

Interim University Council

Date: December 14, 2015

Time: 8:15 a.m.

Location: D.P. Culp University Center, East Tennessee Room

Attendees: Dr. Brian Noland (chair), Dr. Gordon Anderson, Dr. Bert Bach, Dr. Wilsie Bishop, Dr. Larry Calhoun, Alex Cassell, Dr. David Collins, Dr. Wallace Dixon, Dr. William Duncan, Dr. Susan Epps, Dr. Virginia Foley, Dr. Jane Jones, Mary Jordan, Ed Kelly, Dr. Karen King, Dr. Cecilia McIntosh, Stefanie Murphy, Dr. Wendy Nehring, Pam Ritter, Dr. David Roane, Jeremy Ross, Dr. Richard Sander, Dr. Janna Scarborough, Dr. Joe Sherlin, Joe Smith, Patricia Wheeler, Josh Whitlock, Mary Cradic (staff support), Jennifer Hill (recording secretary)

Guests: Vanessa Hawkins, Dr. Mike Hoff, Dr. Richard Rhoda, Lisa Williams

MINUTES

Dr. Brian Noland opened the meeting and welcomed those in attendance.

Approval of Minutes

The minutes from the October 12, 2015, meeting were approved.

President's Report

- **Tennessee Board of Regents December Meeting Update**

Dr. Noland reported that during its quarterly meeting on Dec. 10, the TBR approved the proposed engineering program (partnership between ETSU and Tennessee Tech) and master's degree in sports leadership and exercise science.

- **2016 Legislative Outlook**

Dr. Noland informed the Interim University Council (IUC) of some issues expected to be addressed by the Tennessee Legislature in 2016. Among these are:

Guns on campus: An expansion of the legislation allowing guns in trunks and legislation that would allow faculty/staff or anyone with a concealed carry permit to have a firearm on campus can be expected. Dr. Noland will meet with Lt. Gov. Ron Ramsey to express his opposition such legislation.

Funding of diversity initiatives: Dr. Noland reported that local Rep. Micah Van Huss is preparing legislation that would curtail funding for diversity initiatives at the University of Tennessee, but he is hopeful that this will not intrude into ETSU's diversity initiatives or those of the TBR system as a whole.

Budget: Dr. Noland said this will be a solid year from a fiscal standpoint, and that ETSU is requesting \$2.7 million in new operating resources, which will come from THEC, and

the planned renovation of Lamb Hall is on the list of projects THEC has submitted to the governor. He has not heard any specific news regarding salary enhancements.

- **Overview of State Level Governmental Change: Considerations and Implications for ETSU**

In light of Gov. Bill Haslam's recent proposal to move the six TBR universities out from under the TBR and allow the TBR to focus specifically on the system's community colleges and technology centers, Dr. Noland gave the IUC an "Overview of State Level Governance Change: Considerations and Implications for ETSU" (*see attached PowerPoint presentation*). His presentation included the history and evolution of higher education governance, a description of systems and structures, examples of challenges states face as they embark upon change, a look at some states that have undergone governance change in the past decade, and implications of the proposed change for the state of Tennessee and for ETSU.

Among the comments Dr. Noland made were the following:

- A degree of tension exists between institutions and the state, in that institutions prefer greater flexibility while states feel that a governmental entity providing oversight will help keep institutions in check.
- Institutions in some states are beginning to see more autonomy in return for some type of compact agreement with the state that says in return for greater flexibility, they will produce greater numbers of graduates, improve persistence rates, and hold down costs, for example.
- Governance changes in Tennessee were looked at during the administrations of governors Don Sundquist and Phil Bredesen.
- It is anticipated that under Gov. Haslam's proposal, the Tennessee Higher Education Commission (THEC) would be strengthened and expanded, while the TBR would focus on the community colleges and technology centers.
- State-level responsibilities will include planning and capital projects.
- Local responsibilities would include budgets and academic quality; Dr. Noland said he wants to see ETSU's core values and consistent mission that go back to the first president, Sidney Gilbreath, remain the same.
- Board member selection is critical, and best practices in other states will be examined.
- The work of the IUC remains unchanged. This group could become a template for what a board will look like, and can be a place where some things are tested.
- The strategic planning process and the strategic initiatives already in place will not change.
- Nothing changes unless Gov. Haslam's proposal passes. In anticipation of its passage, however, Dr. Noland requested that every member of senior staff begin compiling policies and highlight all references to TBR; staff will need to review and catalog critical services provided by the TBR (for instance, Banner, for which TBR owns the license).
- This process will happen quickly. The transition task force was appointed by Gov. Haslam last week, and Dr. Noland noted that the governor hopes his higher education

- proposal will be the first major piece of legislation passed by the legislature, as it will “clear the path” for other difficult issues to come later.
- Dr. Noland estimates that if the legislation is drafted and passed by March, ETSU and other institutions have about one month to examine and refine proposals and offer feedback. Because the IUC meets once per month, Dr. Noland will form ad hoc committees that he can turn to for guidance, feedback and direction. He has appointed an ad hoc committee with the Faculty Senate to keep that group involved in the process.
 - Dr. Noland has been appointed to both the steering committee and the working group of the transition task force, and he stated that he would need the help of the IUC members in his work.
 - If this passes in the legislature, it would provide an opportunity for ETSU as an institution to look at all aspects of its operation and ask, “How would we like our institution to run?” Dr. Noland wants to have all structures together so that when the new board arrives, ETSU will provide them with a well-developed plan and budget.

Dr. Richard Rhoda, former Executive Director of THEC, added that there has been a push for a local board for the University of Memphis for some time, and that none of the universities in Tennessee have ever had a board that looked out for their individual interests. He pointed out that this could bring more private funding for the institution by providing a “meaningful, tangible role” for some alumni and giving an opportunity to refine and restructure the Foundation Board of Directors. It would also give ETSU more flexibility in meeting the needs of students, faculty and staff.

Faculty Senate Response to Winter and Summer Term Pilots

Dr. Virginia Foley reported that the Faculty Senate survey (*see attached report*) was inconclusive, but the majority of respondents were against repeating the pilot project and against teaching for less during summer and winter terms. The Faculty Senate’s position is that faculty need to be paid in full for summer and winter terms.

Dr. Foley said the Senate believed the university should revert to the time when summer school supplemented rather than helped fund university operating budget, and that if reduced costs for summer are necessary to balance the budget for the university, with faculty being asked to do their routine jobs for less, that consideration be given to administrators being asked to work for less in the summer, as well. Academic units should retain the flexibility to “revenue shift” based upon requirements or priorities. The Faculty Senate believes money could be saved through eliminating the Office of Summer and Winter Sessions, with academic departments taking on the responsibility of preparing contracts for these terms.

Dr. Wendy Nehring noted that a College of Nursing ad hoc committee is working on a policy proposal that would provide for faculty teaching summer courses with low enrollment to be paid less, while supplementing the faculty pay for courses with high enrollment.

Dr. Bert Bach discussed the history of the Office of Summer and Winter Sessions, noting that it was formed following the recommendation of a faculty committee. Dr. Foley stated that the

office was probably needed at the time, but now departments are doing their own scheduling and marketing of courses.

The question of why the Faculty Senate's recommendation goes significantly further than the original question regarding the pilot project was raised. Dr. Foley said that these issues have come up repeatedly in Senate discussion, and so the group wanted to address more in this recommendation.

Additional discussion related to the purpose and goal of summer school, how to staff 12-month programs with nine-month faculty, where funding might come from if faculty do not agree to teach for less, enrollment numbers required for a course to be offered.

President Noland asked that an outline of the structure of summer school operations and alternatives be prepared for discussion during the January 2016 meeting. Decisions regarding summer school should be made early to facilitate planning. He noted that last year's model, minus the call for reduced compensation, was straightforward in regard to the budget and college/department flexibility in course offerings, and aspects of that plan could be incorporated for 2016. He said that until the Budget Committee completes its work, some level of summer revenue will be required to cover base projections in the budget.

Discussion of "Public Comment" Policy Development

Dr. Wallace Dixon proposed the development of a system of public comment to obtain feedback from various constituencies when new policies are being discussed. Such a system could improve channels of communication and increase transparency, and remove some prohibitions people feel in speaking up on policy issues. He suggested a website would be an ideal vehicle to provide information on a proposed policy (including its implications and pros/cons) and allow faculty, staff, students and other constituent groups to make comments.

After a majority of IUC members indicated interest in such a plan by show of hands, Dr. Mike Hoff added that in moving forward with developing such a system, the IUC could form a subgroup soon to develop a public comment policy; wait to see what happens regarding Gov. Haslam's proposed governance structure, because meetings of a local board would include a period for public comment; or view this as a way to test operational strategies relative to a period of public comment in order to be prepared should a board be created.

Questions were raised regarding the amount of time allotted for public comment and whether that would slow the process of policy implementation.

Dr. Noland asked Drs. Dixon and Hoff to take the lead in assembling a working group to develop a proposal to be considered by the IUC at a later date.

Tennessee Open Records Law at ETSU

Ed Kelly, along with Joe Smith and Lisa Williams, gave a presentation on the Tennessee Public Records Act (*see attached PowerPoint presentation*). They discussed the types of records that are accessible to all citizens of the state of Tennessee, including the types most frequently requested at ETSU (employment verification, athletic and other contracts, police reports, emails

and more); some types that are not accessible, including certain student information protected by FERPA (Family Educational Rights and Privacy Act); how such records may be accessed; how responses are made to such requests; and how information is provided.

Mr. Smith noted that there has been a surge in the number of open records requests submitted during the past two years. He also pointed out that ETSU is only required to provide the requested record and is not required to provide analysis.

Dr. Noland and Mr. Kelly both stressed that anything written or compiled – even scribbles – during a work day is considered public record and is subject to the Public Records Act, and encouraged staff to “Think before you write.”

Mr. Kelly also stressed that all records must be maintained properly and that any deletions/purges should be done regularly and according to an established policy, because anything withheld or deleted after a request is made can be assumed to have been done with malicious intent. He also pointed out that emails are usually helpful, showing that university staff have acted in good faith.

In closing, President Noland thanked members of the IUC for a great semester, which culminated in over 1,300 students receiving degrees during the Dec. 12 Commencement ceremonies. He noted that 2015 has been a very good year and that ETSU has fared well compared with some other institutions. He added that 2016 will bring challenges, but that ETSU is always on the forefront of change.

The meeting was adjourned.