION: Approve

PRESENTED BY: Christy Graham
Chief Financial Officer and
Vice President of Business and Finance

In light of the historic appropriation of \$2.5 million in recurring state funding received during the 2023 legislative session, the Gatton College of Pharmacy is requesting a commensurate decrease in tuition rates for the 2023-24 academic year. Consistent with discussions that transpired during the legislative session, these funds will be designated toward making the cost of a degree more affordable and to support student success. The College is committed to minimizing costs and promoting affordability for its largely underserved student body. An analysis was conducted to ensure viability and sustainability of the budget model for the college in light of its new designation as a state funded non-formula entity.

The following proposed tuition rates will decrease the costs for in-state students by 30.19%, or \$1.05 million. The cost for out-of-state students will decrease by 14.67%, or \$510,660. An additional \$720,000, over the program length, will be allocated to student scholarships. Scholarship funds will be targeted to maximize enrollment impacts, and the costs for subsequent funding is structured around the completion of the degree. The remaining \$200,000 will fund three new Student Success Coordinators to directly support student success and retention.

Gatton College of Pharmacy				
In-State/Out-of-State Tuition Proposal – Per Academic Year				
	2022-23		2023-24	
	Actual	Proposed	\$ Decrease	% Decrease
In-State Tuition	\$38,674	\$27,000	(\$11,674)	(30.19%)
Out-of-State Tuition	\$38,674	\$33,000	(\$5,674)	(14.67%)

**Gatton College of Pharmacy
In-State/Out-of-State Tuition Proposal – Per Academic Year
Total Savings per student/per program**

	2022-2023 Actual	2023-2024 Proposed	\$ Decrease	Total Program Decrease
In-State Tuition	\$38,674	\$27,000	(\$11,674)	(\$46,696)
Out-of-State Tuition	\$38,674	\$33,000	(\$5,674)	(\$22,696)

The following chart provides a comparison of tuition rates for the approved Gatton College of Pharmacy peer set:

Comparative Pharmacy Tuition Rates

	2021-22	2022-23	% Incr	Proposed 2023-24	% Incr
<i>ETSU – In-State</i>	<i>\$37,916</i>	<i>\$38,674</i>	<i>2.00%</i>	<i>\$27,000</i>	<i>(30.19%)</i>
UTHSC – In-State	22,370	22,370	0.00%	22,370	0.00%
<i>ETSU – Out-of-State</i>	<i>\$37,916</i>	<i>\$38,674</i>	<i>2.00%</i>	<i>33,000</i>	<i>(14.67%)</i>
UTHSC – Out-of-State	27,374	27,374	0.00%	27,274	0.00%
Belmont	43,500	45,100	3.68%	42,750	(5.21%)
Campbell	42,180	43,870	4.01%	45,190	3.01%
Presbyterian	39,360	40,140	1.98%	40,900	1.89%
Mercer	39,500	40,087	1.49%	40,810	1.80%
Union	36,800	39,800	8.15%	39,600	(0.50%)
Samford	39,490	39,985	1.25%	40,470	1.21%
Lipscomb	37,938	37,938	0.00%	37,938	0.00%
Wingate	36,004	36,724	2.00%	36,724	0.00%
University Average	\$38,006	\$38,969		\$38,476	

MOTION: I move that the Board of Trustees recommend adoption of the following resolution:

RESOLVED: The proposed tuition for the Gatton College of Pharmacy for 2023-2024 is approved as presented in the meeting materials.

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: May 19, 2023

ITEM: Immunization Rule

RECOMMENDED ACTION: Approve (Roll Call Vote Required)

PRESENTED BY: Mark Fulks
University Counsel

Pursuant to the Jacob Nunley Act (TCA 49-7-124), the East Tennessee State University (ETSU) Board of Trustees is required to promulgate a rule on the immunization requirements for students. As part of this rulemaking process, the Office of University Counsel conducted a public rulemaking hearing on Tuesday, August 23, 2022. In accordance with Tennessee law and ETSU’s Policy on Policy Development and Administrative Rulemaking, notice of the proposed rule and date of the public hearing was posted on the Tennessee Secretary of State’s website. Members of the public were invited to attend the hearing in-person, virtually or to submit their comments via email prior to the public hearing. During the public hearing, staff presented a summary of the rule. All interested persons were given an opportunity to comment.

A summary of public comments from this hearing are provided below:

Brief Summary of Public Comments	
1	This citizen disagrees with requiring students to take any vaccination that is under emergency use or put forth during the throes of a pandemic, such as Covid-19.
2	This citizen opposes: any rule mandating new vaccines for epidemics, pandemics, or emerging diseases; mandating any and all emergency use medications, experiments, or medical procedures.
3	This citizen voiced agreement with first two comments and opposes mandating of any and all emergency use medications, experiments, or medical procedures.
4	This citizen stated the institution is not in control of the student body and students should not be required to take vaccines – especially those that are untested.
5	This citizen stated this issue is not something the school should have control over and that individuals should be able to choose for themselves.
6	This citizen stated that schools should not mandate experimental vaccines.
7	This citizen agreed with previous comments and stated the citizen has a senior in high school, and the student would not attend ETSU if anything was mandated to put in or on the student's body.

8	This citizen stated that as a professional who taught on a university campus for 37 years, if such a vaccine was mandated, the citizen would have quit their job.
9	This citizen stated that press releases should be sent to the student body and staff about public hearings, and public hearings should not be held during class times. The citizen voiced significant concern that the vaccine industry does not answer to consumer concerns, has no liability, CDC is funded by the industry that it regulates, the vaccine mandate is unconstitutional under Article I Section 8, and the vaccine mandate violates the Nuremburg Code for medical ethics.
10	This citizen is a medical professional who stated experimental vaccines violate the Nuremburg Code for medical ethics. The citizen stated that the vaccine did nothing to stop transmission, infection, hospitalization, and death. This citizen advised of their first-hand experience of the damage and death caused by the Covid-19 vaccination. The citizen stated the Jacob Nunley Act only authorizes meningococcal vaccines and experimental vaccines are not authorized
11	This citizen stated this is the beginning of public health moving to replace doctor-patient relationship. This citizen voiced that under the covid-19 vaccination scheme all human rights have basically been trampled. This citizen stated there is no true scientific backing for the safety and efficacy of these vaccinations. Pharmaceutical companies cannot be trusted because they do their own research. The citizen voiced the medical trials were a sham, and there were seriously harmful side effects glossed over by big Pharma. This citizen also voiced: there is a lack of data in this process; his is all experimental and driven by market machinery and by profit. This citizen stated we must protect bodily autonomy and the right to informed consent, and there is no legislative intent or authority to give these vaccinations. This citizen voiced requiring vaccinations is coercion, which is forbidden under the Nuremburg Code for medical ethics.
12	This citizen stated vaccinations should be a choice between patient and doctor, and there should always be informed consent without the fear of any coercion.
13	This citizen stated it is fundamentally wrong to require medical treatment without informed consent.
14	This citizen stated that vaccines should not be mandated, particularly Covid-19, as it is untested and the long-term effects are not known.
15	This citizen voiced that exemptions from vaccinations are not always honored, and there is discrimination amongst those who are vaccinated or boosted and those who are not vaccinated or boosted when people have to wear badges.
16	This citizen is a '73 ETSU grad and voiced not being anti-vaccine. However, the citizen stated that these new mRNAs are not really vaccines, but gene therapy, and we do not know all the harmful side effects. The citizen voiced concern that the VEERS system of reporting negative side effects is not a good indicator that something is safe and effective. This citizen stated these new mRNA vaccinations should not be mandated and referenced the opioid crisis and how we were lied to. This citizen offered to be an advisor to this institution regarding vaccines.
17	This citizen shared their personal story and that they were fired from their last job for not taking the vaccine or getting boosted. This citizen stated they do not want ETSU students to be treated the same way. This citizen wants ETSU to abandon the mandate and ensure that no one is bullied who chooses not to be vaccinated or boosted and/or do not want to wear a mask.

18	This citizen voiced that injuries occur from the vaccine that are not reported. This citizen stated vaccines are being pushed on athletes and has injured some.
19	This citizen stated the vaccine should not be required and that it does not work.
20	This citizen stated that ETSU should “pivot” and begin to re-educate students on freedom. The citizen says people need to push back against the science behind these vaccination mandates and become “thought leaders” at ETSU.
21	This citizen voiced that the pandemic is a fraud, and the Covid-19 vaccine is a bio-weapon being used to reduce the American population by disabling human immune systems.
22	This citizen requested that faculty members bullying students about wearing a mask or getting the Covid-19 vaccination be addressed by administration.

Staff recommends that the Board of Trustees adopt the Student Immunization Requirements Rule without the language in Section 0240-06-04-.01(4) (*see attached redline version of the rule*).

MOTION: I move that the Board of Trustees adopt the Student Immunization Requirements Rule without the language in Section 0240-06-04-.01(4).

RESOLVED: The Board of Trustees adopts the Student Immunization Requirements Rule without the language in Section 0240-06-04-.01(4) advancing the rulemaking process.

Rules
of
East Tennessee State University, Johnson City
Chapter 240-06-04
Student Immunization Requirements

New

Table of Contents is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

Table of Contents

0240-06-04.01	Immunization Requirements
0240-06-04.02	Documentation Related to Specific Illnesses
0240-06-04.03	Exemptions
0240-06-04.04	Other Requirements
0240-06-04.05	Information Provided to Students

0240-06-04-.01 Immunization Requirements is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.01 Immunization Requirements

- (1) Unless otherwise exempted by this rule or by other law, all full-time students admitted to East Tennessee State University (ETSU) must provide health information to ETSU that establishes the student's compliance with the recommended immunization schedule for measles, mumps, rubella, and varicella issued by the Centers for Disease Control and Prevention.
- (2) Unless otherwise exempted by this rule or by other law, all students under the age of twenty-two (22) who reside in ETSU residential facilities must provide proof of adequate immunization against meningococcal disease as recommended by the Centers for Disease Control and Prevention.
- (3) Unless otherwise exempted by this rule or by other law, no new incoming student will be allowed to move into campus housing without providing proof of adequate immunization as required by statute.
- ~~(4) Unless otherwise exempted by this rule or by other law, additional immunizations may be required in accordance with the Centers for Disease Control and Prevention recommended immunization schedule in response to an epidemic, pandemic, or emergent communicable disease outbreak.~~
- (5) Acceptable forms or proof of immunization
 - (a) General proof of immunization
 1. Proof of prior or current military service shall be considered proof of the recommended immunizations.
 2. If allowed by law or Department of Health rule or guideline, students with proof of graduation from a Tennessee high school after a certain date shall not be required to submit evidence of the recommended immunizations, except as required by law.
 3. Any proof deemed acceptable by regulation or statute.

Authority: T.C.A. § 49-7-124(g).

0240-06-04-.02 Documentation Related to Specific Illnesses is added to Chapter 0240-06-04 Student

Immunization Requirements and shall read as follows:

0240-06-04-.02 Documentation Related to Specific Illnesses.

- (1) Varicella
 - (a) Documentation of two (2) doses of varicella-containing vaccine administered at least twenty- eight (28) days apart; or
 - (b) Laboratory evidence of immunity; or
 - (c) A history verified by a physician, advanced practice nurse, physician's assistant, or health department of varicella disease; or
 - (d) Any other regulatory or statutory requirement.
- (2) Measles, Mumps, and Rubella
 - (a) Documentation of two (2) doses of vaccine against measles, mumps, and rubella administered at least twenty-eight (28) days apart and no earlier than four (4) days before the first birthday; or
 - (b) Laboratory evidence of immunity; or
 - (c) Any other regulatory or statutory requirement.

Authority: T.C.A. § 49-7-124(g).

0240-06-04- .03 Exemptions is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.03 Exemptions.

- (1) Students enrolling in a course of study that is exclusively online and does not involve any experiential component shall not be asked to provide immunization information.
- (2) Varicella - Students born before January 1, 1980 are not required to present proof of adequate immunization against varicella.
- (3) MMR - Students born before January 1, 1957 are not required to present proof of adequate immunization against measles, mumps, and rubella.
- (4) Students may be exempted from the immunization requirements under this rule:
 - (a) Where a physician licensed by the board of medical examiners, the board of osteopathic examiners, or a health department certifies in writing that a particular vaccine is contraindicated for one of the following reasons:
 1. The student meets the criteria for contraindication set forth in the manufacturer's vaccine package insert; or
 2. The student meets the criteria for contraindication published by the Centers for Disease Control and Prevention; or
 3. In the best professional judgement of the physician, based upon the student's medical condition and history, the risk of harm from the vaccine outweighs the potential benefit.
 - (b) Where a parent or guardian, or, in the case of an adult student, the student, provides the school with a written statement, affirmed under the penalties of perjury, that the vaccination conflicts with the religious tenets and practices of the parent or guardian or, in the case of an adult student, the student.

(5) Any other regulatory, statutory, or legal exemption.

Authority: T.C.A. § 49-7-124(g).

0240-06-04-.04 Other Requirements is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.04 Other Requirements.

(1) International students are required to comply with the immunization schedule issued by the Centers for Disease Control and Prevention.

Authority: T.C.A. § 49-7-124(g).

0240-06-04-.05 Information Provided to Students is added to Chapter 0240-06-04 Student Immunization Requirements and shall read as follows:

0240-06-04-.05 Information Provided to Students.

- (1) ETSU will provide each new incoming student with detailed information concerning the risk factors for hepatitis B infection and meningococcal meningitis and the availability and effectiveness of vaccine for persons who are at risk of the disease.
- (2) Each new incoming student under the age of eighteen (18) years must return a completed waiver form indicating that ETSU has provided the information required in this section.
- (3) Each new incoming student age of eighteen (18) years and older must complete the electronic waiver indicating that ETSU has provided the information required in this section.

Authority: T.C.A. § 49-7-124(g).