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EAST TENNESSEE STATE  
UNIVERSITY

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Policy Consent Agenda Items for  
August 12, 2024 University Counsel Meeting

## MEMORANDUM

TO: University Counsel

FROM: Kay Lennon-McGrew, Esq., Deputy University Counsel; Harden Scragg,  
Associate Policy Counsel.

DATE: August 6, 2024

RE: Policies for August 12, 2024 University Counsel Meeting

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### **I. Access to University Property.**

#### **A. Policy Purpose.**

This policy specifies a uniform basis upon which East Tennessee State University regulates access to and use of University Property.

#### **B. Public Comment Period.**

The fourteen-day public comment period began on June 18, 2024 and ended on July 2, 2024. The following public comment was received:

##### 1. Comment from Mark Moeller:

Policy Statement Section III (General Conditions for Use of Property or Facilities by all Users) Part P. (Prohibited Items) lists masks as a prohibited item.

Please distinguish that Section III Part P. of this policy prohibits masks meant to intentionally conceal your identity, and masks worn for personal health reasons are not a prohibited item. I need to wear a mask for personal health reasons.

##### Sponsor's Response:

This concern is valid and has been noted. This section has been edited to read: 3.16 Prohibited Items. "... *masks or any face covering or face*

*paint worn with the intent to intimidate or to harass others, or to disturb the peace, or to conceal or disguise the identity of the wearer.”*

**C. Legal Review.**

The Office of University Counsel completed its review of this policy on June 25, 2024 and found no legal issues.

**D. Recommendation.**

In consideration of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met. The Office of Administration/Student Life and Enrollment recommends approval of this policy.

**II. International Student Employment Policy.**

**A. Policy Purpose.**

This policy specifies the requirements for employment of International Students pursuant to federal law.

**B. Public Comment Period.**

The fourteen-day public comment period began on May 29, 2024 and ended on June 12, 2024. The following public comment was received:

**1. Comment from Jessimine Strauss:**

Does anticipated enrollment require that the student be officially admitted to or actively registered for a future semester or just that the student plans to be enrolled? For example, if an international student is graduating from their current program in the Spring term but has applied for, but not yet received an official offer for, a new program to start in the fall, would they be eligible to work during the summer term? If the program unofficially told them they would be accepted, would that allow them to be eligible to work? Or an international student currently enrolled for spring had a hold preventing registration for the fall that was not resolved until the end of summer, would they be able to work during the full summer?

Sponsor's Response:

We had added a definition of “anticipated to enroll” in the definition section to address these questions. The definition is based on the I-20 issuance in accordance with the federal regulations.

**C. Legal Review.**

The Office of University Counsel completed its review of this policy on June 17, 2024 and found no legal issues.

**D. Recommendation.**

In consideration of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met. The Office of International Enrollment and Services recommends approval of this policy.

**III. Access to Course Sites Policy.**

**A. Policy Purpose.**

This policy specifies who may grant access to a Course Site and when it is appropriate for Information Technology Services to manually add a user to Course Sites within the learning management system.

**B. Public Comment Period.**

The fourteen-day public comment period began on July 3, 2024 and ended on July 17, 2024. The following public comments were received:

**1. Comment from Cheri Clavier:**

Should “instructor of record” be a defined term? The current draft of ETSU's policy on faculty qualifications, which is being revised, uses the same phrase. SACSCOC's General Instructions for Completing the Faculty Roster Form (<https://sacscoc.org/app/uploads/2019/08/General-Instructions-for-Completing-the-Faculty-Roster-Form.pdf>) indicates that

“The instructor of record is the faculty member who provides direct instruction for the course.” Hopefully, this definition aligns with the instructor of record mentioned in the procedures section of this policy.

Sponsor’s Response:

Thank you for your comment. A defined term has been added.

2. There was one non-substantive Comment from Cheri Clavier regarding usage and grammar which has been addressed.

**C. Legal Review.**

The Office of University Counsel completed its review of this policy on July 11, 2024 and found no legal issues.

**D. Recommendation.**

In consideration of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met. The Office of Information Technology recommends approval of this policy.

**IV. Firearms on University Property Policy.**

**A. Policy Purpose.**

This policy specifies the university’s adherence to state and federal law related to the possession of Firearms on University Property and the requirements for Authorized Individuals who may wish to Possess or Carry Firearms on University Property.

**B. Public Comment Period.**

The fourteen- day public comment period began on July 3, 2024 and ended on July 17, 2024. The following public comment was received:

1. Comment from Susan Epps:

In the section on prohibited locations: On property not owned by the University if the property owner has prohibited the carrying of Firearms on the property.

If the policy is Firearms on UNIVERSITY Property, and the property isn't owned by the university, how can this policy apply? Does this refer to property the university uses but doesn't own? Might need some clarification.

Maybe it's the title of the policy that is confusing me - Firearms on University property - wouldn't that apply to anyone (including students - who aren't in the applicability list)? I'm not sure I can explain this well, but parts of the document read like it applies to people, but other parts read as if it applies to the property.

Sponsor's Response:

The policy applies to everyone as indicated in the applicability section. The policy outlines who may carry and who may not carry; even if an individual is authorized to carry, there are some locations where the individual may not carry pursuant to state law. The university rents property and operates university events at those locations; thus, those locations are subject to the property owners (e.g. those rules may be more stringent than ETSU's policies). The title has been shortened to Firearms.

#### **C. Legal Review.**

The Office of University Counsel completed its review of this policy on July 11, 2024 and found no legal issues.

#### **D. Recommendation.**

In consideration of all of the above, the Office of University Counsel confirms the requirements under the Policy and Development and Administrative Rulemaking Policy have been met. The Office of Public Safety recommends approval of this policy.