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2021 August 9 - University Council Agenda and Minutes

University Council, East Tennessee State University

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AGENDA
University Council
Monday, August 9, 2021
Meeting Conducted Via Zoom
8:30 a.m. – 12:00 a.m.
Zoom link: [Click here](#)

1. Call to Order
2. Roll Call
3. Standing Items
 - 3.1. Approve minutes of the July 12, 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 – University Governance Organizations – Dr. Susan Epps
4. Action Items
 - 4.1. Old Business
 - 4.2. New Business
 - 4.2.1. Conflicts of Interest and Commitment – Kay Lennon-McGrew, Esq. & Ms Lori Erickson (**attachment**)
 - 4.2.2. Institutional Financial Conflicts of Interest – Kay Lennon-McGrew, Esq. & Dr. Nick Hagemeyer (**attachment**)
5. Information Items/Presentations
 - 5.1. Update on Emergency Policy on Name, Image and Likeness – Kay Lennon-McGrew, Esq.
 - 5.2. ITS Report – Dr. Karen King
 - 5.3. Provost's Task Force on Digital Creation, Preservation, and Access – Dr. Jeremy Smith (**attachment**)
 - 5.4. Update on Fall 22 Changes to APS/Work Study – Dr. Sam Mayhew & Ms Catherine Morgan
 - 5.5. Enrollment Update – Dr. Mike Hoff, Dr. Sam Mayhew
 - 5.6. ETSU Strategic Planning Update – Dr. Mike Hoff (**attachment**)
6. President's Report
7. Announcements
8. Adjournment

The next meeting is scheduled for September 13, 2021 at 8:30 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 Hagemeier 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
July 12, 2021
Meeting conducted via Zoom

1. Call to Order

ETSU President Dr. Brian Noland called the meeting to order at 8:31 a.m.

2. Roll Call

Mr. Joe Smith called roll. Those in attendance were Ms. Bridget Baird, Dr. Bill Block, Mr. Scott Carter, Dr. Cheri Clavier, Dr. Susan Epps, Dr. Mark Fulks, Dr. Adam Green, Dr. Lisa Haddad, Dr. Nick Hagemeyer, Mr. Stephen Hendrix, Dr. Mike Hoff, Dr. Keith Johnson, Dr. Karin Keith, Dr. Chris Keller, Dr. B.J. King, Dr. Karen King, Ms. Candy Massey, Dr. Sam Mayhew, Dr. Kimberly McCorkle, Dr. Arpita Nandi, Dr. Brian Noland, Mr. Jeremy Ross, Dr. Don Samples, Dr. Joe Sherlin, Mr. Joe Smith, Dr. Jeff Snodgrass

Those absent: Mr. David Atkins, Ms. Joy Fulkerson, Ms. Meghan Heimbach, Mr. Mason Mosier, Ms. Pam Ritter, Dr. Janna Scarborough

3. Standing Items

3.1. Approval of minutes from June 14, 2021 meeting

Dr. Sam Mayhew requested a correction to the June 14, 2021 minutes under item 5.2. Housing occupancy for fall 2021 is expected to be up.

A motion to approve the minutes with the noted correction and the motion was seconded; the minutes were approved.

3.2 Review of agenda

Dr. Noland reported no changes to the agenda.

3.3 Call for voluntary reports

Faculty Senate: President Stephen Hendrix reported that the Faculty Senate is currently working on an in-person, all-day fall retreat for August 17. This will be for all senators, including those who are outgoing.

Staff Senate: President Candy Massey reported that elections will begin on July 12 for new members and will continue through July 30. In August, elections for the executive committee will take place. The staff is currently busy planning the July 26 Staff Picnic to be held in the University Commons. The senate's Blood Drive committee is coordinating its event with the annual picnic. In addition, Committee on Staff Concerns has been working on several issues and has created a newsletter for staff.

Council of Chairs: Chairperson Dr. Karin Keith reported that the council is coordinating a workshop scheduled for August 16 for all chairs. The event will be held at the ETSU/Eastman Valleybrook Campus. She also noted that there has been a positive response in the number of persons signing up for Academic Impressions professional development opportunities.

Information Technology Council: Dr. Karen King reported that the digital signage project is complete and asked UC members to let her team know if they notice any problems with them. Other updates from Dr. King included a change to our Adobe licensure (which is not expected to impact user), the two-factor authentication for VPN goes live on July 15, and review of applications for the Chief Marketing and Communications Officer begins today.

Government Relations: Ms. Bridget Baird reported that since state legislators are out of session, there has not been much activity except for ongoing summer study committee meetings in Nashville. She is planning visits with members later this summer and a reception with legislators in the fall.

Research Council: Dr. Nick Hagemeyer reported that the council will meet on Wednesday (July 14).

Athletics: Scott Carter reported that several student athletes from football, volleyball, and men's and women's basketball teams are back on campus for summer term II classes. He also reported that an announcement about the next head softball coach should be made soon. President Noland requested Mr. Carter and representatives from legal make a presentation at an upcoming University Council meeting regarding changes from NCAA regarding Name, Image, and Likeness (NIL).

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

Dr. Cheri Clavier, Director of Institutional Effectiveness and Accreditation Liaison, noted that the last Quality and Effectiveness Sub-Council (QESC) update had been provided to University Council in November 2020. During the QESC's meeting in December, Dr. Mike Hoff provided an overview of the surveys conducted at ETSU, including routine surveys like NSSE and the Alumni Survey, as well as special surveys related to COVID and vaccinations. In February, the group reviewed its charge and purpose along with the activities conducted during 2020 to ensure alignment. Dr. Hoff addressed the Watermark product (Digital Measures and Planning & Self-Study) implementation phases, and Dr. Clavier spoke regarding ETSU's timeline for reaffirmation with SACSCOC, including important dates and milestones.

During the April meeting, the group discussed needs related to the Watermark product roll-out, including verification of department chairs and the importance of continuing to document program and student outcomes using the current system. Staff from Planning and Decision Support is migrating all current academic and administrative assessment plans and results into Planning and Self-Study. Dr. Clavier expects to complete this work by early fall. The group also discussed requirements for ETSU's next Quality Enhancement Plan (QEP) and began brainstorming potential topics. QEP selection will be a priority following the work of ETSU 125 2.0 and the start date of the new provost.

At the June meeting, Dr. Hoff provided information on various types of data available to faculty and staff, including student success and financial sustainability. Dr. Clavier asked for volunteers from QESC to attend the SACSCOC summer institute, which typically features in-depth programming related to QEP requirements. Drs. Jeff Snodgrass and Leah Adinolfi (who will serve on QESC following Dr. Jeff Howard's departure) will participate as representatives from QESC, along with Drs. Mike Hoff, Adam Green, Megan Quinn, Ginni Blackhart, and Dr. Clavier. QESC members were asked to submit topic suggestions for an annual calendar for QESC meetings. The next meeting is scheduled for Wednesday, July 14.

4. Action Items

4.1 Old Business

There were no old business items.

4.2 New Business

There were no new business items for the council to consider.

5. Information Items/Presentations

5.1 Enrollment Update – Dr. Sam Mayhew, Dr. Mike Hoff

Dr. Mayhew provided an enrollment update to the council. Orientation sign-ups for incoming freshmen and transfer students are strong in comparison to past years. With the current process, there are multiple points of contact to assist new students with orientation activities. Students pay a fee to attend orientation and sign up and are then directed to the respective academic advisor to register for classes. The goal is to ensure students are registered for fall classes, students either register prior to arriving on campus for orientation or they register with their academic advisor on campus during orientation. This summer, there are 21 orientation sessions.

For those who do not respond, ETSU is contacting them by phone, email, or text to invite them to a future orientation date. The names of students who have not registered is also being shared with the academic advisor. Beginning this week, the occupancy for orientation events has been expanded, and the focus remains

on course registration. A campaign is now launching to leverage EAB Navigate, a student success management system, which will target non-registered students. These students will receive two emails and a text from Navigate.

Dr. Mike Hoff explained that data show students are registering later than they have in the past. With the encouraging number of freshmen and transfer students, he anticipates ETSU's fall enrollment being within the budget confidence intervals. He said the most important thing everyone should be doing is to identify ways to encourage students to enroll as quickly as possible.

5.2 Committee for 125 Chapter 2 Update – Dr. Mike Hoff

Dr. Hoff reported on a SWOT analysis conducted by the Committee for 125 Chapter 2 that was presented during the June 16 meeting. Strengths identified included geography; depth of programming; leadership; regional commitment; and the role of the university in creating a path for economic mobility; while potential weaknesses were a lack of focus on key priorities; inadequate funding; aging facilities; localized reputation and proximity to competition. Opportunities identified by the committee included the out-of-state tuition model; health programs; public/private partnerships; defined areas of excellence; the enhanced and expanded "Culture of Excellence;" and the multiple enrollment pathways. The SWOT analysis viewed declining freshmen population; state support; tuition affordability; political climate; structure of the organization; increased competition; and the public perception of the value of higher education as Threats. In summary from the meeting and the analysis, the committee felt that the university is facing the same challenges as many regional publics; that the university has already begun the process of becoming more affordable; a focus on health programs leading the university brand into markets could help buffer the declining population; and that reputation matters.

Dr. Hoff gave a brief update on the work of the six task forces. In terms of next steps, the task forces will develop draft visions, which will be reviewed through the beginning of the fall semester. The Committee will meet again in August to begin drafting one vision for the university. During the fall semester, presentations will be made of the findings as well as the ideas that have been generated. Community presentations and discussions are planned, and the work will be shared with the university in October and with the Board of Trustees in November.

6. President's Report

President Noland began his report with a construction update on Lamb Hall. Disruptions to the space have begun with the placement of fences around the building. Ground has been broken on the entrance to the building. The RFP has closed for the new academic building and the design work will begin. Mr. Jeremy Ross and Dr. Joe Bidwell are leading this project. The state made planning

money available this year for the academic building. ETSU's next capital project will be a renovation to Brown Hall. Work has begun to develop a prospectus that will be sent to THEC. This likely will be a two-phase project, with the first component focusing on codes and labs.

Dr. Noland expressed his appreciation to Dr. B.J. King and her staff for their work in getting the one-time bonuses processed in the June paychecks. He also thanked unit leaders for their assistance in closing out the fiscal year. As we move through the next month tracking fallout dollars, his recommendation is that we continue as we have done in the past by placing a priority on moving these funds into reserves.

In closing out his report, Dr. Noland called on Provost Kimberly D. McCorkle, who is beginning her first day at ETSU. Provost McCorkle thanked everyone for the warm welcome she has received and said she could not be more excited to be joining the ETSU family. She enjoyed hearing the updates and reports from the committee members and is especially pleased to be arriving at the time when the Committee for 125 Chapter 2 is conducting its work. Provost McCorkle added she is looking forward to welcoming the students and faculty back to campus for the fall.

7. Announcements

There were no announcements.

8. Adjournment

President Noland called for an adjournment at 9:30 a.m.



Conflicts of Interest and Commitment	
Responsible Official: Chief Operating Officer	Responsible Office: Human Resources

Policy Purpose

This policy specifies how a Covered Employee should disclose Conflicts of Interest or Conflicts of Commitment and how a conflict is evaluated.

Policy Statement

Perceived or real Conflicts of Interest and Conflicts of Commitment are harmful to ETSU and ETSU's reputation. All Covered Employees must disclose any Conflicts of Interest or Conflicts of Commitment. When a Covered Employee believes a Conflict of Interest or Conflict of Commitment exists or may exist for any Covered Employee, including themselves, the Covered Employee must immediately submit a written disclosure of the facts and circumstances surrounding the Conflict of Interest or Conflict of Commitment to the Office of Human Resources through the Disclosure Form.

I. General Principles.

- A. A Covered Employee must take all reasonable precautions to ensure that a Covered Employee's Financial Interests do not place them in a Conflict of Interest or Conflict of Commitment when carrying out their Professional Obligations as employees of ETSU.

Generally, a Conflict of Interest exists when:

1. A Covered Employee allows their Financial Interest to interfere with or compromise the Covered Employee's judgment and objectivity, with respect to the Covered Employee's duties and responsibilities to ETSU.
2. A Covered Employee makes ETSU or ETSU-related decisions or uses ETSU resources in a manner that results in or is expected to result in:
 - a. Financial gain for the Covered Employee or financial gain for a Family Member; or,
 - b. An unfair advantage to or favored treatment for a third-party outside of ETSU.
3. A Covered Employee allows a Financial Interest to affect the design, conduct, or reporting of research. This type of conflict is addressed in the Institutional Financial Conflicts of Interest Policy.

B. Examples of Conflicts of Interest.

The following situations are examples of prohibited Conflicts of Interest. This is not an all-inclusive list of prohibited Conflicts of Interest.

1. A Covered Employee serving as a member of the board of directors of, serving as a consultant to, or holding an office or management position in an outside entity, and:
 - a. The Covered Employee procures or influences the procurement of goods or services from the outside entity for ETSU; or,
 - b. The Covered Employee uses their ETSU position to obtain favored treatment for that outside entity or to provide an unfair advantage to that outside entity.
2. A Covered Employee holding more than a five percent (5%) Financial Interest, inclusive of Financial Interests held by a Family Member, in an outside venture, and:
 - a. The Covered Employee procures or influences the procurement of goods or services from that outside venture for ETSU; or,
 - b. The Covered Employee uses their ETSU position to obtain favored treatment for that outside venture or to provide an unfair advantage to that outside venture.
3. A Covered Employee soliciting or accepting Gifts from a person or entity:
 - a. In return for influencing a Covered Employee in the discharge of their ETSU or ETSU-related Professional Obligations; or,
 - b. While in a position to obtain favored treatment for that person or entity or to provide an unfair advantage to that person or entity.
4. A Covered Employee selling any products or services to ETSU or another State of Tennessee agency while an employee of or within six (6) months after termination of active employment with ETSU.
 - a. This does not apply to the sale of textbooks, stage plays, and other copyright literary property for which the Covered Employee receives royalties from a distributor in which the Covered Employee does not own a controlling interest.
 - b. This does not apply to Sole-source Suppliers, unless the Covered Employee also procures or influences the procurement of the particular product or service for ETSU. However, the Covered Employee's interest in the Sole-source Supplier must be publicly acknowledged.
5. A Covered Employee using confidential or official ETSU information in any manner that results in or is expected to result in financial gain or an unfair advantage to the Covered Employee, a Family Member, or a third-party.

II. Enforcement.

Compliance with this policy is a condition of employment for all Covered Employees. A Covered Employee who fails to comply with this policy is subject to discipline, including termination.

Authority: FOCUS Act Tenn. Code Ann. § 49-8-203, et. seq.

Previous Policy: Tennessee Board of Regents Policy 1.02.03.10

Definitions

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

Conflict of Commitment: The actual or perceived divergence of a Covered Employee's personal time, attention, and energy from the Covered Employee's Professional Obligations

Conflict of Interest: The actual or perceived divergence of a Covered Employee's personal interests, including, but not limited to, Financial Interests, from the Covered Employee's Professional Obligations.

Covered Employee: Any ETSU employee who is employed in any capacity except student workers, graduate assistants, medical residents, or volunteers

Family Member: Includes 1) spouse; 2) child, step-child; 3) parent, step-parent, foster parent, parent-in-law; 4) sibling(s); 5) grandparents and grandchildren and: 6) other members of the family who reside within the home.

Financial Interest: Any interest of monetary value, whether or not that value is readily ascertainable, including any interest of a Family Member

Gift: Any item gifted in excess of \$250, including but not limited to, any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee, or any other item of monetary or personal value.

Professional Obligations: The duties and responsibilities owed by a Covered Employee as part of their employment at ETSU, including to act in a manner that the Covered Employee reasonably believes to be in the best interests of ETSU.

Sole-source Supplier: The only supplier that can provide a particular good or product.

Policy History

Effective Date:

Revision Date:

Procedure

The procedures for disclosure of a Conflicts of Interest or Conflicts of Commitment and the review process are as follows:

I. Disclosure by Covered Employee.

A Covered Employee completes the Disclosure Form on the Human Resources website.

II. Review of Disclosures.

One representative from the Office of Human Resources, the Office of University Counsel, the Division and Finance, the Office of Internal Audit, and the department head for the Covered Employee's unit meets to evaluate the disclosure and determine what action is necessary. A Covered Employee involved in a potential or alleged Conflict of Interest or Conflict of Commitment is not permitted to participate in the evaluation of the matter.

Procedure History

Effective Date:

Revision Date:

Related Form(s)

Disclosure Form

Scope and Applicability

Primary: Human Resources

Secondary:

Provost's Task Force on Digital Creation, Preservation, and Access

Dr. Jeremy A. Smith
smithja14@etsu.edu

Task Force Chair, Director of the Archives of Appalachia



Task Force Members

- Dr. Jeremy Smith (Director of the Archives of Appalachia): Task Force Chair
- David Atkins (Dean, Sherrod Library)
- Dr. David Currie (Director of Research Computing Services)
- Dr. Courtney Hall (Professor, Department of Rehabilitative Sciences)
- Dr. Julie Fox-Horton (Assistant Professor, Department of Cross-Disciplinary Studies)
- Dr. Andrew Joyner (Associate Professor, Department of Geosciences, Director of the Geoinformatics and Disaster Science Lab)
- Anthony Kiech (Director of Academic and Technology Services)
- Renee Lyons (Associate Professor, Department of Curriculum and Instruction)
- Greg Marlow (Assistant Professor, Digital Media Department)
- Dr. Jeff Roach (Associate Professor, Department of Computing)
- Dr. Chris Widga (Head Curator, Center of Excellence in Paleontology)
- Nakia Woodward (Assistant Director for Administration & Collections, Medical Library)
- Dara Young (Media Coordinator, College of Public Health)



Task Force Charge

- quantify the needs, across ETSU, for digital content stewardship
- identify current digital stewardship practices at peer institutions
- provide recommendations for university-wide action



The Need: Globally

- Over 93% of the world's annual intellectual output is produced in digital form.
- There are now 40 times more distinct bytes than there are known stars in the observable universe.

from Jeff Desjardins, “How much data is generated each day?,” *World Economic Forum* (April 17, 2019), <https://www.weforum.org/agenda/2019/04/how-much-data-is-generated-each-day-cf4bddf29f/>



The Need: at ETSU

1.3 petabytes at ETSU as of April 2021

- 1,300 terabytes
- 1,300,000 gigabytes
- That's the equivalent of:
 - 111,800,000,000 pages of MS Word documents
 - 325,000,000 songs



The Digital Dark Age

“We may [one day] know less about the early 21st century than we do about the early 20th century.”

- Rick West (data manager at Google) -



Summary of Task Force Work

1. Peer Institution Benchmarking

- a. Appalachian State University
- b. East Carolina University
- c. Old Dominion University
- d. Marshall University

2. Campus Survey

- a. Sent to 54 Department Chairs and 7 service center directors



Campus Survey Highlights

- 80% (17/21) indicated that they have enough digital storage to meet their departmental needs
 - 80% (17/21) also indicated that they or their faculty use some combination of non-ETSU cloud storage, PC not issued by ETSU, or removable storage for work-related files
- 30% (6/21) indicated that their department does not actively use OneDrive for file storage

This may indicate the need for increased education and outreach about the benefits of ETSU's data management services and/or the implementation of systems that are more convenient for users.



Campus Survey Highlights

- 90% (19/21) do not have departmental policies guiding the retention or storage of digital content
- 80% (17/21) do not know what digital content they should be saving as a part of ETSU's official institutional records
- 45% (9/21) indicated the greatest digital stewardship need at ETSU is for enhanced policies or education about existing policies



Recommendations

1. Create a standing Digital Stewardship Committee

- While our Task Force completed a great deal of foundational work during its two-month tenure, we recommend a longer focus to devise robust responses to these institution-wide challenges and to provide regular updates and recommendations in response to the swiftly evolving digital landscape. **East Carolina University** has implemented a similarly-focused committee.



Recommendations

2. Provide targeted training on the benefits of current ETSU resources
 - 80% of our campus survey respondents indicated that they or their faculty use some combination of non-ETSU storage for work-related files. 30% indicated that their department does not actively use OneDrive for file storage. 45% requested enhanced policies or education about existing policies as they relate to digital stewardship.



Recommendations

3. Provide funding for a University Archivist
 - ETSU currently does not have a University Archivist
 - 80% of survey respondents do not know what digital content they should be saving as a part of ETSU's official institutional records
 - **Appalachian State, East Carolina, Old Dominion, and Marshall** all have between 1-2 full-time positions devoted to this work



Recommendations

4. Provide a centrally-funded infrastructure for unlimited storage of department-specific data
 - 20% of respondents do not have enough digital storage to meet their departmental needs, and 70% have content that would benefit from enhanced digital preservation processes.
 - While the total amount of digital data is not equally distributed among departments, it is equally essential to each dept's effective research, teaching, and administrative functions. An expanded, centrally-funded infrastructure would help maximize ETSU's academic excellence in the digital age. **Old Dominion University** has adopted a similar approach.



Recommendations

1. Create a standing Digital Stewardship Committee
2. Provide targeted training on the benefits of current ETSU resources
3. Provide funding for a University Archivist
4. Provide a centrally-funded infrastructure for unlimited storage of department-specific data



The Cost of Inaction

- Need will only increase
- Research and teaching will be hindered
- Financial loss
- Information loss



Provost's Task Force on Digital Creation, Preservation, and Access

Dr. Jeremy A. Smith
smithja14@etsu.edu

Task Force Chair, Director of the Archives of Appalachia





Institutional Financial Conflicts of Interests	
Responsible Official: Vice Provost for Research	Responsible Office: Research and Sponsored Programs Administration

Policy Purpose

This policy defines Financial Conflicts of Interests as it relates to ETSU Sponsored Activities; describes requirements for disclosure of Significant Financial Interests; and sets the process for reviewing and managing conflicts.

Policy Statement

ETSU must review all potential Financial Conflicts of Interests (“FCI”) when accepting grants or contracts from entities (non-profit and for profit) for research or other activities, including but not limited to Human Subjects Research.

All FCIs must be reviewed whether actual or apparent. ETSU, employees of ETSU, the ETSU Foundation, the ETSU Research Corporation, and Covered Officials must disclose annually all Significant Financial Interests (“SFI”). ETSU must review each SFI to ensure all grants, contracts, and extramurally supported projects (collectively, ‘Sponsored Activities’) received by ETSU are performed with the highest level of integrity. The requirement to disclose SFI, includes, but is not limited to an ETSU employee’s interests in intellectual property from profit and non-profit corporations that may influence the performance of Sponsored Activities.

I. Disclosure of Significant Financial Interests.

A. Disclosure of SFI held by ETSU.

On or before July 1st, the individuals listed below shall disclose to the Director of ORSPA the information described hereinbelow.

1. The CEO of the ETSU Foundation shall disclose:

- i. a list of the for profit and non-profit companies that have business relationships with ETSU, the ETSU Foundation, and the ETSU Research Corporation that include, but are not limited to, licensing agreements, patents, invention disclosures, royalty payments; and ETSU, the ETSU Foundation, or the ETSU Research Corporations ownership and/or equity interests and payment distributions. The CEO of the ETSU

Foundation should update this list during the year to reflect the status of relationships as new relationships develop and old relationships conclude; and

- ii. a list of corporate donors that gave Gifts in excess of \$100,000, including an explanation, if known, of how such Gifts are to be used to support Sponsored Activities. The list shall also contain the names of ETSU departments and/or individuals who were recipients of disclosed Gifts.

2. The CEO of the ETSU Research Corporation shall disclose:

- i. a list of the for profit and non-profit companies that have business relationships with ETSU, the ETSU Foundation, and the ETSU Research Corporation that include, but are not limited to, licensing agreements, patents, invention disclosures, royalty payments; and ETSU, the ETSU Foundation, or the ETSU Research Corporations ownership and/or equity interests and payment distributions. The CEO of the ETSU Research Corporation should update this list during the year to reflect the status of relationships as new relationships develop and old relationships conclude; and
- ii. a list of corporate donors that gave Gifts in excess of \$100,000, including an explanation, if known, of how such Gifts are to be used to support Sponsored Activities. The list shall also contain the names of ETSU departments and/or individuals who were recipients of disclosed Gifts.

3. Covered Officials shall disclose Significant Interests held by the individual, and the individuals' Family Members with 30 days of an event that requires disclosure. Covered Officials shall also submit an annual report of the individual's and Family Member's outside professional activities Annual Report of Outside Professional Activities and Significant Financial Interests for the previous calendar year.

II. Review of Significant Financial Interests.

The Director of ORSPA shall have the primary responsibility for reviewing all disclosed SFI to determine if the interest triggers a potential FCI. The Director of ORSPA will refer any disclosures for which a potential SFI exists to the Vice Provost for Research (VPR) for review.

For Sponsored Activities involving Human Subjects Research, the VPR will evaluate potential SFI and develop a conflict management plan, if necessary, and will submit it to the Institutional Review Board for approval. For Sponsored Activities where a SFI is actual or apparent, the activities will be conducted only when the FCI can be managed in a manner that reduces the potential for undue influence. The VPR shall have the responsibility for reviewing Sponsored Activities involving Human Subjects Research to determine if an Institutional Conflict of Interest exists.

The Director of ORSPA will notify the VPR and the submitting unit of a CFI as part of its regular procedures for the review and approval of such applications.

In the case of a conflict involving the VPR, the Director of ORSPA will notify the Senior Vice President for Academic Affairs. The Senior Vice President for Academic Affairs will develop a management plan, if possible, for managing or reducing a FCI related to the VPR.

III. Management Plans for FCI.

A management plan for a disclosed FCI related to a Sponsored Activity may include:

- a. Disclosure of the FCI in research in relevant publications, presentations, informed consent forms, and press releases, as appropriate;
- b. Disclosure of the FCI to study personnel, students, trainees, and professional colleagues;
- c. Recusal of the conflicted Covered Official from decision-making regarding applicable grants, contracts, procurements, or other activities affecting or involving research;
- d. Reduction in the magnitude of the financial interest held by the Covered Official and/or ETSU Foundation or ETSU Research Corporation (generally to below the \$100,000 thresholds outlined above);
- e. An agreement between the ETSU employee or ETSU and the entity sponsoring the research to end the fiduciary relationship with the entity prior to the research commencing and not to hold such an interest for a period of two or more years following completion of any related research conducted at or under the auspices of the institution; or
- f. Internal or external oversight by an individual or committee with no FCI related to the project, which may include referring Human Subjects Research review to an external review board or data safety and monitoring board.

V. Appeals.

If an individual or entity with a FCI would like to file an appeal related to a determination of FCI or any management plan related to Sponsored Activities, the appeal is filed pursuant to the process outlined in the Financial Conflict of Interest and the Promotion of Objectivity in the Sponsored Programs Policy.

If an individual or entity with a FCI would like to file an appeal related to a determination of FCI or any management plan related to Human Subjects Research, the appeal is filed pursuant to the process outlined in IRB Policy 12.

If the ETSU President has a FCI conflict of interest and chooses to appeal a decision related to an FCI determination or any imposed management plan, the ETSU President's appeal is filed with the Board of Trustees for review and decision pursuant to their policies and procedures, as well as any applicable ETSU policies. The Board of Trustees decision is final.

Authority:

Federal Acquisition Regulations (FAR 48 CFR 9.5 Organizational and Consultant Conflicts of Interest) and Defense Federal Acquisition Regulations; Association for the Accreditation of Human Research Protections Program (AAHRPP) Element 1.6.A; and Veteran's Administration: VVHA Standards of Ethical Conduct for Employees of the Executive Branch; TN FOCUS Act.

Previous Policy: (FP-30: Institutional Conflict of Interest)

Defined Terms

A defined term has a specific meaning to this policy.

Covered Official	Any individual with the authority to control or exert pressure over the performance or outcomes of a Sponsored Activity. This includes, but is not limited to the ETSU President, Senior Vice President for Academic Affairs, Vice President Office of Student Life and Enrollment, Vice Provost for Research and Sponsored Programs, Vice President for Clinical Affairs, Chief Financial Officer, Vice President for Advancement, Chief Operating Officer, Chief Executive Officer ETSU Foundation, Chief Executive Officer, and ETSU Research Corporation.
Family Member	Includes: (1) a spouse; a dependent child or stepchild or other dependent, for purposes of determining federal income tax liability during the period covered by the disclosure statement; and (3) a related or non-related, unmarried adult who resides in the same household as the covered individual and with whom the covered individual is financially interdependent as evidenced, for example, by the maintenance of a joint bank account, mortgage, or investments.
Financial Conflict of Interest	Occurs when the ETSU Foundation, the ETSU Research Corporation, or an Covered Official has or forms a relationship with for profit and non-profit entities; receive major gifts from sponsors; hold equity interests in a business entity in which ETSU employees propose to conduct research that may affect the value of the equity interest (including Human Subjects Research); or when the ETSU Foundation or the ETSU Research Corporation hold a patent or license.
Gifts	Gifts (including gifts in kind) to the University exceeding \$100,000 in total value (over a five-year period) from a sponsor of ETSU Sponsored Activities or a company that owns or controls products being studied or tested, or a philanthropic unit or an individual affiliated with these companies.
Human Subjects Research	This term is used as defined by the Department of Health and Human Services (HHS) and the Office for Human Research Protections (OHRP) in applicable federal laws and regulations as amended from time to time (including, without limitation, 45 CFR Part 46 and 21 CFR Part 56), regardless of the source of research funding or whether the research is otherwise subject to federal regulation.
Significant Financial Interests	ETSU, the ETSU Research Corporation, or the ETSU Foundation are determined to have a Significant Financial Interest if it has ownership, control, rights to, or received any of the following: (1) Royalties or other payments from licenses or other technology transfer agreements related to University intellectual property rights, when such payments are in excess of \$100,000 and received within the past 12 months from a for-profit or non-profit company proposing to support a sponsored project/activity that falls within the scope of this policy; (2) Gifts/gifts-in-kind and donations in excess of \$100,000 received within the past twelve months from a for-profit or non-profit company proposing to support a sponsored project/activity that

falls within the scope of this policy; or (3) through technology licensing activities or investments related to such activities, has obtained an equity or ownership interest (other than a mutual fund) in a publicly traded company worth more than \$100,000 as determined by reference to publicly listed prices, received within the past 12 months from a for-profit company supporting or proposing to support a sponsored project/activity that falls within the scope of this policy; or (4) any equity interest or an entitlement to equity of any value, including options or warrants, in a non-publicly traded company whose value cannot be determined by reference to publicly listed prices (i.e., equity interest in a start-up company) and which is supporting or proposing to support a sponsored project/activity that falls within the scope of this policy.

A covered Official has a Significant Financial Interest if it has ownership, control, rights to, or received any of the following: (1) Royalties from licenses or other technology transfer agreements related to University intellectual property rights, when such payments are in excess of \$5,000 and received within the past 12 months from a for-profit company supporting or proposing to support a sponsored project/activity that falls within the scope of this policy; (2) Payments—e.g., salary, consulting fees, honoraria, or gifts—in excess of \$5,000 and received within the past twelve months from a for-profit or non-profit company proposing to support a sponsored project/activity that falls within the scope of this policy; (3) Any equity or other ownership interest in a non-publicly traded company proposing to support a sponsored project/activity that falls within the scope of this policy; or (4) A position giving rise to a fiduciary duty in a for-profit or non-profit company proposing to support a sponsored project/activity that falls within the scope of this policy.

Sponsored Activity

Those activities which are supported, in whole or in part, by funding external to the general operating budget of ETSU, the ETSU Foundation or the ETSU Research Corporation. Such funding is restrictive in nature in that the activities to be carried out are specified by the external agency through the mechanisms of grants, contracts, and/or agreements.

Policy History

Effective Date:

Revision Date:

Procedure

Procedure

Effective Date:

Revision Date:

Financial Conflict of Interest and the Promotion of Objectivity in Sponsored Programs Policy; IRB Policy 12;

Related Form(s)

HR Policy on Conflicts of Interest

Scope and Applicability

Primary:

Secondary:



TO: University Council

FROM: Dr. Hagemeyer, Interim Vice Provost for Research
Lori Erickson, Assistant Vice President for Human Resources
Kay Lennon-McGrew, Assistant University Counsel and Policy Counsel

DATE: August 2, 2021

RE: Institutional Financial Conflicts of Interests
Conflicts of Interest and Commitment

I. Introduction.

The Institutional Financial Conflicts of Interests policy defines Financial Conflicts of Interests as it relates to Sponsored Activities; describes requirements for disclosure of Significant Financial Interests; and sets the process for reviewing and managing conflicts. This policy is needed for an accreditation review in August. The Conflicts of Interest and Commitment policy specifies how a Covered Employee should disclose Conflicts of Interest and Commitment and how a conflict is evaluated. These policies were posted for public comment from July 18, 2021-August 1, 2021.

II. Public Comment Period.

We received one public comment related to the Conflicts of Interest and Commitment policy.

Comment from Theresa McGarry: I think you should add a definition of "sole source supplier."

Response from Policy Originator: We agree with this suggestion. A defined term was added to the policy.

III. Legal Review of the Proposed Policy.

The applicable legal authority for each policy is as follows:

Institutional Financial Conflicts of Interests	Federal Acquisition Regulations 48 CFR 9.5 Organizational and Consultant Conflicts of Interest and Defense Federal Acquisition Regulations; Association for the Accreditation of Human Research Protections Program Element 1.6.A; and Veteran's Administration: VVHA Standards of Ethical Conduct for Employees of the Executive Branch; TN FOCUS Act.
Conflicts of Interest and Commitment	T. C. A. § 49-8-203, et seq.

