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9-13-2021

### 2021 September 13 - University Council Agenda and Minutes

University Council, East Tennessee State University

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**AGENDA**  
**University Council**  
Monday, September 13, 2021  
Meeting Conducted Via Zoom  
8:30 a.m. – 11:00 a.m.  
Zoom link: [Click here](#)

1. Call to Order
2. Roll Call
3. Standing Items
  - 3.1. Approve minutes of the August 9, 2021 meeting (**attachment**)
  - 3.2. Review agenda
  - 3.3. Call for Voluntary Reports of UC-Essential Action Items from Governance Organizations
  - 3.4. Sub-Council Reports – Budget and Strategic Planning – Dr. BJ King (**attachment**)  
-- University Governance Organization – Dr. Susan Epps
4. Action Items
  - 4.1. Old Business
  - 4.2. New Business
    - 4.2.1. ETSU Mission Profile – Dr. Mike Hoff
    - 4.2.2. ETSU Mission – Dr. Mike Hoff
    - 4.2.3. Clery Act Compliance Policy – Kay Lennon-McGrew, Esq. (**attachment**)
    - 4.2.4. Leave Transfer Policy– Kay Lennon-McGrew, Esq. (**attachment**)
    - 4.2.5. Leave Policy-Annual Leave Kay Lennon-McGrew, Esq. (attachment)**
    - 4.2.6. Leave Policy-Sick Leave– Kay Lennon-McGrew, Esq. (**attachment**)
    - 4.2.7. Voluntary Separation from ETSU Policy– Kay Lennon-McGrew, Esq. (**attachment**)
    - 4.2.8. Involuntary Employment Separation Policy– Kay Lennon-McGrew, Esq. (**attachment**)
5. Information Items/Presentations
  - 5.1. Campus Free Speech Protection Act – Dr. Mark Fulks (**attachment**)
  - 5.2. Bridging the Students' Digital Divide: Lending Technology and Proving Personal Librarian Services During COVID-19 – Dean David P. Atkins, Dean, and Jonathan Wilson, Assistant Professor, Sherrod Library
6. President's Report
7. Announcements
8. Adjournment

***The next meeting is scheduled for October 11, 2021 at 8:30 a.m.***

# University Council

## Monday, September 13, 2021

### Meeting conducted via Zoom

#### 1. Call to Order

Provost Kimberly McCorkle called the meeting to order at 8:30 a.m.

#### 2. Roll Call

Mr. Joe Smith called roll. Those in attendance were Mr. David Atkins, Ms. Bridget Baird, Dr. Bill Block, Mr. Scott Carter, Dr. Cheri Clavier, Dr. Susan Epps, Ms. Joy Fulkerson, Dr. Mark Fulks, Dr. Lisa Haddad, Dr. Nick Hagemeyer, Ms. Meghan Heimbach, Mr. Stephen Hendrix, Dr. Michael Hoff, Dr. Keith Johnson, Dr. Karin Keith, Dr. Chris Keller, Dr. B.J. King, Dr. Bill Kirkwood (*for Drs. Sherlin and Mayhew*), Dr. Kimberly McCorkle, Mr. Mason Mosier, Dr. Brian Noland, Mr. Jeremy Ross, Dr. Don Samples, Dr. Janna Scarborough, Dr. Jeff Snodgrass, Ms. Jessica Vodden

#### 3. Standing Items

##### 3.1 *Approval of August 9 Meeting Minutes.*

No requested changes to the minutes were made. President Noland made a motion for approval; Stephen Hendrix seconded the motion. The minutes were approved.

##### 3.2 *Review of Agenda.*

No changes to the published agenda were requested.

##### 3.3 *Call for Voluntary Reports*

Faculty Senate: President Stephen Hendrix reported that the senate has begun its fall schedule of meetings. The group looks forward to working with Provost McCorkle on policies related to intellectual property. He noted that the senate continues to hear some concerns from faculty regarding the COVID-19 response.

Staff Senate: President Joy Fulkerson began by introducing Anthony Johnson from ITS who will also be attending University Council meetings. She said the senate is kicking off its new year and that she looks forward to presenting information on new projects to the council.

Council of Chairs: Chairwoman Karin Keith reported on plans for an all-chairs meeting in October. She echoed President Hendrix's comments about hearing concerns related to COVID.

Athletics: Director Scott Carter expressed his appreciation to the Council for their help in launching the start of the fall semester. Programs are off to a great start. Mr. Carter

said the September 11 home football set a record at Greene Stadium with an attendance of 9,720 guests.

### 3.4 *Sub-Council Reports*

#### Budget and Strategic Planning: Dr. B.J. King

Dr. King presented a high-level review of revenues and expenditures for the university's Education and General (E&G) budgets, also referred to as state funds. Sources of these funds include state appropriations, tuition and fees, and other types of income. The E&G budget review included the main campus as well as Medicine, Family Medicine, and Pharmacy.

Highlights of Dr. King's report included:

- In reflecting over the budgets, Dr. King said a primary recurring theme was how budgets are directly affected by enrollment. Revenues were down on the main campus 3.2%; Pharmacy also saw a decrease in revenue due to a drop in enrollment.
- Expenditures were also down on the main campus by 4.2%, which is consistent with the budget reductions that were made by the university last year.
- Medicine and Pharmacy also had reductions in expenditures.
- In terms of revenues, state appropriations were up 2.5%.
- ETSU received just over \$500,000 in appropriations due to performance with the outcomes formula model.
- Grants, contracts, gifts revenue were up about \$1 million.
- Athletics witnessed significant reductions in revenue.
- Investment earnings were down.
- The closure of the childcare facility resulted in a reduction of revenue.
- Required Pension entries actually reduced pension costs reflected in the expenditures, but the cash payments for pension expense were paid.
- Due to challenges in filling clerical and support staff positions last year, expenditures were down \$1.7 million. Another driving factor for this decrease was the participation of staff in the retirement opportunity that was offered last year.
- Operating expenses were down slightly.
- Scholarships and fellowships were down (also driven by enrollment).
- The institution did not have the same level of money available to make transfers as they have had in the past.
- Auxiliary revenues were down 26.5%. Significant drivers for this reduction were housing and food services, but the CPA and parking services were also down.
- Restricted revenues were up 14%; this was due to the placement of HEERF dollars being placed in restricted fund accounts.

- An \$8 million grant from the City of Johnson City was reflected in equipment expenditures in fiscal year '19; the funds were designed for building construction and equipment purchases for the Martin Center for the Arts.
- Dr. King noted that HEERF funds were used last year to support Auxiliary Services in light of the reductions they experienced. Auxiliaries drive half of ETSU's debt service.

University Governance Organization: Dr. Susan Epps

Dr. Epps thanked Megan Heimbach for her work on the new university governance website. Dr. Epps reported that members of university leadership had received emails informing them of the committees that currently report to them, and that they were encouraged to share this information with committee chairs. Information about processes and procedures has also been shared. She anticipates showing the new website at the next University Council meeting.

**Action Items**

*4.1 Old Business*

There were no old business items to discuss.

*4.2 New Business*

4.2.1 ETSU Mission Profile & 4.2.2 ETSU Mission: Dr. Michael Hoff

Dr. Hoff presented the Mission Profile and Mission statement for approval. No recommended changes for either were made. Dr. Don Samples made a motion to approve both the Mission Profile and Mission statement, and Dr. Janna Scarborough seconded the motion. Both documents were approved.

4.2.3 Clery Act Compliance Policy: Kay Lennon-McGrew

Ms. Lennon-McGrew introduced Marlina Rogers, who provided an overview of the Clery Act Compliance Policy.

4.2.4 Leave Transfer Policy; 4.2.5 Leave Policy – Annual Leave; 4.2.6 Leave Policy – Sick Leave; 4.2.7 Voluntary Separation from ETSU Policy; & 4.2.8 Involuntary Employment Separation Policy: Lori Erickson

Lori Erickson provided an overview of the human resources policies related to leave and separation from the university.

Jeremy Ross made a motion to approve all of the policies, and Dr. Epps seconded the motion.

**Information Items/Presentations**

5.1 Campus Free Speech Protection Act: Dr. Mark Fulks

The Campus Free Speech Protection Act requires that information about the act is shared with the campus on a regular basis. It is shared via email, on websites, and in faculty and student handbooks.

Dr. Fulks referenced page six of the handout provided to University Council that outlines rights for faculty and students on campus. He noted that his office is available to answer any questions a member of the university community might have.

## 5.2 Bridging the Students' Digital Divide: David Atkins and Jonathan Wilson

Dean David Atkins began his presentation by introducing Jonathan Wilson and Jeri Paddock from Sherrod Library. His presentation focused on a lending technology and personal librarian program that has been underway at ETSU for the past year and a half. It began as part of ETSU's COVID-19 response to provide technology for students and connect them with other services on campus, particularly the library. When ETSU moved online in March 2020, many students did not have access to laptops, and many did not have fast, reliable internet access at home.

The new program is a collaboration between Sherrod Library and other units on campus. Funding was made possible through the CARES Act and the Student Library Fee. Additional laptops and hotspots were purchased and made available to students who needed them. To access a laptop or hotspot, students must submit an application. Once approved, the students are assigned a personal librarian who is available to support them. The program has continued to grow. In fall 2021, Sherrod Library has already had 209 students check out a laptop or hotspot.

Jonathan Wilson, who serves in the role of personal librarian, outlined the work he does to assist students. He checks in with them weekly and provides them information about workshops and services available at the library.

Survey results indicate that student feedback has been very positive. Mr. Wilson said staff with the program already have been asked to share the success of the program at conferences and will be writing a book chapter for the ALA. He also talked about other outreach efforts to assist first-generation and transfer students at ETSU.

## 6. President's Report: Dr. Brian Noland

### *Highlights of Dr. Noland's report:*

Committee for 125 Chapter II – Staff members have been engaged in a significant amount of work. Over past four weeks, he has participated in several employer roundtables. These external meetings will continue for the remaining of month, and in October he will begin holding internal focus groups. He has received draft reports from each of the task forces and will be updating the Board of Trustees on the Committee for 125 Chapter II initiative later this week.

*COVID-19 response:* Dr. Noland provided a review of current COVID-19 data at ETSU. He commended everyone for the work they are doing to keep others safe. He noted that contact tracers have been hired and that he feels good about the mask compliance efforts he has observed on campus. Testing continues to be available, as are opportunities to receive the COVID-19 vaccine. While ETSU is unable to require vaccinations, there may be some locations (such as teaching hospitals) where there are vaccine requirements.

*Board of Trustees Update:* The Trustees will have retreat later in the week, followed by a meeting on Friday.

*Enrollment Update:* Dr. Noland turned the program over to Heather Levesque, who reported that first-time freshman enrollment in fall 2021 is 1,865, a 12.4 increase (205 students) from last year. In addition, transfer students are up 66 students (6%), and increases were reported in the number of students participating in dual enrollment (2.4% increase) and the number of international students (82.6% increase). She was also pleased to have over 1,600 students register in Preview, which is a significant increase from the last time ETSU held an in-person Preview event.

Ms. Levesque reviewed some of the changes that her office has, or is in the process of, implementing. These include elimination of test scores, participation in Application Month, increased diversity recruitment, heightened branding efforts, more dual enrollment engagement, and stronger transfer and international recruitment. She also gave an overview of current recruitment operations, and that one important takeaway has been that offering personal, one-on-one interactions is essential. Other activities she highlighted included increased tele-counseling, development of an integrated marketing plan, the creation of 13 new print pieces, redesign of the admissions website, creation of a new student tuition and fees simulator site, increased communication flow, and the development of a new acceptance packet that is sent to newly accepted students. She also gave an overview of numerous recruitment events that are planned for the upcoming year.

Dr. Hoff noted that out-of-state enrollment is up around 200 students, which includes some 100 freshmen. This is important given the new incentives in place that lowered tuition costs for applicants in states beyond the border counties.

#### 7. Announcements

Dr. Keith Johnson noted that the Equity and Inclusion Conference set for September 20-22 has a registration deadline of September 15. Over 500 registrations have already been received.

Ms. Jessica Vodden discussed THEC's "Why Apply" social media campaign and encouraged those interested to share why they feel students should apply to ETSU.

#### 8. Adjournment

Provost McCorkle adjourned the meeting at 10:14 a.m.

**University Council**  
**August 9, 2021**  
**Meeting conducted via Zoom**

**1. Call to Order**

ETSU Provost Kimberly McCorkle called the meeting to order at 8:31 a.m.

**2. Roll Call**

Mr. Joe Smith called roll. Those in attendance were Mr. David Atkins, Dr. Bill Block, Mr. Scott Carter, Dr. Cheri Clavier, Dr. Susan Epps, Ms. Joy Fulkerson, Dr. Mark Fulks, Dr. Adam Green, Dr. Lisa Haddad, Dr. Nick Hagemeyer, Mr. Stephen Hendrix, Dr. Mike Hoff, Dr. Keith Johnson, Dr. Chris Keller, Dr. Karen King, Ms. Candy Massey, Dr. Sam Mayhew, Dr. Kimberly McCorkle, Dr. Arpita Nandi, Dr. Brian Noland, Ms. Pam Ritter, Mr. Jeremy Ross, Dr. Don Samples, Dr. Janna Scarborough, Mr. Joe Smith, Dr. Jeff Snodgrass

**3. Standing Items**

*3.1. Approval of minutes from July 12, 2021 meeting*

Mr. Stephen Hendrix made a motion to approve the minutes; Dr. Susan Epps seconded the motion. The minutes were approved.

*3.2. Review of agenda*

Provost McCorkle noted that Dr. Epps has requested that her report be moved to the September University Council meeting. She also asked that the meeting begin with a discussion of ETSU's current reopening plans.

Mr. Hendrix reported hearing feedback from some faculty regarding use of masks as well as classroom space. Is physical distancing going to be required?

Dr. Don Samples said he recognizes the tough challenges this presents, particularly in the basic economics of how decisions might impact fall enrollment. He said he has heard from some faculty who are wondering if they should be prepared for hybrid teaching.

Dr. Sam Mayhew talked about messaging his office has sent to students. He said to some people, masking equals social distancing.

Dr. Susan Epps said she heard from one person who said communication has not been as thorough as it was last year.

Dr. Arpita Nandi said faculty have been asking if we will have the option of going remote or partially remote this fall. What is our flexibility?



### 3.3 *Call for voluntary reports*

Faculty Senate: President Hendrix reported that the Faculty Senate is currently planning its fall retreat.

Staff Senate: President Candy Massey reported that the July 26 Staff Picnic was a tremendous success and that over 300 staff attended. Elections to fill current staff senate vacancies has concluded, and the senate will now hold elections for the executive board.

Council of Chairs: Dr. Jeff Snodgrass, Council Vice-Chair, reported that the council is looking forward to an all-day retreat scheduled for August 16, and that the executive council recently had a good meeting with Provost McCorkle. He also noted that work to develop formal and ongoing training programs for new chairs will begin this semester.

Information Technology Council: Dr. Karen King requested to hold her report until later in the program when she makes another formal presentation.

Athletics: Mr. Scott Carter informed the council that all fall sports programs are back on campus and that student athletes are engaging in pre-season practice. The sports medicine staff is working with ETSU Health and Ballad Health to host vaccination clinics.

### 3.4 *Sub-Council Reports/Quality and Effectiveness Sub-Council*

Dr. Cheri Clavier, Director of Institutional Effectiveness and Accreditation Liaison, said the group is meeting today and that additional information will be shared at an upcoming council meeting.

## 4. **Action Items**

### 4.1 *Old Business*

There were no old business items.

### 4.2 *New Business*

There were two new business items for the council to consider. Both items – the Conflicts of Interests and Commitments Policy and the Institutional Financial Conflicts of Interests – were presented by Kay Lennon-McGrew.

4.2.2. *Institutional Financial Conflicts of Interests Policy:* Ms. Lennon-McGrew noted that the Institutional Financial Conflicts of Interests Policy is critical for the university's accreditation with the Association for the Accreditation of Human Research Protection Program (AAHRPP). She turned the presentation over to Dr. Nick Hagemeyer who noted the upcoming accreditation visit is scheduled for the end of August. This is a revision of the FP-30 policy; there were

revisions to this policy to update it for accreditation purposes, and the policy was last updated in 2007.

*4.2.1. Conflicts of Interests and Commitment Policy:* Ms. Lennon-McGrew added that the Conflicts of Interest and Commitment Policy applies to all ETSU-covered employees. The policy requires that employees disclose any conflicts and outlines how the institution would address and/or mitigate, if necessary, any conflicts.

President Noland made a motion to approve the policy; Susan Epps seconded the motion. The two policies were approved.

## **5. Information Items/Presentations**

### *5.1 Update on Emergency Policy on Name, Image, and Likeness – Kay Lennon-McGrew*

Ms. Lennon-McGrew reported that this emergency policy on name, image, and likeness (NIL) is a collaboration between Athletics and the Office of University Counsel. The NCAA enacted new legislation on June 30, 2021 that went into effect on July 1, 2021, which did not give ETSU time to create a new policy and allow for the public comment process. As a result, the university is putting an emergency policy in place. The State of Tennessee has enacted an NIL law which will go into effect on January 1, 2022, and because there is a gap in time, an emergency policy is needed.

President Noland added that discussions on name, image, and likeness have been taking place over the past decade, and he echoed Ms. Lennon-McGrew's comments that the timing of the NCAA action did not afford ETSU the time to take a new policy through the traditional process. He believes this topic will be part of the ever-evolving landscape in athletics.

### *5.2 ITS Report – Dr. Karen King*

Dr. King reported on recent updates from the ITS team. Many of these projects and changes were implemented during the COVID-19 pandemic, and much of those accommodations are still in place. Highlights of Dr. King's report included:

- The work of the special projects team to support the Model Mill Project;
- The new 32-foot video wall in the Cave is now operational. It is used by the Esports team but is available for other purposes;
- The web team spent considerable time revising the ETSU website in order to make it more effective. They completed 185 sites, and some 142 are in process;

- ITS implemented a Project Management System that allows the campus to request new projects and systems. This allows for more efficient use and the ability to track projects;
- The use of soft phones has aided in switchboard staff in answering calls more efficiently;
- The Computing Technology Services remained on campus during the past year while the major of staff and faculty worked remotely. Their presence on campus was especially helpful during times of power outages as they were able to prevent minimal disruption to business and academic operations;
- Access to a universal digital signage system is now available. This is an effective way for departments to get messaging out to campus;
- The Help Desk worked hard to support students, faculty and staff who were working remotely;
- ITS purchased laptops and hot spots to facilitate instructional activities. Those remain in place, and the university has renewed its licenses for hot spots for another year;
- The staff has also worked hard to improve outdoor wireless for networking. More than 300 outdoor wifi access points are available. The team is now looking at all indoor spaces to ensure access points are in the right place;
- Guest access points have been installed on campus;
- The Academic Technology Services team was a great assistance to students and faculty in helping with the transition to remote instruction. A significant amount of content was created to support the transition, and a great volume of training was done remotely;
- Work was done to increase presence in Amazon Web Services;
- Upgrades to DegreeWorks were made;
- Heightened work is being done to support information security, including more scans to the network;
- The team is supporting an increase in the installation of security cameras;
- The Esports team had a successful inaugural year. This fall, a new Rocket League team has been added; and
- A number of ITS staff members achieved certification in specialty services, including Amazon Cloud Services.

Dr. King closed her report by again saying how proud she was of the ITS team and all they do.

*5.3 Provost's Task Force on Digital Creation, Preservation, and Access – Dr. Jeremy Smith*

Dr. Jeremy Smith, Director of Archives of Appalachia, chaired the 13-member task force which was charged with three tasks: to quantify the needs, across ETSU, for digital content stewardship; to identify current digital stewardship practices at peer institutions; and to provide recommendations for university-wide action.

Dr. Smith noted that over 93% of the world's annual intellectual output is produced in digital form; at ETSU, there are 1.3 petabytes (or 1,300 terabytes) of known data on ETSU-support infrastructures, including cloud services and computers. The task force issued two survey. The first was to other universities to assess peer-institution benchmarking. A second survey was sent to 54 ETSU department chairs and seven service center directors. Findings from the ETSU survey included:

- 80% indicated they had enough digital storage; however, 80% also indicated that their faculty use some combination of non-ETSU cloud storage, a PC that was not issued by ETSU, or removable storage for work related files;
- 30% indicated their department does not actively use OneDrive for file storage;
- 90% said their department does not have a department-specific policy on document retention or storage;
- 80% of respondents reported not knowing what content they should save as part of ETSU's official institutional records;
- 45% said they believed the greatest current need was for enhanced polices and/or education about existing policies on digital stewardship.

In summary of their findings and other work, the task force is offering recommendations:

1. Create a standing digital stewardship committee that could advise on digital storage needs and continue the focus on digital preservation;
2. Develop and provide targeted training on the benefits of ETSU resources;
3. Provide funding for a university archivist; and
4. Implement a centrally funded system for unlimited storage of department-specific data.

Provost McCorkle thanked Dr. Smith for his presentation.

#### *5.4. Update on Fall 22 Changes to APS/Work Study – Dr. Sam Mayhew, Ms. Kathy Feagins, and Ms. Catherine Morgan*

Dr. Sam Mayhew thanked Ms. Catherine Morgan and Ms. Kathy Feagins for their work on this revised policy. He noted that the Approved Revised Policy for APS Service Hours and APS/FWS Awards goes into effect next fall for the fall 2022 semester.

Kathy Feagins said a review of the current policy was requested. One of the reasons the policy was reviewed was that there has been an increase in the number of APS awards, which has presented some challenges for incoming students to find APS jobs. There also is a great disparity in the level of work required by offices on campus; for some students, their work assignment is essentially a “paid study hall” and there is a concern

regarding what job skills they are learning and how this prepares them for the job market. Upperclassmen also have challenges in completing service hours as they enroll in more intensive courses and also have internships and clinical experience hours to complete.

Ms. Feagins said the policy change going into effect for Fall 2022 states that:

- APS recipients will not be required to complete service hours during the junior or senior years;
- APS recipients will be required to complete service hours for the first two years, regardless of credit hours earned;
- Students are required to maintain eligibility during the first two years;
- Junior and Senior APS students will be eligible to hold an FWS position; and
- All FWS students are strongly encouraged to work 15 hours per week.

Ms. Feagins said the benefits of keeping service hours requirements for incoming APS students include recognition that the supervisor is a valuable connection for new students to have on campus. This may be the student's first and only job before graduation, and students who are employed in settings with other APS students have the opportunity to engage with other students.

Eliminating the service requirement for juniors and seniors allows them to concentrate more on school, and it will open additional job opportunities for incoming freshmen. Departments have the opportunity to keep APS students as FWS employees during their junior and senior years if they are eligible for FWS.

Ms. Catherine Morgan noted that FWS funding comes from the Department of Education, and during a typical year at ETSU, more students qualify for FWS positions than funding is available. In addition, most students do not earn as much money as they are eligible to receive. Most FWS awards are for \$3,000, and the average student earns \$1,200.

She shared with the council the criteria that will guide the process of APS reductions, and she also discussed Department of Education guidelines for FWS employment. The team will begin communications with the campus this fall, and this will include meetings with departments and units as well as students, and also hosting town halls.

Dr. Mayhew added that one important goal for next fall will be to focus on early placement of APS students. Ms. Morgan confirmed that the hourly rate for FWS employees has been increased to \$8.50 effective this fall.

*NOTE: Following the presentation, University Council members took a brief break at 9:48 a.m.; the meeting resumed at 9:56 a.m.*

*5.5 Enrollment Update – Dr. Mike Hoff, Dr. Sam Mayhew*

Dr. Mayhew provided an enrollment update which, at the time of presentation, showed undergraduate enrollment down 438 students (4.16%) from this time last year, and FTEs down 6.67%. Academic advisors are actively engaged in communicating with students who we have not heard from. In terms of new student enrollment by looking at this date in previous years, we are up 167 freshmen students compared to 2020 (up 18 students compared to fall 2019) and up 29 transfer students compared to 2020 (down 3 students compared to fall 2019).

Recruitment activities have been robust during the past 14-16 months. Over 1,800 events (virtual and in-person) have been held, and other communication efforts include some 5.3 million emails, 336,000 letters mailed, over 80,000 text messages and more than 20,000 phone calls.

Dr. Hoff added that August is a critical time for getting student registered. The disenrollment, or purge date, is again earlier. The week following disenrollment is important for communicating with students to get them registered and to close the enrollment gap. He presented a data chart that showed that the university does have capacity to accommodate an increase in students in both the on-ground and online instructional settings.

#### *5.6 ETSU Strategic Planning Update – Dr. Mike Hoff*

Dr. Hoff reported on the work of Michael Webb, who was a doctoral intern in his office during the summer. One of his assignments was to review the web for ranking listings that included ETSU programs. Dr. Hoff's office will be cataloging a listing of rankings.

The six task forces for the Committee for 125 Chapter II are wrapping up their work and are drafting vision statements. The Committee for 125 Chapter II will meet in September. That same month, town halls will be held, and a presentation to the campus is slated for October. Dr. Hoff reported that President Noland is holding meetings with several groups, including government officials, school superintendents, local leaders, and business owners to listen to what their expectations are for ETSU.

He also informed members that he will be bringing the institution's mission statement and mission profile to the University Council for review and approval.

### **6. President's Report**

President Noland began his report by recognizing this as Provost McCorkle's first University Council meeting as chair. He again welcomed her to ETSU and commended her for the work she has done during her first month as she has been meeting with various people across campus.

In terms of the budget, enrollment remains fluid. While overall enrollment is down, increases have been reported in the number of freshmen, the number of residents residing in housing, and the number of meal plans purchased. An important take-away is that there is still time before census to bring enrollment to a strong close. The institution remains within its budget planning parameters, and he still plans to take to

the Board of Trustees during its September meeting a request for salary enhancements. As we approach the fall semester, he recognizes there are concerns from students who both desire an on-ground experience, and from those who have concerns about their health and safety and desire for the institution to transition back online.

A fair amount of construction continues. Work is under way at Lamb Hall and the projects remains on-time at this date. The proposal for the academic/humanities building will soon go before the state building commission and, if approved, the next steps will be to select an architect and to begin work on programmatic design. Other projects include renovation work to Carter and Stone halls as well as work in the Dome and the Bud Frank Theatre.

A possible change may take place with the university's ERP. President Noland informed the group at the University of Tennessee is looking to upgrade its ERP, and that ETSU is considering this as well. If ETSU elects to move in the direction of replacing Banner, this would begin with staff in finance and human resources. President Noland said he would keep the council and the campus update on this potential change.

In addressing the ongoing concerns related to the COVID-19 pandemic, President Noland said that he has received questions why ETSU is mandating the vaccine. He noted that within Tennessee, we are not allowed by code to mandate the vaccine, and that state code also prohibits us from asking individuals to declare their vaccine status. ETSU is making considerable effort to make the vaccine available to students, faculty and staff. Vaccine clinics have been held during orientation, and similar clinics will be held at upcoming welcoming events planned later in August. He encouraged everyone to be vaccinated if they have not done so already. In the days ahead, a large scale incentive program will be announced for students, faculty, and staff. Also during the upcoming week, President Noland will be hosting listening sessions on campus and a Town Hall.

The Committee for 125 Chapter II is allowing time for the task forces to complete their work. President Noland is currently meeting with employers and community leaders to hear their hopes and dreams for ETSU.

He also announced that Jessica Vodden has been named as ETSU's Chief Marketing and Communication officer.

## **7. Announcements**

Provost McCorkle said future UC meetings will be scheduled from 8:30 – 11 a.m. and that for the near future the group will continue to meet on Zoom.

No other announcements

## **8. Adjournment**

Provost McCorkle called for an adjournment at 10:38 a.m.

UNIVERSITY COUNCIL

Report from Budget and Strategic Planning Committee

September 13, 2021

The tables below summarize financial activities for the university through the fourth quarter of fiscal year 2020-21. The comparison is current year to prior year for the same twelve month period.

**Table 1 – Unrestricted E&G Revenues and Expenditures by Unit**

| Unrestricted E&G<br>Year-to-Year Comparisons<br>Revenues and Expenditures by Appropriation Unit<br>Year-to-Date 6-30-2020 & 6-30-2021 |                  |                  |         |
|---|------------------|------------------|---------|
|   | FY2019-20        | FY2020-21        | Change  |
| <b>REVENUES</b>   |                  |                  |         |
| <b>By Appropriation Unit</b>  |                  |                  |         |
| Main Campus   | \$245,260,293.74 | \$237,843,560.58 | -3.02%  |
| Medicine/Family Med   | 76,307,941.48    | 78,958,163.39    | 3.47%   |
| Pharmacy  | 11,537,351.62    | 10,597,218.80    | -8.15%  |
| <b>TOTAL REVENUE</b>  | \$333,105,586.84 | \$327,398,942.77 | -1.71%  |
| <br><b>EXPENDITURES</b>   |                  |                  |         |
| <b>By Appropriation Unit</b>  |                  |                  |         |
| Main Campus   | \$241,862,069.69 | \$232,142,254.58 | -4.02%  |
| Medicine/Family Med   | 80,596,724.76    | 78,033,794.10    | -3.18%  |
| Pharmacy  | 11,294,706.77    | 9,855,671.38     | -12.74% |
| <b>TOTAL EXPENSE</b>  | \$333,753,501.22 | \$320,031,720.06 | -4.11%  |



**Table 2 – Unrestricted E&G Revenues by Source and Expenditures by Class**

Unrestricted E&G  
Year-to-Year Comparisons  
Revenues by Source and  
Expenditures by Natural and Functional Classification  
Year-to-Date 6-30-2020 & 6-30-2021

|                                     | FY2019-20               | FY2020-21               | Change        |
|-------------------------------------|-------------------------|-------------------------|---------------|
| <b>REVENUES</b>                     |                         |                         |               |
| <b>By Revenue Source</b>            |                         |                         |               |
| Tuition and Fees                    | \$177,539,425.11        | \$172,171,834.51        | -3.02%        |
| State Appropriations                | 115,017,063.00          | 117,979,575.00          | 2.58%         |
| Grants, Contracts, Gifts            | 4,351,723.93            | 5,359,143.46            | 23.15%        |
| Other                               | 36,197,374.80           | 31,888,389.80           | -11.90%       |
| <b>TOTAL REVENUE</b>                | <b>\$333,105,586.84</b> | <b>\$327,398,942.77</b> | <b>-1.71%</b> |
| <b>EXPENDITURES</b>                 |                         |                         |               |
| <b>By Natural Classification</b>    |                         |                         |               |
| Salaries & Benefits                 | \$236,040,616.19        | \$229,100,526.16        | -2.94%        |
| Operating                           | 39,597,443.66           | 39,018,315.07           | -1.46%        |
| Equipment                           | 1,030,261.69            | 1,438,748.02            | 39.65%        |
| Scholarships/Fellowships            | 34,739,854.27           | 33,976,126.64           | -2.20%        |
| Transfers to Other Funds            | 22,345,325.41           | 16,498,004.17           | -26.17%       |
| <b>TOTAL EXPENSE</b>                | <b>\$333,753,501.22</b> | <b>\$320,031,720.06</b> | <b>-4.11%</b> |
| <b>EXPENDITURES</b>                 |                         |                         |               |
| <b>By Functional Classification</b> |                         |                         |               |
| Instruction                         | \$162,959,580.73        | \$160,018,951.17        | -1.80%        |
| Research                            | 4,856,461.52            | 5,572,250.92            | 14.74%        |
| Public Services                     | 2,966,871.03            | 2,614,948.12            | -11.86%       |
| Academic Support                    | 34,862,912.79           | 32,917,815.36           | -5.58%        |
| Student Services                    | 27,553,193.35           | 26,587,058.52           | -3.51%        |
| Institutional Support               | 21,968,273.30           | 22,032,493.47           | 0.29%         |
| Physical Plant                      | 21,495,028.82           | 19,814,071.69           | -7.82%        |
| Scholarships/Fellowships            | 34,745,854.27           | 33,976,126.64           | -2.22%        |
| Transfers to Other Funds            | 22,345,325.41           | 16,498,004.17           | -26.17%       |
| <b>TOTAL EXPENSE</b>                | <b>\$333,753,501.22</b> | <b>\$320,031,720.06</b> | <b>-4.11%</b> |

**Table 3 – Operating Funds Revenues and Expenditures by Fund Type**

Current Operating Funds (Unrestricted/Auxiliaries/Restricted)  
Year-to-Year Comparisons  
Revenues and Expenditures by Fund Type  
Year-to-Date 6-30-2020 & 6-30-2021

|                      | FY2019-20               | FY2020-21               | Change        |
|----------------------|-------------------------|-------------------------|---------------|
| <b>REVENUES</b>      |                         |                         |               |
| Unrestricted E&G     | \$333,105,586.84        | \$327,398,942.77        | -1.71%        |
| Auxiliaries          | 24,809,731.08           | 18,212,020.10           | -26.59%       |
| Restricted Funds     | 112,484,239.58          | 129,152,756.26          | 14.82%        |
| <b>TOTAL REVENUE</b> | <b>\$470,399,557.50</b> | <b>\$474,763,719.13</b> | <b>0.93%</b>  |
| <b>EXPENDITURES</b>  |                         |                         |               |
| Unrestricted E&G     | \$333,753,501.22        | \$320,031,720.06        | -4.11%        |
| Auxiliaries          | 24,726,869.76           | 18,449,834.84           | -25.39%       |
| Restricted Funds     | 115,681,567.22          | 115,509,526.50          | -0.15%        |
| <b>TOTAL EXPENSE</b> | <b>\$474,161,938.20</b> | <b>\$453,991,081.40</b> | <b>-4.25%</b> |

**Table 4 – Operating Funds Revenues by Source and Expenditures by Class**

Current Operating Funds (Unrestricted/Auxiliaries/Restricted)  
 Year-to-Year Comparisons  
 Revenues by Source and  
 Expenditures by Natural and Functional Classification  
 Year-to-Date 6-30-2020 & 6-30-2021

|                                     | FY2019-20               | FY2020-21               | Change        |
|-------------------------------------|-------------------------|-------------------------|---------------|
| <b>REVENUES</b>                     |                         |                         |               |
| Tuition and Fees                    | \$178,268,867.55        | \$172,880,801.00        | -3.02%        |
| State Appropriations                | 115,580,060.58          | 118,518,620.92          | 2.54%         |
| Grants, Contracts, Gifts            | 114,642,225.59          | 132,529,779.39          | 15.60%        |
| Other                               | 37,098,672.70           | 32,622,497.72           | -12.07%       |
| Auxiliaries                         | 24,809,731.08           | 18,212,020.10           | -26.59%       |
| <b>TOTAL REVENUE</b>                | <b>\$470,399,557.50</b> | <b>\$474,763,719.13</b> | <b>0.93%</b>  |
| <b>EXPENDITURES</b>                 |                         |                         |               |
| <b>By Natural Classification</b>    |                         |                         |               |
| Salaries & Benefits                 | \$273,242,976.85        | \$268,795,563.38        | -1.63%        |
| Operating                           | 72,506,297.01           | 68,100,244.70           | -6.08%        |
| Equipment                           | 9,151,450.44            | 2,161,449.08            | -76.38%       |
| Scholarships/Fellowships            | 87,137,432.67           | 85,662,115.79           | -1.69%        |
| Transfers to Other Funds            | 32,123,781.23           | 29,271,708.45           | -8.88%        |
| <b>TOTAL EXPENSE</b>                | <b>\$474,161,938.20</b> | <b>\$453,991,081.40</b> | <b>-4.25%</b> |
| <b>EXPENDITURES</b>                 |                         |                         |               |
| <b>By Functional Classification</b> |                         |                         |               |
| Instruction                         | \$ 172,512,555.92       | \$ 169,497,909.19       | -1.75%        |
| Research                            | 13,904,969.27           | 15,332,342.35           | 10.27%        |
| Public Services                     | 33,474,848.86           | 35,601,184.33           | 6.35%         |
| Academic Support                    | 35,365,021.38           | 33,181,674.01           | -6.17%        |
| Student Services                    | 28,135,792.52           | 27,032,312.63           | -3.92%        |
| Institutional Support               | 27,367,315.59           | 25,511,662.56           | -6.78%        |
| Physical Plant                      | 29,619,322.67           | 20,133,678.78           | -32.03%       |
| Scholarships/Fellowships            | 86,557,164.13           | 85,086,123.73           | -1.70%        |
| Transfers to Other Funds            | 22,498,078.10           | 24,093,791.51           | 7.09%         |
| Auxiliaries                         | 15,101,166.63           | 13,271,917.90           | -12.11%       |
| Aux Transfers to Other Funds        | 9,625,703.13            | 5,177,916.94            | -46.21%       |
| <b>TOTAL EXPENSE</b>                | <b>\$474,161,938.20</b> | <b>\$453,920,513.93</b> | <b>-4.27%</b> |

West's Tennessee Code Annotated  
Title 49. Education  
Chapter 7. Postsecondary and Higher Education Generally  
Part 24. Campus Free Speech Protection Act

T. C. A. § 49-7-2401

§ 49-7-2401. Short title

Effective: January 1, 2018

Currentness

This part shall be known and may be cited as the “Campus Free Speech Protection Act.”

**Credits**

2017 Pub.Acts, c. 336, § 2.

T. C. A. § 49-7-2401, TN ST § 49-7-2401

Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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West's Tennessee Code Annotated  
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T. C. A. § 49-7-2402

§ 49-7-2402. Applicability of part

Effective: January 1, 2018

Currentness

The requirements of this part shall apply to every public institution of higher education in this state.

**Credits**

2017 Pub.Acts, c. 336, § 3.

T. C. A. § 49-7-2402, TN ST § 49-7-2402

Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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West's Tennessee Code Annotated  
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T. C. A. § 49-7-2403

§ 49-7-2403. Legislative intent

Effective: January 1, 2018

Currentness

(a) The general assembly finds and declares that public institutions of higher education in Tennessee are not immune from the sweep of the First Amendment to the United States Constitution or the [Constitution of Tennessee, Article I, § 19](#), which guarantees freedom of speech and expression.

(b) It is the intent of the general assembly that the public institutions of higher education embrace a commitment to the freedom of speech and expression for all students and all faculty.

(c) It is further the intent of the general assembly that public institutions of higher education, including their faculty, shall not require students or other faculty to adopt or to indicate their adherence to beliefs or orthodoxies on any particular political, philosophical, religious, social, or other such subject, although institutions may require students and faculty to conform their conduct to the requirements of law and policy.

(d) It is further the intent of the general assembly that public institutions of higher education not stifle freedom of speech and expression by implementing vague or overbroad speech codes, establishing free speech zones, imposing unconstitutional prior restraints on speech, or disinviting speakers based on the anticipated reaction or opposition of others to the content of speech.

**Credits**

2017 Pub.Acts, c. 336, § 4.

T. C. A. § 49-7-2403, TN ST § 49-7-2403

Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 49-7-2404

§ 49-7-2404. Definitions

Effective: January 1, 2018

Currentness

As used in this part, unless the context requires otherwise:

(1) “Constitutional time, place, and manner restrictions” means restrictions on the time, place, and manner of free speech that do not violate the First Amendment to the United States Constitution or the [Constitution of Tennessee, Article I, § 19](#) that are reasonable, content- and viewpoint-neutral, narrowly tailored to satisfy a significant institutional interest, and leave open ample alternative channels for the communication of the information or message to its intended audience;

(2) “Faculty” or “faculty member” means any person, whether or not the person is compensated by a public institution of higher education, and regardless of political affiliation, who is tasked with providing scholarship, academic research, or teaching. For purposes of this part, the term “faculty” shall include tenured and non-tenured professors, adjunct professors, visiting professors, lecturers, graduate student instructors, and those in comparable positions, however titled. For purposes of this part, the term “faculty” shall not include persons whose primary responsibilities are administrative or managerial;

(3) “Free speech” means speech, expression, or assemblies protected by the First Amendment to the United States Constitution or the [Constitution of Tennessee, Article I, § 19](#), verbal or written, including, but not limited to, all forms of peaceful assembly, protests, demonstrations, rallies, vigils, marches, public speaking, distribution of printed materials, carrying signs, displays, or circulating petitions. “Free speech” does not include the promotion, sale, or distribution of any product or service;

(4) “Institution” means an institution of public higher education in this state; and

(5) “Student” means:

(A) An individual currently enrolled in a course of study at the institution; and

(B) An organization that is comprised entirely of individuals currently enrolled in a course of study at the institution, that is registered with an institution pursuant to institutional rules.

**Credits**

2017 Pub.Acts, c. 336, § 5.

T. C. A. § 49-7-2404, TN ST § 49-7-2404


Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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 KeyCite Yellow Flag - Negative Treatment  
Proposed Legislation

West's Tennessee Code Annotated  
Title 49. Education  
Chapter 7. Postsecondary and Higher Education Generally  
Part 24. Campus Free Speech Protection Act

T. C. A. § 49-7-2405

§ 49-7-2405. Institutions of public higher education; free speech policies; availability

Effective: January 1, 2018

Currentness

(a) The governing body of every institution shall adopt a policy that affirms the following principles of free speech, which are the public policy of this state:

(1) Students have a fundamental constitutional right to free speech;

(2) An institution shall be committed to giving students the broadest possible latitude to speak, write, listen, challenge, learn, and discuss any issue, subject to § 49-7-2408;

(3) An institution shall be committed to maintaining a campus as a marketplace of ideas for all students and all faculty in which the free exchange of ideas is not to be suppressed because the ideas put forth are thought by some or even by most members of the institution's community to be offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;

(4) It is for an institution's individual students and faculty to make judgments about ideas for themselves, and to act on those judgments not by seeking to suppress free speech, but by openly and vigorously contesting the ideas that they oppose;

(5) It is not the proper role of an institution to attempt to shield individuals from free speech, including ideas and opinions they find offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed;

(6) Although an institution should greatly value civility and mutual respect, concerns about civility and mutual respect shall never be used by an institution as a justification for closing off the discussion of ideas, however offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed those ideas may be to some students or faculty;

(7) Although all students and all faculty are free to state their own views about and contest the views expressed on campus, and to state their own views about and contest speakers who are invited to express their views on the institution's campus, they may not substantially obstruct or otherwise substantially interfere with the freedom of others to express views they reject or

even loathe. To this end, an institution has a responsibility to promote a lively and fearless freedom of debate and deliberation and protect that freedom;

(8) An institution shall be committed to providing an atmosphere that is most conducive to speculation, experimentation, and creation by all students and all faculty, who shall always remain free to inquire, to study and to evaluate, and to gain new understanding;

(9) The primary responsibility of faculty is to engage an honest, courageous, and persistent effort to search out and communicate the truth that lies in the areas of their competence;

(10) Although faculty are free in the classroom to discuss subjects within areas of their competence, faculty shall be cautious in expressing personal views in the classroom and shall be careful not to introduce controversial matters that have no relationship to the subject taught, and especially matters in which they have no special competence or training and in which, therefore, faculty's views cannot claim the authority accorded statements they make about subjects within areas of their competence; provided, that no faculty will face adverse employment action for classroom speech, unless it is not reasonably germane to the subject matter of the class as broadly construed, and comprises a substantial portion of classroom instruction;

(11) An institution shall maintain the generally accessible, open, outdoor areas of its campus as traditional public forums for free speech by students;

(12) An institution shall not restrict students' free speech only to particular areas of the campus, sometimes known as "free speech zones";

(13) An institution shall not deny student activity fee funding to a student organization based on the viewpoints that the student organization advocates;

(14) An institution shall not establish permitting requirements that prohibit spontaneous outdoor assemblies or outdoor distribution of literature, although an institution may maintain a policy that grants members of the college or university community the right to reserve certain outdoor spaces in advance;

(15) An institution shall not charge students security fees based on the content of their speech, the content of the speech of guest speakers invited by students, or the anticipated reaction or opposition of listeners to speech;

(16) An institution shall allow all students and all faculty to invite guest speakers to campus to engage in free speech regardless of the views of guest speakers; and

(17) An institution shall not disinvite a speaker invited by a student, student organization, or faculty member because the speaker's anticipated speech may be considered offensive, unwise, immoral, indecent, disagreeable, conservative, liberal, traditional, radical, or wrong-headed by students, faculty, administrators, government officials, or members of the public.

(b) The policy adopted pursuant to subsection (a) shall be made available to students and faculty annually through one or more of the following methods:

- (1) Published annually in the institution's student handbook and faculty handbook, whether paper or electronic;
  - (2) Made available to students and faculty by way of a prominent notice on the institution's internet site other than through the electronic publication of the policy in the student handbook and faculty handbook;
  - (3) Sent annually to students and employees to their institutionally-provided email address; or
  - (4) Addressed by the institution in orientation programs for new students and new faculty.
- (c) Nothing in this section shall be construed to grant students the right to disrupt previously scheduled or reserved activities occurring in a traditional public forum.

**Credits**

2017 Pub.Acts, c. 336, § 6.

T. C. A. § 49-7-2405, TN ST § 49-7-2405

Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 49-7-2406

## § 49-7-2406. Disciplinary policies for student-on-student harassment

Effective: January 1, 2018

[Currentness](#)

(a) With respect to disciplining students for their speech, expression, or assemblies, an institution shall adopt a policy on “student-on-student harassment” defining the term consistent with and no more expansively than the language contained in subsection (b).

(b) As used in this section, “student-on-student harassment” means unwelcome conduct directed toward a person that is discriminatory on a basis prohibited by federal, state, or local law, and that is so severe, pervasive, and objectively offensive that it effectively bars the victim's access to an educational opportunity or benefit.

### Credits

2017 Pub.Acts, c. 336, § 7.

T. C. A. § 49-7-2406, TN ST § 49-7-2406

Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 49-7-2407

§ 49-7-2407. Costs associated with student speech or expression

Effective: January 1, 2018

[Currentness](#)

Nothing in this part shall require an institution to fund costs associated with student speech or expression. An institution shall not impose costs on students or student organizations on the basis of the anticipated reaction or opposition to a person's speech by listeners.

**Credits**

2017 Pub.Acts, c. 336, § 8.

T. C. A. § 49-7-2407, TN ST § 49-7-2407

Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.

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T. C. A. § 49-7-2408

§ 49-7-2408. Construction of part

Effective: January 1, 2018

Currentness

Nothing contained in this part shall be construed as prohibiting an institution from imposing measures that do not violate the First Amendment to the United States Constitution or the [Constitution of Tennessee, Article I, § 19](#) such as:

- (1) Constitutional time, place, and manner restrictions;
- (2) Reasonable and viewpoint-neutral restrictions in nonpublic forums;
- (3) Restricting the use of the institution's property to protect the free speech rights of students and faculty and preserve the use of the property for the advancement of the institution's mission;
- (4) Prohibiting or limiting speech, expression, or assemblies that are not protected by the First Amendment to the United States Constitution or the [Constitution of Tennessee, Article I, § 19](#); or
- (5) Content restrictions on speech that are reasonably related to a legitimate pedagogical purpose, such as classroom rules enacted by faculty.

**Credits**

[2017 Pub.Acts, c. 336, § 9.](#)

T. C. A. § 49-7-2408, TN ST § 49-7-2408

Current with laws from the 2021 First Regular Sess. of the 112th Tennessee General Assembly. Pursuant to §§ 1-1-110, 1-1-111, and 1-2-114, the Tennessee Code Commission certifies the final, official version of the Tennessee Code and, until then, may make editorial changes to the statutes. References to the updates made by the most recent legislative session should be to the Public Chapter and not to the T.C.A. until final revisions have been made to the text, numbering, and hierarchical headings on Westlaw to conform to the official text. Unless legislatively provided, section name lines are prepared by the publisher.



| CLERY ACT COMPLIANCE POLICY                          |   |
|--|---|
| Responsible Official: <b>Chief Operating Officer</b> | Responsible Offices: <b>Public Safety and University Compliance</b> |

### Policy Purpose

This policy specifies how ETSU will comply with the Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act (Clery) and the Violence Against Women Act (VAWA) amendments to the Clery Act reporting and disclosure obligations, and its obligation to make campus security, and safety policy statements available to the campus community and the public as prescribed by the law.

### Policy Statement

ETSU employees are required to comply with all requirements of Clery and VAWA. ETSU employees are required to promptly report any activity that is perceived as criminal, potentially dangerous, or suspicious to Public Safety or to a known Campus Security Authority. All Campus Security Authorities shall report Clery Crimes to Public Safety as soon as reasonably possible. Campus Security Authorities may hear or receive information of alleged crimes that are reported to them in good faith by others. Campus Security Authorities may also personally witness crimes. Under either scenario, Campus Security Authorities are required to report such crimes to Public Safety.

Pursuant to the Clery Act , ETSU must publish an Annual Security Report on campus crime statistics from the previous three calendar years for ETSU Clery Geography.

The Annual Security Report will be posted on the ETSU public safety website. Hard copies will be made available at Public Safety upon request.

Questions regarding the Annual Security Report may be directed to Campus Safety at 423-439-4480.

#### I. Clery Act Compliance

In accordance with the requirements of the Clery Act, ETSU shall:

- A. Via issuance of Timely Warnings, alert the campus community of Clery Crimes that pose a

serious or continuing threat to the campus and surrounding community. Timely Warnings will be disseminated throughout the community as soon as pertinent information is available and will provide information that will allow the community to take precautions to protect themselves and prevent similar crimes from occurring.

- B. Via issuance of Emergency Notifications, alert and inform the campus community about a "significant emergency or dangerous situation involving an Immediate Threat to the health or safety of students or employees occurring on the campus."
- C. Maintain a daily crime and fire log of all crimes and fire incidents reported. This log will be available for public inspection, upon request or via the Public Safety website.
- D. Compile and disclose statistics of reports on the types of Clery Crimes reported for all ETSU campuses, the immediately adjacent public areas and remote classroom properties and certain non-campus property.
  - a. It is the responsibility of ETSU employees involved in oversight of overnight trips, that are more than two (2) nights, with students to comply with the crime statistics reporting for the appropriate location of the trip.
  - b. Forms for overnight travel will be available on the Public Safety website.
  - c. Any questions regarding whether crime statistics reporting is required for your activity should be directed to Public Safety.
- E. Collect reports of Clery Crimes made to ETSU Public Safety and Campus Security Authorities.
- F. Create, publish, disseminate, and provide access to an Annual Security Report to the U. S. Department of Education disclosing statistics of Clery Crimes reported over the past three years, as well as required ETSU policies and procedures addressing campus security and safety, and information on the handling of threats, emergencies, and dangerous situations, as required by federal law.
- G. Identify Campus Security Authorities on a regular, ongoing basis, and notify these individuals of their obligations under the Clery Act to report any and all Clery Crimes that they witness, or are reported to them. ETSU will provide Campus Security Authorities with mandatory training.
- H. Work with the Public Safety and other appropriate departments to create, establish and conduct programs to educate the campus and surrounding community about the Clery Act and Clery Act obligations, and to promote general awareness of all crime and safety-related issues at all University locations.
- I. If a person is reported as missing, notify local law enforcement that has jurisdiction in the geographical area around the specific campus location where the student was last seen, and utilize the emergency contact information available for the missing person to notify those listed as emergency contacts for the alleged missing person.

Authority: Violence Against Women Act, Campus SaVE Act, Jeanne Clery Disclosure of Campus Security Police and Campus Crime Statistics Act

Previous Policy:

## Definitions



Annual Security Report: Clery requires universities to annually submit a report to the Department of Education containing the following: statistics for Clery Crimes by type location and year; statistics of fires in on-campus student housing; campus safety and security related policy statements that address crime reporting and prevention; law enforcement data bases of registered sex offenders; drug, alcohol and sex offenses; procedures for issuing Timely Warning to the campus of potentially dangerous criminal and emergency situations; campus evacuation procedures; and policy statements, procedures, and programs to prevent dating violence, domestic violence, sexual assault and stalking.

Campus Security Authority: Clery defines four groups of individuals and organizations associated with an institution who, as a result of their functions at ETSU are required to report Clery crime information to ETSU Public Safety.

There are four general categories of Campus Security Authorities:

1. Campus police department or a campus security department of an institution - the Office of Campus Safety is the College's campus security department and all its members.
2. Any individual or individuals who have responsibility for campus security, but who do not constitute a campus police department or a campus security department (e.g., an individual who is responsible for monitoring the entrance into institutional property).
3. Any individual or organization specified in an institution's statement of security policy as an individual or organization to which students and employees should report criminal offenses.
4. An official of an institution who has significant responsibility for student and campus activities, including, but not limited to, student housing, student discipline and campus judicial proceedings. Clery Act broadly defines "official" as any person who has the authority and the duty to take action or respond to particular issues on behalf of the institution.

Clery Crimes: Crimes which are defined by the federal Uniform Crime Reporting Handbook and according to federal law under the Violence Against Women Reauthorization Act of 2013 and the Campus SaVE (Sexual Violence Elimination) Act. Crimes required by the Clery Act to be reported annually to the ETSU community, including: criminal homicide (murder and negligent/non-negligent manslaughter); sex offenses (rape, fondling, incest, statutory rape); robbery; aggravated assault; burglary; motor vehicle theft; arson; hate crimes (including larceny-

theft, simple assault, intimidation, or destruction/damage/vandalism of property that are motivated by bias); dating violence; domestic violence; stalking; and arrests and referrals for disciplinary action for any of the following: (a) liquor law violations, (b) drug law violations, and (c) carrying and possessing illegal weapons.

**Emergency Notification:** An announcement to inform the campus community about a “significant emergency or dangerous situation involving an Immediate Threat to the health or safety of students or employees occurring on the campus.” ETSU maintains a multi-layered emergency notification system which is activated when an immediate notification must be made to the entire community. The intent of this system is to provide immediate, real-time information to the ETSU community concerning emergencies that could affect their safety and health

**ETSU Cleary Geography** (1) Any building or property owned or controlled by an institution within the same reasonable contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution’s educational purposes, including residence halls; and (2) any building or property that is within or reasonable contiguous to section (1) of this definition, that is owned by the institution but controlled by another person, is frequently used by students, and supports institutional purposes (such as a food or other retail vendor).

**Immediate Threat:** An imminent or impending threat that includes, but is not limited to a significant fire, outbreak of a serious illness, extreme weather conditions, gas leak, armed suspect, terrorist incident, bomb threat, civil unrest, explosion, chemical spill, or other dangerous situation.

**Timely Warning:** An alert sent to the ETSU community regarding certain crimes that pose a serious or continuing threat to the campus and surrounding community. The decision to issue a Timely Warning is made on a case-by-case basis in light of all the facts surrounding a crime, including such factors as: the nature of the crime; the continuing danger to the campus community, and/or the possible risk of compromising law enforcement efforts

## **Policy History**

**Effective Date:**

**Revision Date:**

## Procedure

### I. Employee Reporting.

ETSU employees promptly report any activity that is perceived as criminal, potentially dangerous, or suspicious to Public Safety or a known Campus Security Authority. ETSU employees can report via phone call, email, or in person.

### II. Campus Security Authorities Reporting.

All Campus Security Authorities report Clery Crimes to Public Safety as soon as reasonably possible. Campus Security Authorities can report via phone call, email, or in person.

### III. Public Safety Response.

Public Safety will:

- A. issue Timely Warnings alerts to the campus and surrounding community about Clery Crimes through the ETSU emergency alert warning system;
- B. issue Emergency Notifications to the campus and surrounding community when deemed necessary and appropriate through the ETSU emergency messaging system;
- C. record and maintain accurate and updated daily fire and crime logs; and
- D. work with appropriate ETSU employees to compile necessary statistics and reports and establish Clery Act related educational programs and promotion of safety awareness programs.

### IV. Coordination of Clery Reporting.

Public Safety and the Office of University Compliance coordinate the following tasks:

- a. Compile and disclose statistics of reports on the types of Clery Crimes reported on university lands, and the immediately adjacent public areas.
- b. Collect reports of Clery Crimes made to Public Safety, local law enforcement, University officials and other associated with the University who have significant responsibility for student and campus activities.
- c. Create and publish an annual report to the Department of Education disclosing statistics of Clery Crimes reported over the past three years, as well as University policies and procedures addressing campus security and safety.

- d. Annually disclose/report, to the campus community and the public:
  - i. Crime data (by type);
  - ii. Fire incident data;
  - iii. Security policies and procedures in place to protect the community; and
  - iv. Information on the handling of threats, emergencies, and dangerous situations.
- e. Provide regular, mandatory training for all Campus Security Authorities.
- f. Work with departments to establish Clery Act-related educational programs and promotion of safety awareness programs

Effective Date:

Revision Date:

**Related Form(s)**

Clery Travel Forms

**Scope and Applicability**

Primary:

Secondary:



| Involuntary Separation from Employment        |                                     |
|---|-------------------------------------|
| Responsible Official: Chief Operating Officer | Responsible Office: Human Resources |

### Policy Purpose

The policy specifies the expectations related to the notification of and processing of involuntary employment separation from ETSU.

### Policy Statement

This policy applies to all ETSU employees who do not hold tenure status and all types of Involuntary Separations. Managers and supervisors must receive approval from the Office of Human Resources prior to notifying an employee of termination. Involuntary Separations involving faculty are subject to procedures determined by the Provost and President in addition to the requirements of this policy and state law.

Employees and their respective department heads are required to complete all off-boarding procedures specified by the Office of Human Resources when employees separate from the University. Employees must return ETSU property and satisfy outstanding financial or other obligations. Failure to complete all necessary actions could delay distribution of the employee's final check.

#### I. Types of Involuntary Separations.

##### A. Termination Without Cause.

The following circumstances are considered termination without cause:

1. Termination During the Probationary Period. Employees serve in a probationary status for the first six (6) months following their hire date and will serve a subsequent probationary period for six (6) months following the date of any promotion or transfer to a different position. The Office of Human Resources may also place a staff employee on disciplinary probation as part of the progressive discipline process to improve performance. Staff employees may be terminated at any time for any reason during the probationary period.
2. Position Abolishment. Employees may be subject to termination if their job is

eliminated due to reorganization, loss of funding, or financial exigency. To the extent possible, the Office of Human resources will give at least thirty (30) days notice of job elimination to the affected employee so the individual can seek other employment.

3. Involuntary Separation under the Terms of the Employment Agreement. Exempt Employees may be given notice of involuntary separation under the terms of their employment agreement. The Office of Human Resources and the Office of University Counsel must review the situation before the employee is terminated.
4. Death of the Employee. In the event an employee dies while employed at ETSU the separation is considered involuntary without cause.

#### B. Termination for Cause.

Employees terminated for cause are given the right to appeal the decision covered under the Employee Grievance/Complaint Procedures. The following circumstances are considered termination for cause:

1. Dismissal for Cause. For situations involving deficiencies in work performance, attendance, punctuality, behavior or other such work-related concerns, employees who have completed their probationary period may be terminated.
2. Gross Misconduct. Employees may be terminated for committing acts of gross misconduct, including but are not limited to, fighting on the job, working under the influence of illegal drugs or alcohol, insubordination toward a supervisor, stealing, falsification of records, embezzlement, significant damage or theft of property, physical abuse of other employees, etc. If an employee is terminated due to gross misconduct, the employee may lose accrued and unused annual leave and rights to continuation of health insurance under COBRA.

#### II. Notice to the Employee and the University of Separation.

Employees who are terminated from employment will be notified in writing (either via hard copy or electronic media) of the termination. The department will be responsible for initiating the appropriate off-boarding process.

#### III. Disposition of Accrued but Unused Leave

##### A. Annual Leave.

Unless otherwise specified in the employment agreement or a termination for gross misconduct, an employee will receive a lump sum payment for the balance of annual leave as of the Last Working

Day. Employees shall not use annual leave to remain in an active pay status after the last day worked.

B. Sick Leave

In all cases, excluding death, sick leave cannot be paid out in a lump sum pursuant to state law. The balance of sick leave will remain on file and may be transferred to another State of Tennessee agency or institution per the *Leave Transfer Policy*.

In the case of the death of an employee, the balance of sick leave will be paid out to the designated beneficiary or the employee's estate.

Authority: T.C.A. §§ 49-8-203; 49-1-103; 8-50-807

Previous Policy: N/A

**Definitions**

|                                    |  |
|------------------------------------|--|
| Active Pay Status                  | The conditions under which an employee is eligible to receive pay.   |
| Involuntary Separation             | Is separation initiated by the University or caused by the death of an employee.   |
| Exempt Employee                    | Exempt employees are ineligible for overtime pay and compensatory time according to the Fair Labor Standards Act.  |
| Last Working Day                   | The last day that a separating employee reports to work. The last working day is the same as the effective date of the separation. No leave is recorded after this date unless the employee is on terminal leave or the Office of Human Resources instructs otherwise. |
| Lump Sum Payment                   | Lump Sum Payment refers to the payment of a separating employee's annual leave balance as of the last working day.   |
| Offboarding Process                | The current process used by ETSU to notify all pertinent parties of an employee's separation from the university.  |
| Professional Non-Faculty Personnel | Exempt or non-exempt (depending upon job description and annual salary) non-academic employees whose positions require recognized professional achievement acquired by formal training or equivalent experience.   |

**Policy History**

Effective Date:

Revision Date:

## Procedure

An online Employee Separation/Transfer Form is completed for every employee who separates from ETSU employment. The instructions are provided on the Employee Offboarding webpage: [Employee Offboarding \(etsu.edu\)](http://etsu.edu). The form may be completed by the employee or on the employee's behalf. The submission of this online form will result in the notification via e-mail to affected University departments. All approvals are obtained electronically during the routing of the form.

Timesheets for the employee's last working month are to be submitted and approved in the Time Reporting System (TRS) by the 15<sup>th</sup> of the month unless Human Resources has indicated otherwise.

## Procedure History

Effective Date:

Revision Date:

## Related Form(s)

## Scope and Applicability

Primary: Human Resources

Secondary:





**Leave Policy - Annual Leave**

Responsible Official: Chief Operating Officer

Responsible Office: Human Resources

**Policy Purpose**

This policy specifies a Regular Employee's eligibility to earn, accrue, and use annual leave.

**Policy Statement**

From the date of employment with East Tennessee State University (ETSU) and after one month of Actual Service, Regular Employees including Fiscal Year Faculty, but not including Academic Year Faculty, may earn and accrue annual leave as detailed in this policy. No other classification of employee is eligible for annual leave.

Annual leave cannot be taken until accrued and earned. Annual leave shall not be advanced. During an unpaid leave of absence, a Regular Employee does not earn or accrue annual leave.

I. Use of Annual Leave.

- A. Regular Employees may use annual leave at any time, regardless of probationary status, at the discretion of the supervisor.
- B. Annual leave may be used to remain in an Active Pay Status in certain situations:
  - 1. A Regular Employee exhausts all sick leave subject to the provisions of the Sick Leave Policy and the Family Medical Leave Policy;
  - 2. A Regular Employee is retiring and elects to use Terminal Leave; and
  - 3. Fiscal Year Faculty members who convert to Academic Year Faculty may use annual leave to cover any time between the end of the fiscal year contract and the new academic year contract..

II. Rate of Accrual of Annual Leave

- A. Accrual of Annual Leave for Exempt Regular Employees, except Academic Year Faculty.

Regular Employees who are exempt employees, excluding Academic Year Faculty, will accrue annual leave at the rate of two (2) days (15.0 hours) per month for each month of Actual Service. Employees in this category who are employed part-time will accrue annual leave in accordance with percentage of effort.

At the end of each fiscal year, a Regular Employee is permitted to carry-forward 315.0 hours of Annual into the next fiscal year. Any balance in excess of 315.0 hours is converted into sick leave at the close of the fiscal year.

**B. Accrual of Annual Leave for Nonexempt Regular Employees.**

Eligible Non-Exempt employees will accrue annual leave monthly at the rate commensurate with their years of service. Eligible Non-Exempt part-time employees accrue annual leave and have maximum carry-forward amounts relative to the percentage of their employment as compared to full-time employment. In all cases, any balance in excess of the maximum carry-forward amount is converted into sick leave at the close of the fiscal year.

The accrual rates and maximum carry-forward based on years of service are as follows:

| <b>Nonexempt Regular Employee Annual Leave Accrual</b> |                                |   |
|--|--------------------------------|---|
| <b>Years of Service</b>                                | <b>Hours Accrual Per Month</b> | <b>Maximum Carry-Forward into Next Fiscal Year (July 1)</b> |
| 1-4  | 7.5                            | 225.0   |
| 5-9  | 11.3                           | 270.0   |
| 10-19  | 13.2                           | 292.5   |
| 20 or more   | 15.0                           | 315.0   |

**C. MODFY Employees.**

Modified Fiscal Year Employees (MODFY) will accrue leave according to the terms of their contract and their status as exempt or non-exempt employees. Additionally, MODFY employees shall accrue annual leave during the period which would normally be the non-duty period of their appointments if they are required to work during that time. MODFY employees who are employed part-time will accrue annual leave in accordance with percentage of effort.

**III. Change in Employee Status.**

Regular Employees who transfer to a position that is ineligible to accrue annual leave must either use their annual leave balance (subject to supervisory approval) or receive a lump sum payment at the point of transfer.

IV. Prior Service.

If an employee was employed on a temporary basis at ETSU in the twelve (12) consecutive months prior to the commencement of employment as a Regular Employee , the employee may be credited with annual leave based on the pro-rated number of hours worked during temporary employment.

V. Exhaustion of Annual Leave.

In extraordinary circumstances, a supervisor in consultation with Human Resources may approve unpaid annual leave not to exceed ten (10) days in a fiscal year after receiving a written request from the Regular Employee.

VI. Separation of Employees with Accrued Annual Leave.

When a Regular Employee resigns from ETSU, excluding retirement, the Regular Employee cannot use accumulated annual leave after the Last Working Day. The Regular Employee is entitled to a lump sum payment. A Regular Employee who is retiring has the option of a lump sum payment or may use accumulated annual leave as Terminal Leave. If the employee is transferring to another State of Tennessee agency or institution, the employee's accumulated annual leave shall be transferred in accordance with ETSU's Leave Transfer Policy. Employees who are terminated for gross misconduct or who resign to avoid termination for gross misconduct are not eligible for any payout of accumulated annual leave.

VII. Death of Employee with Accrued Annual Leave.

Upon the death of a Regular Employee who has unused and accrued annual leave, the estate or designated beneficiary shall be paid the balance of annual leave.

Authority: T.C.A. §§ 49-8-203; 49-1-103; Family and Medical Leave Act; Federal Wage and Hour Law

Previous Policy: N/A

## Defined Terms

*A defined term has a special meaning within the context of this policy.*

|                       |   |
|-----------------------|---|
| Academic Year Faculty | Faculty members (Exempt employees) who hold academic rank, and who are directly engaged in instruction, research, or public service and who are employed to teach for a period of less than 12 months during a fiscal year. |
| Active Pay Status     | The conditions under which an employee is eligible to receive pay.  |
| Actual Service        | Each month actual service is achieved upon completion of fifty percent (50%) of the employee's required employment days for that month.   |

|                     |  |
|---------------------|--|
| Annual Leave        | Leave for purposes of rest, relaxation, and work-life balance away from the work environment.  |
| Exempt              | Exempt employees are ineligible for overtime pay and compensatory time according to the Fair Labor Standards Act. ETSU permits exempt employees compensatory time for holiday hours if they are required to work.  |
| Fiscal Year         | ETSU's fiscal year begins on July 1 and ends on June 30 of the following year.   |
| Fiscal Year Faculty | Faculty members (Exempt employees) who hold academic rank, and who are directly engaged in instruction, research, or public service and who are hired on a twelve-month (fiscal year) basis.   |
| Last Working Day    | The last day that a separating employee reports to work. The last working day is the same as the effective date of the separation. No leave is recorded after this date unless the employee is on terminal leave, or the Office of Human Resources instructs otherwise.  |
| Lump Sum Payment    | Lump Sum Payment refers to the payment of a separating employee's annual leave balance as of the Last Working Day.   |
| MODFY Employees     | MODFY (modified fiscal year) employees are regular full- and part-time personnel whose contractual service period is at least nine months, but less than twelve months. MODFY employees are paid on a twelve-month schedule.   |
| Non-Exempt          | Personnel eligible for overtime pay or compensatory time according to the Fair Labor Standards Act.  |
| Regular Employees   | Personnel whose salary and benefits are budgeted on a recurring basis whether through grant or state funds, who are employed on a continuing basis, and who are eligible for full benefits (pro-rated based on percentage of effort). The Employee Classification policy provides information on types of regular employees.   |
| Terminal Leave      | Period between a retiring employee's last working day and the date that the annual leave balance is depleted. During terminal leave, employees do not accrue annual or sick leave, do receive holiday pay, do receive longevity payments (if applicable), and do not receive salary increases. Annual leave is recorded on the timesheet. The date that the annual leave runs out is the official date of retirement. Retiring employees may select the terminal leave option or may receive a lump sum payout for any remaining annual leave. |

## Policy History

Effective Date:

Revision Date:

Previous Policy: PPP-17

**Procedure**

N/A

Effective Date:

Revision Date:

**Procedure History**

**Related Form(s)**

N/A

**Scope and Applicability**

Primary: Human Resources



| Leave Policy-Sick Leave                       |                                     |
|---|-------------------------------------|
| Responsible Official: Chief Operating Officer | Responsible Office: Human Resources |

### Policy Purpose

This policy specifies a Regular Employee’s eligibility to earn, accrue, and use sick leave.

### Policy Statement

From the date of employment and after one month of Actual Service, a Regular Employee may earn and accrue sick leave as detailed in this policy. No other classification of employee is eligible for sick leave. Sick leave cannot be taken until earned. Sick leave shall not be advanced. Sick leave and Family and Medical Leave Act Leave (FMLA) shall run concurrently. During an unpaid leave of absence, a Regular Employee does not earn or accrue sick leave (*See Family, Medical, and Service Member Leave policy*).

If an employee abuses the use of sick leave, the university may withhold payment of sick leave and may impose disciplinary action.

I. Use of Sick Leave.

A. Sickness, Injury, or Parental Leave.

A Regular Employee may use sick leave for an absence due to sickness or injury, including illness or incapacity to work due to pregnancy, medical examinations, and medical and dental appointments. In addition, sick leave may be used for parental leave. Sick leave may be used, if approved by the employee’s direct supervisor, for an absence related to sickness or injury, including illness or incapacitation, or to a medical appointment for an Immediate Family.

Sick leave may not be used by Academic Year Faculty for absences due to illness or injury during a summer session, unless the faculty member has been physically present and commenced employment for the term in question.

B. Sick Leave in conjunction with Bereavement Leave.

If bereavement leave is granted, the Regular Employee may also use two (2) days of sick leave in addition to bereavement leave (prorated based on the employee's employment status) if approved by the employee's direct supervisor. Bereavement level is governed by the Leave Policy-Bereavement.

II. Rate of Accrual of Sick Leave for Academic Personnel.

A. Fiscal Year Faculty.

Fiscal Year Faculty will accrue sick leave at the rate of one day per month for each month of Actual Service, not to exceed twelve (12) days of sick leave per year. Fiscal Year Faculty who are employed part-time will accrue sick leave in accordance with percentage of effort.

B. Academic Year Faculty.

1. Accrual During Academic Year.

Academic Year Faculty will accrue up to sixty-seven point five (67.5) hours of sick leave during academic year employment. Academic Year Faculty who are employed part-time will accrue sick leave in accordance with percentage of effort.

2. During Summer Terms.

Academic Year Faculty will accrue up to twenty-two point five hours (22.5) hours of sick leave for full-time employment throughout summer sessions. Academic Year Faculty with contracts to teach during a summer term will earn sick leave in an amount prorated based on the faculty member's summer teaching load. For example, a full-time teaching load is twelve (12) credits; if an Academic Year Faculty member is assigned to teach three credit hours during a summer term, the faculty member will earn twenty-five percent (25%) of the usual sick leave.

C. Adjunct Faculty.

Adjunct Faculty do not earn or accrue sick leave.

III. Rate of Accrual of Sick Leave for Non-Academic Personnel.

A. Regular Employees.

Regular Employees will accrue sick leave at a rate of one day per month for each month of Actual Service, not to exceed twelve (12) days of sick leave per year. Regular Employees who

are employed part-time will accrue sick leave in accordance with percentage of effort.

B. MODFY Employees.

Modified Fiscal Year Employees (MODFY) who are employed during the period which would normally be the non-duty period of their appointment shall accrue sick leave at the rate of one day per month for each month of full-time employment. MODFY employees who are employed part-time will accrue sick leave in accordance with percentage of effort.

III. Physician's Statement or Other Certification.

An employee may be required to present evidence in support of the reason for sick leave upon request of the direct supervisor. The direct supervisor must consult with the Office of Human Resources prior to requesting supporting documentation from an employee. Sick leave shall not be denied where an employee furnishes appropriate evidence.

IV. Return to Work.

An employee may be required to present a written release to return to work, including any restrictions that may apply, from a licensed physician or other accredited practitioner prior to returning to work. An employee will be allowed to return to work if the release certifies that the individual is able to perform the essential functions of the position with or without a reasonable accommodation.

V. Prior Service.

If in the twelve consecutive months prior to the commencement of employment as a Regular Employee the employee was employed on a temporary basis at ETSU, the employee may be credited with sick leave based on the pro-rated number of hours worked during temporary employment.

VI. Exhaustion of Sick Leave.

When an Eligible Employee exhausts sick leave, the university will draw from the employee's accumulated annual leave. However, in a workers' compensation case, an employee may choose to be placed on leave of absence without pay and retain sick and/or annual leave. When sick and annual leave have been exhausted, an Eligible Employee may submit a written request for an unpaid leave of absence due to a continuing sickness or injury. The direct supervisor and the Office of Human Resources must approve the request. The direct supervisor or Office of Human Resources may request additional documentation regarding the sickness or injury.

VII. Separation of Employees with Accrued Sick Leave.

Upon separation from the university, an Eligible Employee cannot use accumulated sick leave to remain in an active pay status. Pursuant to state law, an Eligible Employee shall not be entitled to any lump sum payment for accumulated sick leave. If the employee is transferring to another State



agency, the employee's accumulated sick leave shall be transferred in accordance ETSU's Leave Transfer Policy (See the policy on Voluntary Separation for information on sick leave use related to retirement).

VIII. Death of Employee with Accrued Sick Leave.

Upon the death of an eligible Employee who has unused and accrued sick leave, the estate or designated beneficiary shall be paid the balance of sick leave.

Authority: T.C.A. § 49-8-203

Previous Policy: N/A

**Defined Terms**

*A defined term has a special meaning within the context of this policy.*

|  |  |
|--|--|
| Academic Year Faculty                  | Faculty members (exempt employees) who hold academic rank, and who are directly engaged in instruction, research, or public service and who are employed to teach for a period of less than 12 months during a fiscal year.  |
| Active Pay Status                      | The conditions under which an employee is eligible to receive pay.   |
| Actual Service                         | Completion of the employee's employment responsibilities.  |
| Eligible Employee                      | An employee who is eligible to accrue sick leave under the provisions of this policy.  |
| Fiscal Year Faculty                    | Faculty members (exempt employees) who hold academic rank, and who are directly engaged in instruction, research, or public service and who are hired on a twelve-month (fiscal year) basis.                                 |
| Immediate Family                       | Immediate family includes (1) spouse, (2) child or step-child, or (3) other persons living in the household.   |
| Modified Fiscal Year Employees (MODFY) | MODFY (modified fiscal year) employees are regular full- and part-time personnel whose contractual service period is at least nine months, but less than twelve months. MODFY employees are paid on a twelve-month schedule. |

Regular Employees

Regular employees are personnel whose salary and benefits are budgeted on a recurring basis whether through grant or state funds, who are employed on a continuing basis, and who are eligible for full benefits (pro-rated based on percentage of effort). The Employee Classification policy provides information on types of regular employees.

The end of employment with ETSU through retirement, resignation, or termination.

Separation

**Policy History**

Effective Date:  
Revision Date:  
Previous Policy: PPP-24

**Procedures**

N/A

**Procedure History**

Effective Date:  
Revision Date:

**Related Form(s)**

N/A

**Scope and Applicability**

Primary: Human Resources



**Leave Policy-Leave Transfer**

Responsible Official: Chief Operating Officer

Responsible Office: Human Resources

**Policy Purpose**

This policy specifies the process for transfer of annual and/or sick leave balances between ETSU and other State of Tennessee agencies, colleges, universities, institutions, or schools.

**Policy Statement**

I. Transfer of Leave to ETSU.

ETSU will accept any accrued and accumulated annual and sick leave balances of any eligible Regular Employee who transfers employment from any other State of Tennessee agencies, colleges, universities, institutions, or schools to ETSU without a Break in Service as permissible under state law.

Before any transfer of leave is accepted, the previous employer must certify to ETSU that the employee's sick leave for which credit is being sought was actually accrued and due; records from the previous employer must have been compiled during the course of employment and not from records compiled solely for purposes of establishing leave credit.

II. Transfer of Leave to a State Agency or Institution in Tennessee.

An employee who transfers to another State of Tennessee agency or institution shall not be paid for accrued and unused sick leave pursuant to state law. All unused sick leave shall be transferred to the other State of Tennessee agencies, colleges, universities, institutions, or schools.

ETSU will transfer any accrued and accumulated annual and sick leave balances of any eligible Regular Employee who transfers employment between ETSU and any other State of Tennessee agencies, colleges, universities, institutions, or schools as permissible under state law and the policies of the new employer. If the new employer does not accept transfer of annual or sick leave, ETSU will payout annual leave pursuant to the Annual Leave Policy. Sick Leave is not paid out pursuant to the Sick Leave Policy and state law.

Authority: TCA § 8-50-801; TCA § 8-50-802; TCA § 8-50-803

## Defined Terms

*A defined term has a special meaning within the context of this policy.*

|                   |   |
|-------------------|---|
| Break in Service  | Any business day not worked between the end of employment with one employer and the beginning of employment with another.   |
| Regular Employees | Regular employees are personnel whose salary and benefits are budgeted on a recurring basis whether through grant or state funds, who are employed on a continuing basis, and who are eligible for full benefits (prorated based on percentage of effort). The Employee Classification policy provides information on types of regular employees. |
| Prorated          | A calculated amount in proportion to full-time equivalency.   |

## Policy History

Effective Date:

Revision Date:

Previous Policy: PPP-25

## Procedure

### I. Service Credit.

When an employee transfers between State of Tennessee employers, the transferring employee submits a written request to the applicable Department of Human Resources and requests adjustment of their records to show service established with prior State employer(s). The last employer is responsible for certifying this creditable service and the eligibility for annual and sick leave credit to the re-employing agency, college, or university.

### II. Transferring Annual Leave

#### A. Transfer with no break-in-service.

Employees complete a form during orientation about previous employment. ETSU

Human Resources contacts the former employer to verify leave balances. ETSU Human Resources credits accrued, but unused annual leave as soon as reasonably practicable.

B. Transfer with a break-in-service.

ETSU does not handle leave in this situation. The employee must work with their previous employer as to the payout of leave per the previous state employer's policies and procedures.

C. Transfer to an agency or institution that will not accept accrued and unused annual leave.

ETSU will pay the employee the balance of annual accrued and unused annual leave upon confirmation that the agency or institution will not accept the balance of annual leave on the final paycheck or as soon as reasonably practicable.

Effective Date:

Revision Date:

### Procedure History

### Related Form(s)

N/A

### Scope and Applicability

Primary: Human Resources



**TO:** University Council

**FROM:** Marlina Rogers, Compliance Counsel  
Kay Lennon-McGrew, Assistant University Counsel and Policy Counsel

**DATE:** September 7, 2021

**RE:** Clery Act Compliance Policy

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**I. Introduction.**

The Public Safety and University Compliance staffs jointly determined that the institution should have a Clery Act Policy after reviewing our institution's current policies. Thus, this is a new policy.

This policy specifies how ETSU will comply with the Clery Act and the Violence Against Women Act amendments to the Clery Act, and ETSU's obligation to make campus security and safety statements available to the campus community and the public as prescribed by the law.

The policy was posted for public comment from August 18, 2021 through September 1, 2021. The policy is attached to this memorandum.

**II. Public Comment Period.**

We did not receive any public comments on this policy.



**TO:** University Council

**FROM:** Lori Erickson, Assistant Vice President for Human Resources  
Kay Lennon-McGrew, Assistant University Counsel and Policy Counsel

**DATE:** June 3, 2021

**RE:** Leave Policies

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## **I. Introduction.**

The Office of Human Resources is in the process of reviewing all TBR policies related to HR and creating institutional policies. The first policies under review are the leave policies. To be efficient, the leave policies were divided into three groups. Group 1 of the leave policies includes:

- American Red Cross Disaster Leave
- Bereavement Leave
- Civil Leave
- Volunteer Firefighter Service Leave
- Voting Leave

These policies were posted for public comment from May 12, 2021 to May 26, 2021. The five policies for review by University Council are attached to this memorandum.

## **II. Public Comment Period.**

Below is a summary of the substantive comments and/or questions received during the public comment period, as well as the applicable response from the policy originator. Technical, grammar, and organization comments were considered by the policy originator and incorporated as deemed appropriate.

*Please note: If two asterisks (\*\*) appear before a comment/question, several individuals raised the comment/question. The repetition of the same or similar question(s) was not included in this memo.*

- **American Red Cross Disaster Leave:**

**Questions from Susan Epps:**

What is the process for registering with HR? Does the employee need to provide specific paperwork or documentation?

*Policy Originator's Response: The previous TBR policy did not require a registration process. We have revised the policy to include a written email notification. The employee does not need to provide a specific type of documentation. As currently stated in the policy, the supervisor may request verification of service, but there is no specific documentation that must be submitted.*

Upon written request by the American Red Cross... request for disaster relief service? (I would assume so, but seems like that should be specific what the ARC is requesting).

*Policy Originator's Response: Requests are not limited to disaster relief service. Any request from the American Red Cross may be considered. For example, we received requests for nurses to assist with vaccination efforts during the pandemic.*

Both the purpose and the policy use "may be approved" - does that mean it may NOT be approved? Is there an appeal process if it's not approved? If this is a leave option, do we need to state why such a request might be denied?

*Policy Originator's Response: Correct, it may be approved. It is not guaranteed that it will be approved. There are many unforeseen circumstances that may cause an undue burden on the institution if the leave was granted. It would be difficult to generate an exhaustive list of all the potential reasons to include in the policy. There is no appeal process for denial of leave.*

- **Bereavement Leave:**

**\*\*Question from Mary Musick:** Are the two additional 'sick leave' days considered as bereavement paid leave along with the other three approved days of paid bereavement leave, or does this mean an employee can take up to five days of paid bereavement leave with 3 days being paid as bereavement leave and the 2 sick days paid by the employee's accrued time if already earned?

*Policy Originator's Response: The policy permits three days of paid bereavement leave. These three days would be coded as bereavement leave. If the employee has previously accrued sick leave, they may also take two sick days. The employee is always free to request and use any accrued annual leave independent of the aforementioned five days. This policy did not change the leave previously granted when ETSU was under TBR.*



**Comment from Wendy Guinn:** I am an only child, and three days were not enough to complete all of the final arrangements for my mother that never married. I had no time to even deal with the loss. I spent all three days just getting affairs and details worked out.

*Policy Originator's Response: We are very sorry for your loss. You are also permitted to request annual leave to help you through this difficult time. If you or your supervisor have questions about the five days or using annual leave, please contact HR, and we will help coordinate and/or answer any questions you have.*

**\*\*Comment from Veronica Roberson:** Being from Arizona and not having a lot of my family living here 3 days would not give enough time to make arrangements for family members or give said employee the time to deal with the loss. This causing a lot of emotional strain and depression on the employee. This kind of leave policy needs to be less structured and more accommodating to those who have lost a love one.

*Policy Originator's Response: The three days of bereavement leave is granted by state law (please see [TCA 8-5-113](#)). The statute grants three additional days of paid leave above previously accrued leave. An employee is permitted to request and use their annual as well.*

- **Civil Leave:**

**Questions from Leslie Little:** How are employees to code this leave on the timesheet? Are employees required to supply jury summons to the supervisor within a reasonable time frame before day of service?

*Policy Originator's Response: The TRS system has a specific code for civil service duty (code "J"). It is built into the system and the employee simply selects the J and enters the time. The policy does not require documentation to be submitted in a specific period of time. It is in the discretion of the direct supervisor.*

- Volunteer Firefighter Service Leave

**Comments from Susan Epps:** "Within twelve (12) hours after the conclusion of a fire call or emergency that lasted four (4) or more hours, the Regular Employee may be permitted to take annual leave or sick leave without loss of pay." This is confusing - do they have to request the leave within 12 hours? Does the supervisor have to approve it within 12 hours?

*Policy Originator's Response: This statement is does not relate to the acts of requesting leave or approving leave. The statement defines the triggering event of when an employee is permitted to take leave.*

**Questions from Leslie Little:** How is this leave coded? Do we require prior notification that an employee is a volunteer firefighter so we are aware that these situations can happen?

*Policy Originator's Response:* The policy permits the employee to code it as sick leave, annual leave, or unpaid leave. We did not add the prior notification requirement when creating the policy because it was not required under the TBR policy or state law.

- **Voting Leave:**

**Comments from Susan Epps:** Regular employees may receive 'reasonable leave' to vote but then the last sentence says the leave will not exceed three hours. If there is a limit, shouldn't that just be stated instead of the less specific 'reasonable'?

*Policy Originator's Response:* We reviewed your requested revision. Each employee's situation is different. Some employees may need to take an hour to vote. Some employees may need to take 3 hours. Reasonable will depend on each employee's situation and should be left to the direct supervisor to approve. We are comfortable with the language as drafted.

### III. Legal Review of the Proposed Policy

The applicable legal authority for each policy is as follows:

|                                     |                      |
|-------------------------------------|----------------------|
| American Red Cross Disaster Leave   | TCA 8-5-810          |
| Bereavement Leave                   | TCA 8-50-113         |
| Civil Leave                         | TCA 22-4-106         |
| Volunteer Firefighter Service Leave | TCA 50-1-309         |
| Voting Leave                        | TCA 2-9-103, 2-1-106 |





| Voluntary Separation from Employment          |                                     |
|---|-------------------------------------|
| Responsible Official: Chief Operating Officer | Responsible Office: Human Resources |

### Policy Purpose

The policy specifies the expectations related to the notification of and processing of voluntary separations from ETSU. This policy applies to all ETSU employees.

### Policy Statement

This policy applies to all types of voluntary separations, including resignations, transfers to other State of Tennessee agencies or institutions without a Break in Service, and retirements.

Employees of ETSU and their respective department heads are required to complete all off-boarding procedures specified by the Office of Human Resources. Employees are expected to return ETSU property and satisfy outstanding financial or other obligations before the Last Working Day. Failure to complete all necessary actions could delay distribution of the employee's final check.

#### I. Types of Voluntary Separations.

Voluntary separation is:

- A. Resignation;
- B. Transfer to another State of TN institution/agency without a Break in Service;
- C. Retirement; or
- D. Job Abandonment.

#### II. Notice to the University of Separation

- A. Clerical and Support Personnel.  
Employees in this category should give at least fourteen (14) days notice.
- B. Executive and Administrative Personnel and Professional Non-faculty Personnel.  
Unless specified otherwise in the employment agreement, employees in this category should give thirty (30) days notice.
- C. Academic (Faculty) Personnel.

Employees in this category should give at least thirty (30) days notice. Notification from an employee a semester or academic year in advance is preferred whenever possible.

The employee's supervisor has the discretion to determine the employee's Last Working Day, but the employee may elect an earlier date than the one specified.

All resignation and/or retirement notifications must be submitted to the employee's direct supervisor. Employees who are overpaid due to a failure to provide a timely notice of separation will be required to make restitution to ETSU.

Employees who provide timely notice to the Office of Human Resources of their separation and provide all requested separation documentation should receive their final paycheck at the end of the separating month. However, final paychecks may be held until the end of the month following the separation date to ensure all accrued leave is processed appropriately and any monies owed to the university are collected.

### III. Disposition of Accrued but Unused Leave

#### A. Annual Leave.

Unless otherwise specified in the employment agreement and excluding retirement, an employee will receive a lump sum payment for the balance of annual leave as of the Last Working Day. Employees may not use annual leave to remain in an active pay status after the last day worked.

Retiring employees may choose to receive a lump sum payout of annual leave or use it for Terminal Leave.

#### B. Sick Leave

In all cases, excluding retirement, sick leave cannot be paid out pursuant to state law. The balance of sick leave will remain on file and may be transferred to another State of Tennessee agency or institution pursuant to the *Leave Transfer Policy*.

Pursuant to state law, when an employee retires accrued but unused sick leave may: (1) count for credit toward retirement for those employees who are vested with TCRS, or (2) be credited toward service for ORP members who are eligible to continue insurance in retirement for the purpose of premium reduction. Alternately, ORP members may elect to donate sick leave to the applicable ETSU sick leave bank.

Authority: T.C.A. §§ 49-8-203; 49-1-103; 8-50-807

Previous Policy: N/A

### **Defined Terms**

|  |  |
|--|--|
| Academic Personnel                     | Faculty members (exempt employees) who hold academic rank, and who are directly engaged in instruction, research, or public service. Academic personnel are employed either on a nine-month (academic year) or twelve-month (fiscal year) basis.   |
| Active Pay Status                      | The conditions under which an employee is eligible to receive pay.   |
| Break in Service                       | A break in service is a scheduled workday which was not worked and for which no pay was received.  |
| Clerical and Support Personnel         | Non-exempt employees who are categorized as clerical, support, technical, maintenance, and operations personnel.   |
| Executive and Administrative Personnel | Exempt, non-academic employees who primarily have executive and administrative responsibilities and whose positions require recognized professional achievement acquired by formal training or equivalent experience.  |
| Job Abandonment                        | When an employee does not report to work or notify the supervisor/manager for three consecutive days   |
| Last Working Day                       | The last day that a separating employee reports to work. The last working day is the same as the effective date of the separation. No leave is recorded after this date unless the employee is on terminal leave or the Office of Human Resources instructs otherwise.   |
| Lump Sum Payment                       | Lump Sum Payment refers to the payment of a separating employee's annual leave balance as of the last working day.   |
| Offboarding Process                    | The current process used by ETSU to notify all pertinent parties of an employee's separation from the university.  |
| Professional Non-Faculty Personnel     | Exempt or non-exempt (depending upon job description and annual salary) non-academic employees whose positions require recognized professional achievement acquired by formal training or equivalent experience.   |
| Terminal Leave                         | Terminal leave is the period between a retiring employee's last working day and the date that the annual leave balance is depleted. During terminal leave, employees do not accrue annual or sick leave, do receive holiday pay, do receive longevity payments (if applicable), and do not receive salary increases. Annual leave is recorded on the timesheet. The date that the annual leave runs out is the official date of retirement. Retiring employees may select the terminal leave option or may receive a lump sum payout for any remaining annual leave. |

## Policy History

Effective Date:

Revision Date:

## Procedure

An online Employee Separation/Transfer Form is completed for every employee who separates from ETSU employment. The instructions are provided on the Employee Offboarding webpage: [Employee Offboarding \(etsu.edu\)](http://etsu.edu). The form may be completed by the employee or on the employee's behalf. The submission of this online form will result in the notification via e-mail to affected University departments. All approvals are obtained electronically during the routing of the form.

Timesheets for the employee's last working month are to be submitted and approved in the Time Reporting System (TRS) by the 15<sup>th</sup> of the month unless Human Resources has indicated otherwise.

**INSERT PROCEDURES**

## Procedure History

Effective Date:

Revision Date:

## Related Form(s)

**INSERT IF APPLICABLE**

## Scope and Applicability

Primary: **INSERT CATEGORY**

Secondary: **INSERT CATEGORY**