

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE
APRIL 2018 CALLED MEETING

12:00-12:30pm EDT
Friday
April 27, 2018

Third Floor Meeting Room
D.P. Culp University Center
412 J.L. Seehorn Road
Johnson City, TN

AGENDA

- I. Call to Order
- II. Roll Call
- III. [Approval of the Executive Committee Minutes of February 21, 2018](#) [action item]
- IV. Presidential Update [information item]
- V. Other Business
- VI. Adjournment

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: April 27, 2018
ITEM: Approval of the Minutes of February 21, 2018
COMMITTEE: Executive Committee
RECOMMENDATION: Approval
PRESENTED BY: Nathan Dugger, Assistant Secretary

The minutes of the Executive Committee meeting of February 21, 2018 are included in the meeting materials.

MOTION: I move that the Board of Trustees adopt the resolution, approving the minutes as outlined in the meeting materials.

RESOLVED: The reading of the minutes of the February 21, 2018 meeting of the Executive Committee is omitted, and the minutes are approved as presented in the meeting materials, provided that the Secretary is authorized to make any necessary edits to correct spelling errors, grammatical errors, format errors, or other technical errors subsequently identified.

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE

MINUTES

February 21, 2018
Johnson City, Tennessee

The East Tennessee State University Board of Trustees Executive Committee held a meeting at 4 p.m. on Wednesday, February 21, 2018, in the President's Conference Room in Burgin Dossett Hall on ETSU's main campus in Johnson City, Tennessee.

I. **Call to Order**

Mr. Scott Niswonger, chair of the Executive Committee, called the meeting to order.

II. **Roll Call**

Secretary Dr. David Linville noted that, because all three members (Mr. Niswonger, Mr. David Golden and Dr. Linda Latimer) were calling in for the meeting, he was required to ask each member if they can hear the meeting clearly on the phone and if anyone is present in the room. All three committee members affirmed that they could hear and were alone.

Melanie Murry, counsel from the University of Memphis, also was on the phone for the meeting. Other guests in attendance included Secretary Linville, Deputy Secretary Nathan Dugger, Amanda Mowell (University Relations), Dr. Susan Epps (ETSU faculty member), Nate Morabito and Phillip Murrell (WJHL-TV), Zach Vance (Johnson City Press) and Kristen Swing (University Relations, taking minutes).

Secretary Linville noted to Chairman Niswonger that he did not detect a physical quorum, however a quorum did exist by the inclusion of those members participating by electronic means. In accordance with Tennessee Code § 8-44-108 section (b) (2), Secretary Linville offered up to the committee the following circumstances which necessitate the reason for holding this meeting:

- It is necessary for the Executive Committee of the Board to meet in order to review the appeal filed with the Board.
- The prompt necessity of this committee's meeting did not provide adequate time for this committee's membership to make necessary arrangements to be physically present for a quorum.

For these reasons, Secretary Linville contended that participation by a quorum of the committee members by electronic or other means of communication is necessary, and then asked that a motion be made and a roll call vote be taken for a determination on

the necessity of holding the meeting. All three committee members voted that a necessity does exist for the meeting to proceed.

III. Approval of Minutes

The minutes of the August 1, 2017, Executive Committee meeting were unanimously approved, with Trustee Golden making a motion to approve and Trustee Latimer seconding the motion.

IV. Review Termination Appeal from Former Faculty Member

Chair Niswonger noted that the group was there today for this single item – to grant or deny the appeal of former faculty member Dr. David Champouillon, a tenured faculty member who was terminated by the university in May 2017.

Secretary Linville offered to provide a summary of actions up until that point. He noted that, according to policy, when a faculty member appeals a university decision to the board, it goes to the appropriate Board of Trustees committee. In this case, that is the Executive Committee. On August 1, 2017, the Executive Committee met in a closed executive session with Ms. Melanie Murry and subsequently requested clarifying information from both the university and Dr. Champouillon. That information was sent to the committee members individually and they reviewed the materials as individuals. Now, they come together with a decision before them to either grant or deny Dr. Champouillon's petition for appeal.

Trustee Golden pointed out that the record they were initially provided was quite extensive, and the members had reviewed it as well as the additional items that were requested. He said he believed Board of Trustees policy and procedures have been followed. Trustee Golden said he also believed the university was correct in its determination and there is evidence to support it. He said there was no material error in the application of the law, and made a motion to deny the appeal. Trustee Golden's motion was seconded by Trustee Latimer, who said she completely agreed that procedure had been followed. With no further discussion, a roll call vote took place and all three committee members voted in favor of denying the petition to appeal.

Secretary Linville addressed next steps, pointing out that the Executive Committee's decision will now go to the full Board of Trustees on Friday. Trustee Golden said, for clarification, that the decision of the delegated committee should be brought to the full board for its ratification of the decision, not for further discussion of the issue. Ms. Murry said she was going to make the same recommendation.

V. Other business

There was no other business.

VI. Adjournment

Chair Niswonger adjourned the meeting.