

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

MINUTES OF THE SPECIAL CALLED MEETING

May 8, 2017
Johnson City, Tennessee

A special telephonic called meeting of the East Tennessee State University Board of Trustees was held at 3:30 p.m. on Monday, May 8, 2017, in the President's Conference Room on the second floor of Burgin Dossett Hall. The meeting was also livestreamed.

I. Call to Order

Board of Trustees Chairman Scott Niswonger called the meeting to order.

II. Roll Call

Secretary David Linville called the roll, with the following members present via telephone:

Janet Ayers
Steven DeCarlo
Nathan Farnor
David Golden (vice chair)
Dorothy Grisham
Linda Latimer
Scott Niswonger (chair)
Jim Powell
Ron Ramsey

Trustee Fred Alsop was absent. In accordance with Tennessee Code Annotated (TCA) § 8-44-108 section (c) (3), Secretary Linville asked the trustees participating by phone two questions: (1) Are you able to clearly hear us so that you can participate in this meeting and (2) Can you please identify any persons present in the room with you from which you are participating in the meeting. All trustees affirmed they could hear and they all reported they were alone in their respective locations. Secretary Linville then asked those present in the room if they were able to hear those participating telephonically. All answered yes.

Others present in the President's Conference Room for the meeting included: ETSU President Brian Noland, Ed Kelly, Nathan Dugger (Deputy Secretary to the Board), Dr. Bert Bach, Dr. Wilsie Bishop, Dr. Karen King, Dr. David Linville (Secretary to the Board), Troy Perdue, Courtney Kelly, Cheri Clavier, James Batchelder and Kristen Swing (taking minutes).

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

1. East Tennessee State University will undergo an accreditation visit by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) occurring May 15-17.
2. It is necessary for the Board of Trustees to meet in order to approve necessary policies pertaining to required operational items for the institution as well as the required transfer of ETSU's WETS-FM Radio Station for the Federal Communications Commission prior to the institutional visit by SACSCOC.
3. The prompt necessity of the Board's meeting did not provide adequate time for our trustees to make necessary arrangements to be physically present for a quorum.

For those reasons, Secretary Linville contended that participation by a quorum of the Board of Trustees members by electronic or other means of communication was necessary. Secretary Linville asked that a motion be made and a roll call vote be taken for a determination on the necessity of holding the meeting. Vice Chair Golden made a motion that the meeting proceed due to the necessity that did exist. It was seconded by Trustee Powell and unanimously approved via roll call vote.

Chairman Niswonger asked whether the Board could have one vote to address all of the action items on the agenda; however Secretary Linville said that, because they are four different action items, they would need to be voted on separately.

III. Approval of the Minutes of March 24, 2017

The minutes of the March 24, 2017, Board of Trustees meeting were presented to the trustees for approval. Trustee Powell made a motion to approve the minutes as outlined in the meeting materials. It was seconded by Vice Chair Golden and unanimously approved via roll call vote.

IV. Transfer of FCC License for WETS-FM

Secretary Linville presented information regarding the university's public radio station, WETS-FM (89.5). He explained that the station is heard in the Tri-Cities on 89.5 MHz and heard everywhere via the World Wide Web. He pointed out that he believes ETSU's station operates at a higher power than many other public radio channels. As a condition of holding an FM broadcast license, the university must report the names and select biographical information regarding the control group for the university. Historically, that group has been the Tennessee Board of Regents. With the implementation of the FOCUS Act, the university will now be reporting to the FCC the required information about the members of the ETSU Board of Trustees. With the transfer of authority from TBR to the Board of Trustees, an application for

transfer of control with the FCC will be filed. Secretary Linville said the university has been working with an attorney out of Washington, D.C., to make the transition. Trustee Grisham made a motion to authorize the submission of the application for transfer of control of WETS-FM from the TBR to the Board of Trustees. It was seconded by Trustee Latimer and approved unanimously via roll call vote.

V. Policy Recommendations from the Academic and Student Affairs Committee

Secretary Linville presented four policies that were approved for recommendation to the full Board of Trustees by the Academic and Student Affairs Committee at its meeting on April 24, 2017. The four policies are Tenure; Faculty Ranks and Promotion; Definition of Faculty and Types of Appointment; and Academic Freedom and Responsibility. Secretary Linville explained that the policies were vetted through Dr. Bach's staff and through the shared governance process on campus prior to being presented to the Academic and Student Affairs Committee. Trustee Latimer made a motion to approve the policies. It was seconded by Trustee Ayers and unanimously approved via roll call vote.

VI. Adoption of Policies

Secretary Linville explained that there were two policies that have not gone to any Board of Trustees committee because they relate to high-level functioning of the board. The university must provide appropriate appellate mechanisms for individuals who have had adverse actions taken against them in the course of due process. Several different policies at the university provide for the opportunity to appeal decisions. The bylaws of the Board of Trustees indicate that certain decisions may be appealed to the Board of Trustees according to university policy.

The Appeals to the Board policy provides the conditions and procedures for appeals to the Board. A separate appellate mechanism is available in specific circumstances as outlined in the Tennessee Uniform Administrative Procedures Act. The Uniform Procedures for Cases Subject to the Uniform Administrative Procedures Act policy provides a basis for uniform procedures to be used by the university for the hearing of cases that may be subject to TCA § 4-5-101.

Secretary Linville reported that the policies are directly related to the same language used by the Tennessee Board of Regents and Tennessee Code Annotated. University Counsel Ed Kelly confirmed language is adopted from TBR policy and noted that it is more significant in denoting what cannot be appealed. Trustee Latimer made a motion to adopt the policies as presented. It was seconded by Trustee Golden and unanimously approved via roll call vote.

VII. President's Report

President Noland thanked the Board of Trustees members for adjusting their schedules to allow for the called meeting and noted that much of the work being done by staff is related to the SACSCOC visit set for next week. He pointed out that ETSU's timeline of activity is different than that of the other five universities with recently established institutional governing boards due to the need to move in

advance of the impending SACSCOC visit. President Noland said ETSU is the first of the universities to go through the substantive change visit from SACSCOC and indicated the next university to go through it will not do so for another four months.

In his report, President Noland also briefly touched on the budget, noting that he will provide a full update of the Tennessee General Assembly's activities at the June 9 meeting of the Board of Trustees. As of right now, President Noland said the university's budget plans for the next year remain intact with no changes coming from the actions of the General Assembly thus far.

President Noland also took a moment to reflect on the May 6 graduation ceremonies that took place at ETSU. He thanked Chair Niswonger for being a part of the morning commencement exercise and, in particular, thanked Trustee Ayers for her commencement address at the afternoon exercise. President Noland reported that the Class of 2017 represented the largest graduating class in the university's history. He said work is now focused on enrollment to make up for the 2,034 graduates who left the university. He reported that the institution remains within budget confidence intervals for the fall.

Lastly, President Noland addressed the impending SACSCOC visit, noting that Board of Trustees members should have received some information already regarding the visiting team coming to campus. There is an open invitation for Tuesday (May 16) for Board of Trustees members to attend a luncheon with the SACS visiting team. Before that time, President Noland said trustees will be presented with a brief primer regarding the visit and what might be asked of board members.

VIII. Adjournment

Chairman Niswonger asked if anyone had any questions and thanked Secretary Linville for organizing the meeting. Trustee Latimer spoke up to address the group, letting members know that the Academic and Student Affairs Committee will, from time to time, have items that do not require action from the full board but do require notification. Trustee Latimer informed members that they will be sending those notifications via email and will do so utilizing the same dates that the Tennessee Higher Education Commission already uses.

Seeing no other questions or comments, Chair Niswonger moved for adjournment. Trustee Golden made a motion to adjourn. It was seconded by Trustee Grisham and unanimously approved. The meeting adjourned at 3:51 p.m.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read 'David Linville', positioned above a horizontal line.

David Linville
Secretary of the Board of Trustees

Approved by the Board of Trustees at its June 9, 2017 meeting.