

East Tennessee State University

Digital Commons @ East Tennessee State University

University Council Agendas and Minutes

Agendas and Minutes

11-9-2020

2020 November 9 – University Council Agenda and Minutes

East Tennessee State University

Follow this and additional works at: <https://dc.etsu.edu/university-council-agendas-minutes>



Part of the [Higher Education Commons](#)

Recommended Citation

East Tennessee State University, "2020 November 9 – University Council Agenda and Minutes" (2020). *University Council Agendas and Minutes*. 13.
<https://dc.etsu.edu/university-council-agendas-minutes/13>

This Agendas and Minutes is brought to you for free and open access by the Agendas and Minutes at Digital Commons @ East Tennessee State University. It has been accepted for inclusion in University Council Agendas and Minutes by an authorized administrator of Digital Commons @ East Tennessee State University. For more information, please contact digilib@etsu.edu.

AGENDA
University Council
Monday, November 9, 2020
Meeting Conducted Via Zoom
8:30 a.m. – 11:00 a.m.

1. Call to Order
2. Roll Call
3. Standing Items
 - 3.1. Approve minutes of the October 12, 2020 meeting (**attachment**)
 - 3.2. Review agenda
 - 3.3. Call for Voluntary Reports of UC-Essential Action Items from Governance Organizations
4. Action Items
 - 4.1. Old Business
 - 4.2. New Business
 - 4.2.1. Policy on HSRA Legislative Mandates Restricting the Use of Federal Grant Funds (**Policies attachment, pages 1-8**) – Karen Glover
 - 4.2.2. Policy on Use of Electronic Signatures (**Policies attachment, pages 9-13**) – Karen Glover
 - 4.2.3. Proposal for Sub-Council on University Governance Organizations (**attachment**) – Dr. Bishop
5. Information Items/Presentations
 - 5.1. Campus Safety Update – Mr. Ross
 - 5.2. Update from Quality and Effectiveness Sub-Council – Dr. Clavier
 - 5.3. Update on ETSU Surveys of Faculty, Staff, and Students – Dr. Hoff
6. President’s Report
 - 6.1. Search for Provost
 - 6.2. Strategic Visioning Process
 - 6.3. COVID Response Update
7. Announcements
8. Adjournment

University Council
November 9, 2020
Meeting conducted via Zoom

1. Call to Order

Dr. Wilsie Bishop called the meeting to order.

2. Roll Call

Ms. Amanda Mowell called the roll. Those in attendance were: Ms. Bridget Baird, Dr. Wilsie Bishop, Dr. Bill Block, Dr. Myra Carew, Mr. Scott Carter, Dr. Cheri Clavier, Dr. William Duncan, Dr. Susan Epps, Ms. Kayla Frank, Ms. Joy Fulkerson, Dr. Mark Fulks, Dr. Allen Gorman, Dr. Adam Green, 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. Wendy Nehring, Dr. Brian Noland, Mr. Shivam Patel, Ms. Pamela Ritter, Mr. Jeremy Ross, Dr. Don Samples, Dr. Janna Scarborough, Dr. Joe Sherlin, Mr. Joe Smith, Dr. Jeff Snodgrass, Ms. Alicia Williams

Those absent: Dr. Joe Sherlin

Others in attendance: Ms. Mary Cradic, Mr. James Batchelder, Dr. Bill Flora, Ms. Karen Glover, Mr. Cesar Gracia, Dr. Nick Hagemeyer, Dr. Amy Johnson, Ms. Kay Lennon-McGrew, Dr. David Linville, Ms. Amanda Mowell, Dr. Jodi Polaha, Dr. Megan Quinn, Mr. Mark Tipton, Ms. Jessica Vodden

3. Standing Items

3.1 Approve minutes from October 12, 2020 meeting

Several members made motions and the November meeting minutes were unanimously approved.

3.2 Review agenda

There were no changes to the agenda.

3.3 Voluntary Reports of UC-Essential Action Items from Governance Organizations

Mr. Shivam Patel had no report from the Student Government Association.

Ms. Kayla Frank said the Graduate and Professional Student Association hosted in-person and Zoom events and many of the attendees commented they feel stressed and overwhelmed by the remote learning environment. The GPSA will look to host their next in-person and Zoom even in February.

Dr. Allen Gorman said the Council of Chairs continues to explore leadership development opportunities.

Mr. Stephen Hendrix noted that Faculty Senate will vote on a resolution related to family paid leave. At the end of the month, the senate will begin taking nominations for

the Faculty Trustee position to be filled next year. Nominations will be accepted until the end of January.

Ms. Candy Massey reported that Staff Senate is working on Holiday Drive and will distribute food Nov. 18-20. A new Staff Senate website was launched and one of the senate's goals is better communication with staff.

Dr. William Duncan (Research Council) reported that work continues with Ballad Health to establish data use agreements with the Center for Rural Health Research and cardiovascular research. Once these are complete, a template will be available to facilitate access to the electronic medical record data.

Dr. Karen King had no new information to report for the Information Technology Council.

Mr. Scott Carter noted that competition for men's and women's basketball teams begins Nov. 25.

Dr. Bishop had no report for Academic Council.

4. Action Items

4.1 Old Business

No old business was brought before the University Council for consideration.

Next, Dr. Bishop reviewed the process for policy development. Policy Development and Administrative Rulemaking establishes the university-wide procedure for the development, revision, and review of all university policies and procedures. As such, the originating body and University Counsel review new policies or revisions before entering the 14-day public comment period. When a policy is listed on the University Council agenda, it is being presented for substantive character and the merits of the policy, Dr. Bishop said. The comment period provides the opportunity for the entire campus community to submit modifications and feedback. It is the best time to raise concerns and suggest format changes, she added. She then asked Dr. Mark Fulks to talk about the responsibilities of University Council in regards to policy development.

Dr. Fulks said the policy process is coordinated by University Compliance and Ms. Kay Lennon-McGrew has stepped into the policy coordinating role. He reiterated the importance of following the policy on rulemaking so that someone who is subject to discipline or another action as result of a policy cannot challenge its validity and avoid application. He encouraged members of University Council to read the Development and Administrative Rulemaking Policy. Additionally, policy guidelines will be developed so everyone can use the same general format when drafting/ revising policies. Adopting a guidebook will help resolve grammatical issues. Dr. Fulks also noted the importance of determining what is policy and what is procedure – a procedure can be changed at any time; whereas, a policy change requires going through the full process.

Ms. Marlena Rogers has recently joined University Compliance. She and Dr. Adam Green will assist in ushering policies through the process. The overarching goal, Dr.

Fulks said, is to make the policy process as efficient and effective as possible so that everything is taken care of before it comes before University Council for a substantive review. Members have three options:

1. Approve
2. Not approve
3. Send back the draft for revisions (starts the process again)

Discussion commenced about the ability to upload or submit grammatical changes during public comment periods.

Dr. Bishop said she aims to use her remaining time at ETSU to review academic policies. She thanked Dr. Fulks for his review of the process and said members of University Council have a responsibility to be more attentive to public comment periods that are announced in the Weekly Update newsletter.

4.2 New Business

4.2.1. Policy on HRSA Legislative Mandates Restricting the Use of Federal Funds

Ms. Karen Glover presented an overview of the policy that was created to address requirements mandated by the Further Consolidated Appropriations Act signed into law in December 2019, which provides funding for the Health Resources and Services Administration (HRSA). Its intent is to provide information on statutory provisions that limit the use of HRSA grant funds.

The current Legislative Mandates remain in effect until a new appropriation bill is passed; therefore, the following are prohibited from being funded by HRSA grants: (Complete list included in the [policy attachment](#))

- Salary limitations – federal grant funds cannot be used to pay the salary in excess of Executive Level II.
- Gun-Control – no federal grant funds should go toward advocating or promoting gun control.
- Anti-Lobbying – no federal grant funds should not be used to pay for activities designed to influence legislation, etc.
- Restrictions on Abortions (and exceptions) – no HRSA funding shall be expended for any abortion.
- Ban of Funding of Human Embryo Research.
- Limitation on Use of Funds for Promotion of Legalization of Controlled Substances.

Dr. Duncan requested that “HRSA” be added to the title of the policy to discern that the policy does not apply to all federal grants.

Dr. Susan Epps made a motion to accept the policy as presented with the editorial change to the title. Mr. Shivam Patel seconded the motion. It approved unanimously.

4.2.2. Policy on Use of Electronic Signatures

Ms. Glover said the purpose of this [policy](#) is to identify when an electronic signature may replace a written signature when conducting official business on behalf of the

University. It says there must be a mutual agreement by each party to conduct transactions by electronic means when the signature is required by law using an approved electronic signature method. The signature authority already in place should be followed with approval granting that authority, she added. In determining whether to approve an electronic signature method, consideration must be given to the systems and procedures associated with using that electronic signature and whether the electronic signature is at least as reliable as the existing method.

ITS will be responsible for maintaining and collecting an inventory of all approved electronic signature methods. Departments can utilize this inventory but must adopt their own processes to ensure documentation is appropriately stored. Receipts of cash are not eligible for electronic signature.

Discussion ensued about some of the language labeled as “procedure” but could be considered policy. To address these concerns and allow for more time to review, it was suggested that the policy go through another public comment period.

Mr. Stephen Hendrix made a motion to table the policy until the December meeting to allow for further review via a second public comment period. Mr. Shivam Patel seconded the motion. The motion carried.

4.2.3. Proposal for Sub-Council on University Governance Organizations

At the October meeting, Dr. Bishop brought forward the idea of forming a Sub-Council that would serve as a clearing house for directing and facilitating activities related to governance structure of the university.

The proposal for the Sub-Council on University Governance Organizations ([attachment](#)) outlines membership. Dr. Bishop said the sub-council would be a visible and public effort toward shared governance embedded within our university governance structure. The Provost Office would staff it and assist with the website and solicitation of nominations for committee membership. The sub-council would review committees to avoid redundancies and assure each committee is carrying out its respective charge. It would determine the procedure for identifying committee members, training for committee chairs, and overseeing a repository for minutes to document the demonstration of activities of shared governance. The sub-council would be a liaison to University Council for motions from committee for endorsement or approval so that when committees take action it can be implemented and formalized, Dr. Bishop stated. Additionally, it would help committees restructure or dissolve. She said this sub-council would help support shared governance and infrastructure for years to come.

Ms. Candy Massey made a motion to approve the proposal. Dr. Epps seconded, and it was unanimously approved.

5. Information Items/Presentations

5.1 Campus Safety Update

Mr. Jeremy Ross stated that throughout the last 14 months there have been challenges for Public Safety. He thanked Captain Mark Tipton for his work and leadership over this time as Public Safety Officers continued to work when much of campus was

remote. Technology and camera upgrades complement officer patrols, and, like the rest of campus, the department has faced budget cuts, Ross stated. Public Safety recently received Tennessee Law Enforcement Accreditation, which is a reflection of the work and changes implemented. Captain Tipton, chair of the search committee, introduced ETSU's Chief of Police, Mr. Cesar Gracia.

5.2 Update from Quality and Effectiveness Sub-Council

Dr. Cheri Clavier said the sub-council continues to meet monthly to discuss how to roll out the process for academic, administrative, and student support units to work on institutional effectiveness and assessment. The group talked about what is already in process and what is needed. Members participated in a demonstration of a planning and self-study product from Watermark. It was well-received and centralizes the assessment process across the board.

She added that ETSU will be up for reaffirmation with SACSCOC and will be part of the Class of 2023. Work will begin very soon. Dr. Clavier said she was recently notified that ETSU has been approved for the differentiated review, which means instead of writing a full report for 90+ standards, around 40 or so will be required, although there will be a compliance check for the other areas. This will reduce the workload and allow for a greater focus on quality.

5.3 Update on ETSU Surveys of Faculty, Staff, and Students

Dr. Mike Hoff notified University Council that surveys focusing on mental health and COVID-19 would be distributed to all faculty, staff, and students, as well as to temporary employees. The wording of the survey was vetted by the Strong BRAIN Institute. Upon the discovery of a parallel survey focusing on COVID vaccines being developed, Dr. Leigh Johnson and Dr. Megan Quinn were able to partner with Dr. Hoff for one survey. It will contain language about who to contact if a student needs help such as counseling or academic support. Dr. Hoff said he will have a preliminary report a week after the survey goes out. Respondents who indicate they need help will automatically be sent to Counseling Center or other area for follow-up, even if they do not complete the entire survey.

6. President's Report

6.1 Search for Provost

Dr. Noland first thanked Dr. Bishop for the leadership she has provided during several periods of transition including college restructuring and most recently a pandemic. Spring 2021 semester will be her last at the university; therefore, a search must begin for the next Chief Academic Officer and University Provost, he said. Dr. Keith Johnson will lead the search committee and committee members will be notified soon. Parker Executive Search will assist in a national search effort to begin in December and remain open until filled. Dr. Noland anticipates that most candidates will emerge in December and January, and Zoom meetings with candidates will be held in late February/early March. Finalists will come to campus in late March and early April with the goal of a new Provost being named during the spring semester who will begin in July. Dr. Noland said this is this most important search he has been a part of during his tenure as President.

6.2 Strategic Visioning Process

Next, Dr. Noland provided an update on the strategic visioning efforts for Committee for 125 Chapter II, which is presently in the data collection phase as a number of surveys are underway. Focus groups and employer surveys will be conducted, as well as meetings with local superintendents and alumni. An external consultant will help frame the process. Results of baseline information will be shared with campus in the spring. In February or early March, members of the Committee for 125 Chapter II will be announced.

Dr. Noland is hopeful that in-person forums can be held similar to the previous process if a COVID vaccine is available. He anticipates that a complete document will be brought to University Council and campus in fall 2021.

6.3 Budget Update

In his budget update, Dr. Noland said that THEC recently took action on early budget recommendations to the Governor. This was the first step in proposed fee ranges and begins conversations in Nashville around budget recommendations. As Chair of the Council of Presidents, Dr. Noland will present the budget on behalf of universities to Gov. Bill Lee. The THEC recommendation is relatively strong. It provides outcome money, some operating increases, but does not provide salary revenues. The state government took a 12% reduction while higher education was held harmless. Dr. Noland said he was pleased to announce that ETSU had the second best performance in the outcome formula. If Gov. Lee adopts the proposal, then ETSU would receive \$2.2 million in new revenue, and the fee increase cap would be between 0 and 2 percent. The budget will not be finalized until spring, he added.

On the capital side, Dr. Noland said the proposed Humanities Building has been retitled the Academic Building and is No. 5 on the capital project list. He anticipates strong funding for deferred maintenance and support for Quillen College of Medicine. He and Dr. BJ King will begin the campus budget process in December, and Dr. Bishop has scheduled some hearings for colleges in November.

6.4 Board of Trustees

Due to the spike of COVID-19 cases in the region, Dr. Noland said the decision was made to hold the November quarterly meeting of the Board of Trustees remotely. Committee meetings will run consecutively beginning at 8 a.m. followed by the full board at 1 p.m.

6.3 COVID Response Update

During his COVID update, Dr. Noland explained that flexible work structures remain in place, and faculty are continuing to teach remotely or on ground with no changes expected through the end of the fall semester. In the spring, there may be opportunities for small on-ground discussions and activities as Dr. Noland said he shares the concerns of others about the effects of detachment and isolation on mental health. He called on faculty and staff to finish the semester strong and to reach out to students and colleagues to ensure they are doing okay. Discussions around safe capacity for indoor events and athletics is underway and more information will be provided.

Several themes have emerged from focus groups with students, Dr. Noland explained. Freshmen said they would still like the opportunity to participate in Preview and more in-person group activities. Students also explained that they feel an enhanced volume of work has been assigned for remote courses.

6.4 University Relations Update

If ETSU were operating normally, the grand opening of the Martin Center would have dominated the fall semester, Dr. Noland said. While the opening is delayed a bit, there remains a significant need for fundraising and sponsorship support as well as someone to lead community relations associated with the Martin Center. Jennifer Clements has transitioned into a role with University Advancement and will continue to take the lead on university and presidential events as well as a lead role with fundraising and external relations at the Martin Center. The vacancy left behind in University Relations presented an opportunity to step back and look at organizational structure and study top to bottom how we market and tell the story of ETSU. Jessica Vodden is joining the university for the next 9-12 months to help lead strategy efforts in marketing and communication. Many may have already met her as she worked on a baseline assessment throughout the spring and summer. She spent more than 10 years in higher education leading statewide communication outreach and marketing efforts and now operates her own firm. Ms. Vodden will report directly to Dr. Noland as a special assistant to the President. He noted that this work will help to demonstrate return on investment for marketing resources as we look to grow and expand our efforts.

Dr. Noland closed his remarks with a point of reflection – This tumultuous period of time in our region, campus, and across the nation presents an opportunity to come together and set aside differences to lead with our values to improve the lives of the people of our region. He urged members to thank individuals for the things they have done to make this semester a success.

7. Announcements

Dr. Bishop announced that candidates for Clemmer College Dean are interviewing on campus, and the search committee is expected to make a recommendation later in the month. The search for the College of Nursing Dean will begin soon, and Dr. Debbie Byrd will chair the search committee. It was previously announced to campus that Dr. Wendy Nehring will return to a faculty position.

8. Adjournment

The meeting adjourned at 10:17 a.m.



TO: University Council

FROM: Karen Glover, Associate Vice President/Comptroller
Kay Lennon-McGrew, Assistant University Counsel

DATE: November 2, 2020

RE: Legislative Mandates Restricting the Use of Federal Grant Funds Policy
Electronic Signature Policy

I. Introduction

The Legislative Mandates Restricting the Use of Federal Grant Funds was previously approved through the emergency policy process on June 27, 2020. The Electronic Signature Policy establishes when an electronic signature of a University employee may be utilized to bind the University in the course of conducting official business on behalf of the University. The public comment period for both policies began October 15, 2020 and concluded November 1, 2020.

II. Comments Received

No comments were made on the Policy on Legislative Mandates Restricting the Use of Federal Grant Funds. Two comments supporting the Electronic Signature Policy were received.

III. Legal Review of the Proposed Policies

The Legislative Mandates Restricting the Use of Federal Grant Funds Policy complies with the requirements mandated under the Further Consolidated Appropriations Act 2020 (Public Law 116-94). The Electronic Signature Policy complies with the Tennessee Uniform Electronic Transactions Act (T.C.A. § 47-10-101, et. seq), the Tennessee Public Records Act and the federal law related to Electronic Signatures in Global and National Commerce (15 U.S.C. § 7001, et seq.).



Legislative Mandates Restricting the Use of Federal Grant Funds	
Responsible Official: Chief Financial Officer	Responsible Office: Business and Finance

Policy Purpose

The purpose of this policy is to address the requirements mandated by the Further Consolidated Appropriations Act, 2020 (Public Law 116-94), signed into law on December 20, 2019, which provides funding to the Health Resources and Services Administration (HRSA) for the fiscal year ending September 30, 2020. The intent of this policy is to provide information on statutory provisions that limit the use of funds on HRSA grants and cooperative agreements. Legislative mandates remain in effect until a new appropriation bill is passed setting a new list of requirements.

Policy Statement

East Tennessee State University (ETSU) shall adhere to Health and Human Resources legislative mandate(s) through policy creation, implementation, and monitoring. The legislative mandate is outlined with links to ETSU specific policies.

The current Legislative Mandates, which remain in effect until a new Appropriations Act is passed, include the following:

1) Salary Limitation – ETSU shall not use federal grant funds to pay the salary of an individual at a rate in excess of Executive Level II. The Executive Level II salary is currently set at \$197,300 as of January 1, 2020.

2) Gun Control – ETSU shall not use federal grant funds to advocate or promote gun control.

[ETSU Anti-Lobbying](#)

3) Anti-Lobbying

A. ETSU shall not use federal grant funds, other than for normal and recognized executive legislative relationships, for the following:

i. For publicity or propaganda purposes;

ii. For the preparation, distribution, or use of any kit, pamphlet, booklet, publication, electronic communication, radio, television, or video presentation designed to support or defeat the enactment of legislation before the Congress or any State or local legislature or legislative body, except in presentation to the Congress or any State or local legislature itself, or designed to support or defeat any proposed or

pending regulation, administrative action, or order issued by the executive branch of any State or local government, except in presentation to the executive branch of any State or local government itself.

- B. ETSU shall not use federal grant funds to pay the salary or expenses of any employee or agent of ETSU for activities designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before the Congress or any State government, State legislature or local legislature or legislative body, other than for normal and recognized executive-legislative relationships or participation by an agency or officer of a State, local or tribal government in policymaking and administrative processes within the executive branch of that government.
- C. The prohibitions in subsections A and B include any activity to advocate or promote any proposed, pending or future Federal, State or local tax increase, or any proposed, pending, or future requirement or restriction on any legal consumer product, including its sale or marketing, including but not limited to the advocacy or promotion of gun control.

ETSU Anti-Lobbying

4) Acknowledgment of Federal Funding - When issuing statements, press releases, requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with Federal money, ETSU shall clearly state:

- A) the percentage of the total costs of the program or project which will be financed with Federal money;
- B) the dollar amount of Federal funds for the project or program; and
- C) percentage and dollar amount of the total costs of the project or program that will be financed by non-governmental sources."

(5) Restriction on Abortions

- (a) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for any abortion.
- (b) None of the funds appropriated in this Act, and none of the funds in any trust fund to which funds are appropriated in this Act, shall be expended for health benefits coverage that includes coverage of abortion.
- (c) The term "health benefits coverage" means the package of services covered by a managed care provider or organization pursuant to a contract or other arrangement."

(6) Exceptions to Restriction on Abortions (Section 507)

- (a) The limitations established in the preceding section shall not apply to an abortion –
 - (1) if the pregnancy is the result of an act of rape or incest; or

(2) in the case where a woman suffers from a physical disorder, physical injury, or physical illness, including a life-endangering physical condition caused by or arising from the pregnancy itself, that would, as certified by a physician, place the woman in danger of death unless an abortion is performed.

(b) Nothing in the preceding section shall be construed as prohibiting the expenditure by a State, locality, entity, or private person of State, local, or private funds (other than a State's or locality's contribution of Medicaid matching funds).

(c) Nothing in the preceding section shall be construed as restricting the ability of any managed care provider from offering abortion coverage or the ability of a State or locality to contract separately with such a provider for such coverage with State funds (other than a State's or locality's contribution of Medicaid matching funds).

Tennessee Code Annotated § 56-26-134 ([Tenn. Code Ann. § 56-26-134](#)) states "No health care plan required to be established in this state through an exchange pursuant to federal health care reform legislation enacted by the 111th Congress shall offer coverage for abortion services. For purposes of this section, "abortion" has the same meaning as defined in § 39-15-201."

(d)

(1) None of the funds made available in this Act may be made available to a Federal agency or program, or to a State or local government, if such agency, program, or government subjects any institutional or individual health care entity to discrimination on the basis that the health care entity does not provide, pay for, provide coverage of, or refer for abortions.

(2) In this subsection, the term "health care entity" includes an individual physician or other health care professional, a hospital, a provider-sponsored organization, a health maintenance organization, a health insurance plan, or any other kind of health care facility, organization, or plan."

7) Ban on Funding of Human Embryo Research – ETSU shall not use federal grant funds for (i) the creation of a human embryo or embryos for research purposes; or (ii) research in which a human embryo or embryos are destroyed, discarded, or knowingly subjected to risk of injury or death greater than that allowed for research on fetuses in utero under 45 CFR 46.204(b) and section 498(b) of the Public Health Service Act ([42 U.S.C. 289g\(b\)](#)).

[ETSU Research Compliance](#)

(8) Limitation on Use of Funds for Promotion of Legalization of Controlled Substances

(a) ETSU shall not use federal grant funds to promote the legalization of any drug or other substance included in schedule I of the schedules of controlled substances established under section 202 of the Controlled Substances Act except for normal and recognized executive-congressional communications.

(b) The limitation in subsection (a) shall not apply when there is significant medical evidence of a therapeutic advantage to the use of such drug or other substance or that federally sponsored clinical trials are being conducted to determine therapeutic advantage.

[ETSU Anti-Lobbying](#)

(9) Restriction of Pornography on Computer Networks

(a) ETSU shall not use federal grant funds to maintain or establish a computer network unless such network blocks the viewing, downloading, and exchanging of pornography.

(b) Nothing in subsection (a) shall limit the use of funds necessary for any federal, state, tribal, or local law enforcement agency or any other entity carrying out criminal investigations, prosecution, or adjudication activities.

[ETSU Restriction of Pornography on Computer Networks](#)

(10) Restrictions on Funding ACORN – ETSU shall not provide any federal funds to the Association of Community Organizations for Reform Now (ACORN), or any of its affiliates, subsidiaries, allied organizations, or successors.

(11) Restriction on Distribution of Sterile Needles – ETSU shall not use federal funds to purchase sterile needles or syringes for the hypodermic injection of any illegal drug: Provided, That such limitation does not apply to the use of funds for elements of a program other than making such purchases if the relevant State or local health department, in consultation with the Centers for Disease Control and Prevention, determines that the State or local jurisdiction, as applicable, is experiencing, or is at risk for, a significant increase in hepatitis infections or an HIV outbreak due to injection drug use, and such program is operating in accordance with State and local law. ETSU shall comply with Public Chapter No. 413 enacted May 18, 2017.

[Tennessee Public Chapter No. 413](#)

(12) Confidentiality Agreements

(a) ETSU shall not require its employees or contractors seeking to report fraud, waste, or abuse to sign internal confidentiality agreements or statements prohibiting or otherwise restricting such employees or contractors from lawfully reporting such waste, fraud, or abuse to a designated investigative or law enforcement representative of a Federal department or agency authorized to receive such information.

(b) The limitation in subsection (a) shall not contravene requirements applicable to Standard Form 312, Form 4414, or any other form issued by a Federal department or agency governing the nondisclosure of classified information.

[ETSU Contract Management Office of Research and Sponsored Programs](#)

[ETSU Reporting Fraud and Abuse](#)

Definitions

Salary Limitation: Executive compensation for individuals paid through federal funding that is established through federal regulations.

Gun Control: The act of promoting or advocating for gun rights.

Lobbying: The act of advocacy with intention of influencing decisions made by government officials.

Notice of Funding: The process of acknowledging federal funding in writing for all activities associated with federal funds.

Abortion: The deliberate termination of human pregnancy.

Embryo: an unborn human fetus

Controlled Substance: Substances regulated under 21 U.S. Code § 811. Authority and criteria for classification of substances

Pornography: Printed or visual material containing the explicit description or display of sexual organs or activity intended to stimulate erotic rather than aesthetic or emotional feelings. (Oxford Dictionary).

Computer Network: A group of computer systems and other compiling hardware devices that are linked together through communication channels to facilitate communication and resource-sharing among a wide-range of users (www.techopedia.com).

ACORN: Association of Community Organizations for Reform Now.

Sterile Needle: Sterile devices used to inject solutions into or withdraw secretions from the body (www.encyclopedia.com)

Policy History

Effective Date:

Revision Date:

Procedure (s)

1. Review and Updates of this Policy and Procedure (P&P)

The Office of Research and Sponsored Programs shall review this Policy and Procedure upon the passage of a new HHS Appropriations Act or issuance of HRSA guidance regarding the Legislative Mandates, and shall ensure this P&P is updated as necessary. As Appropriations Acts are generally enacted annually, this P&P will generally require annual review. Any modifications to this Policy and Procedure will require review and approval by ETSU's Board of Trustees.

2. Legislative Mandates Training

The Office of Research and Sponsored Programs shall ensure that the Principle Investigators receive training regarding the Legislative Mandates and the procedures set forth in this P&P.

3. Compliance Program

This Legislative Mandates P&P will be incorporated into ETSU's Compliance Program.

4. Financial Management

The Chief Financial Officer (“CFO”) shall ensure that ETSU’s financial management systems and procedures are structured to ensure that no federal grant funds are used for purposes that are impermissible under this Policy and Procedures. As necessary, the CFO may establish cost centers/accounts for the accumulation and segregation of such costs. The CFO may use any practical means to do so, consistent with ETSU’s financial management policies (including by establishing appropriate cost centers and associated accounts to accumulate and segregate the following costs where necessary). Through this process, ETSU’s will adhere to the Legislative Mandates restrictions on use of federal funds for:

- i. “Lobbying” or other “advocacy” activities that may meet the definitions of the applicable Legislative Mandate sections (as well as 45 C.F.R. § 75.450) (including certain advocacy relating to gun control, legalization of controlled substances, consumer products, and other advocacy);
- ii. Payment of a salary (or associated fringe benefits) at a rate in excess of the Executive Level II pay scale;
- iii. Abortions or health benefits coverage that includes coverage of abortion (this restriction shall not apply to abortions (or health benefits coverage of abortions) that fall within the Hyde Amendment exceptions);
- iv. Activities related to distribution of sterile needles for hypodermic injection of any illegal drug;
- v. Human embryo research; and
- vi. Business transactions with (including the funding of) the Association of Community Organizations for Reform Now (“ACORN”).

Acknowledgment of Federal Funding

All requests for proposals, bid solicitations and other documents describing projects or programs funded in whole or in part with federal money, will be reviewed and approved by the ETSU’s Procurement and Contract Services Department. The Procurement and Contract Services Department shall ensure that such written material include the following:

“This publication is issued in furtherance of ETSU’s federally funded health center project. This year, ETSU’s health center project received \$ ____ of federal assistance, which is estimated as constituting ____ percent of project costs. Of total project costs for this year, ETSU estimates ____ percent will be financed with nongovernmental sources.”

5. Restriction of Pornography on Computer Networks

ETSU’s computer network is and shall remain configured to block the viewing, downloading, and exchange of pornography. Information Technology Services shall ensure appropriate information technology assets and support are made available to ensure continued compliance.

6. Confidentiality Agreements

ETSU's Grant Accounting Department and/or Office of University Counsel shall review any and all confidentiality agreements entered into between ETSU and its employees and/or contractors and, prior to execution, shall confirm that such agreements do not prohibit or otherwise restrict the employee/contractor from lawfully reporting waste, fraud, or abuse to (i) federal law enforcement or other federal investigative personnel, or (ii) other representatives of federal departments and agencies.

Procedure History

Effective Date:

Revision Date:

Related Form(s)

Scope and Applicability

Check those that apply to this policy and identify proposed sub-category.

	Governance	
	Academic	
	Students	
	Employment	
	Information Technology	
	Health and Safety	
X	Business and Finance	
	Facilities and Operations	
	Advancement	



Use of Electronic Signatures	
Responsible Official: Chief Financial Officer for Business and Finance	Responsible Office: Business and Finance

Policy Purpose

The purpose of this policy is to establish when an electronic signature may replace a written signature to bind the University when conducting official business on behalf of the University.

Policy Statement

To the extent permitted by state and federal law, it is the policy of East Tennessee State University to recognize the validity of electronic signatures for contracts and other legally binding documents when an approved electronic signature method is utilized and each party has agreed to conduct transactions by electronic means.

Definitions

Approved Electronic Signature method	A method that has been approved in accordance with this policy and applicable state and federal laws. The inventory of approved electronic signature methods will specify the form of the electronic signature, the systems and procedures used with the electronic signature, and the significance of the use of the electronic signature, whenever possible.
Certificate	An electronic document used to identify an individual, server, a company, or some other entity and to associate that identity with a public key. A certificate provides generally recognized proof of an entity's identity.
Electronic	The technology having electrical, digital, magnetic, wireless, optical, electromagnetic, or similar capabilities.
Electronic signature	An electronic symbol, or process, attached to or logically associated with a record and executed or adopted by a person with the intent to sign the record. An electronic signature must be attributable (or traceable) to a person who has the intent to sign the record. Best practice for electronic signatures will include the use of adequate security and authentication measures that are contained in the method of capturing the electronic transaction. The recipient of the transaction

must be able to permanently retain an electronic record of the transaction at the time of receipt.

Electronic transaction	A transaction conducted or performed, in whole or in part, by electronic means or electronic records.
Private key	An encryption/decryption key known only to the party or parties that exchange messages. In traditional private key cryptography, a key is shared by the parties so that each can encrypt and decrypt messages.
Public key	A value provided by some designated authority as a key that, combined with a "private key" derived from the public key, can be used to effectively encrypt messages and digital signatures.
Public-key infrastructure (PKI)	A form of information encryption that uses certificates to prevent individuals from impersonating those who are authorized to electronically sign an electronic document.

Authority

T.C.A. § 47-10-101, et.seq. – Tennessee Uniform Electronic Transactions Act
T.C.A. § 10-7-101, et.seq. – Tennessee Public Records Act
15 U.S.C. § 7001, et seq. - Electronic Signatures in Global and National Commerce

Policy History

Effective Date:

Revision Date:

Previous policy for reference: <https://www.etsu.edu/bf/documents/fp/39.pdf>

Procedure (s)

I. Use of Electronic Signature

A. Mutual Agreement by the Parties

1. This policy applies to transactions where each party has agreed to conduct the transaction by electronic means. Whether the parties agree to conduct a transaction by electronic means is determined by the conduct of the parties and the context and circumstances surrounding the transaction.

2. This policy does not require the use of electronic or digital signatures. Electronic signatures may not be used when an applicable law, regulation, or University policy or process specifically requires a handwritten signature.

B. Signature Required by Law

When a signature is required by law, that signature requirement is satisfied when the electronic record has associated with it an electronic signature using an approved electronic signature method.

C. Signatory Authority

1. The signing of a record using an approved electronic signature method does not necessarily mean that the record has been signed by a person authorized to sign or approve that record.
2. Each person with authority to sign documents representing the University must have approval granting this authority and intent, describing the scope and limits of the signatory's authority.
3. Information Technology Services Department will inventory these approvals and verify the inventory yearly. This inventory will be provided to any University employee upon request to verify they are authorized to sign on behalf of the University and for what purpose.

D. Electronic Record

1. If parties have agreed to conduct a transaction by electronic means and a law requires a person to provide, send, or deliver a signed document to another person, the requirement is satisfied if the information is provided, sent, or delivered in an electronic record capable of retention by the recipient at the time of receipt.
2. An electronic record is not capable of retention by the recipient if the sender or its information processing system inhibits the ability of the recipient to permanently retain the electronic record containing the signature.

II. Approval of Electronic Signature Methods

- A. In determining whether to approve an electronic signature method, consideration will be given to the systems and procedures associated with using that electronic signature, and whether the use of the electronic signature is at least as reliable as the existing method being used.
- B. An inventory of all approved electronic signature methods shall be maintained by Information Technology Services Department. The inventory of approved electronic signature methods will be maintained and amended only after a review of the electronic

signature method by the Information Technology Services Department in consultation with the Office of University Counsel.

- C. If approved electronic signature methods require the use of encryption technology that uses public or private key infrastructure and/or certificates, the Information Technology Services Department will be responsible for the administration of such public or private keys and certificates
- D. In the event that it is determined that an approved electronic signature method is no longer trustworthy, the Information Technology Services Department in consultation with the Office of University Counsel shall consider removing the method from the inventory of approved electronic signature methods. If there is an on-going need for electronic signatures to continue by a previously approved but since revoked method, the Information Technology Services Department in consultation with the Office of University Counsel may permit such signatures to be accepted until such time as steps have been completed to ensure appropriate electronic signatures are obtained by an approved electronic signature method.

III. Non-Legal Internal Processes

- A. This policy does not apply to internal administrative approval or acknowledgement processes or internal forms requiring departmental or supervisor approval, an employee's signature, or a student's consent for internal control purposes (e.g., internal routing forms, travel reimbursements, request forms, release of educational records, etc.).
- B. Internal administrative or acknowledgement approvals may be obtained by electronic or digital means if departments adopt processes to ensure they maintain appropriate documentation of the approvals and ensure that any system or process utilized for an electronic signature does not result in institutional data being shared or stored inappropriately without proper safeguards.
- C. Internal approval or acknowledgement processes that involve receipt of cash are *not* eligible for electronic signature.

IV. Sanctions

- A. Any individual that makes inappropriate or illegal use of electronic signatures and/or records is subject to sanctions up to and including dismissal, suspension, and criminal prosecution.
- B. This policy does not confer signature authority on any party.

Procedure History

Effective Date:

Revision Date:

Related Form(s)

PROPOSAL

Name: Sub-Council on University Governance Organizations

Membership:

- *Sub-Council Chair will be appointed by the University President*
- *President or President's Designee from:*
 - *Council of Chairs*
 - *Faculty Senate*
 - *Staff Senate*
 - *Student Government Association*

❖ *Staffed by Provost's Office*

Purpose:

This Sub-Council serves as a clearing house for directing and facilitating the activities of committees to support open communication and shared governance activities at ETSU with responsibilities to:

- *Conduct biennial reviews of all committees to assure that each is functioning as defined by its individual charge and that redundancies are avoided*
- *Establish and enforce standards, guidelines, and procedures of committee administration, reviewed biennially to assure compliance and relevance to the work of the committees and the institution.*
- *Determine the procedures and responsibilities for identifying committee membership, monitoring terms of appointment, soliciting members as needed from the various constituent groups*
- *Provide training for committee chairs*
- *Assure accountability of committees by establishing a repository for minutes and annual reports and a process for reporting the work of the committees to the University Council*

- *Act as a liaison to the University Council for motions from committees for endorsement and/or approval by the University Council*
- *Act as a liaison to the University Council to recommend restructuring and/or dissolution of governance organizations as deemed appropriate and in the best interest of ETSU; this would not pertain to any governance organization representing a major constituency and having an established constitution and bylaws.*
- *Maintain a web site on committees and governance*
- *Assist University Council as needed to address issues related to governance*