

East Tennessee State University

Digital Commons @ East Tennessee State University

Board of Trustees Agendas and Minutes

Agendas and Minutes

2-20-2020

2020 February 20 - Board of Trustees Executive Committee Agenda and Minutes

Board of Trustees, East Tennessee State University

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



Part of the [Higher Education Commons](#)

Recommended Citation

Board of Trustees, East Tennessee State University, "2020 February 20 - Board of Trustees Executive Committee Agenda and Minutes" (2020). *Board of Trustees Agendas and Minutes*. 27.
<https://dc.etsu.edu/bot-agendas-minutes/27>

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 Board of Trustees Agendas and Minutes by an authorized administrator of Digital Commons @ East Tennessee State University. For more information, please contact digilib@etsu.edu.

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE
FEBRUARY 2020 SPECIAL CALLED MEETING

4:00-5:00pm ET
Tuesday
February 20, 2020

President's Conference Room
Burgin Dossett Hall
1276 Gilbreath Drive
Johnson City, TN

AGENDA

- I. Call to Order
- II. Roll Call
- III. Report from the President
- IV. [Review Termination Appeal from Former Faculty Member](#)
- V. Other Business
- VI. Adjournment

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: February 20, 2020

ITEM: Review Termination Appeal from Former Faculty Member

COMMITTEE: Executive Committee

PRESENTED BY: Adam Green
Secretary

Dr. Anthony Masino, a tenured faculty member who was terminated by the university on July 31, 2019, has petitioned the Board of Trustees, appealing the decision made by the university.

A packet of information was mailed directly to members of the Executive Committee which included the following documents:

- University Tenure Policy
- Appeals to the Board Policy
- A letter from Dr. Masinos's attorney requesting the appeal
- A response to this appeal request from the Office of the Tennessee Attorney General

The Appeals to the Board Policy outlines the following provisions that govern the review by the Committee of an appeal under this policy:

1. A decision may be remanded for further consideration upon a finding that it was not made in accordance with applicable state or federal law or ETSU procedures; provided, however, that the decision should not be remanded if the procedural error was not material to the decision and therefore constituted harmless error;
2. A decision may be modified or reversed only upon a finding that the decision constituted an abuse of discretion or was made in violation of applicable state or federal law or ETSU policies; provided, however, that the decision should not be modified or reversed if the violation of policy was not material to the decision and therefore constituted harmless error;
3. A decision should be affirmed in the absence of a finding of abuse of discretion or material violation of applicable state or federal law or ETSU policies or procedures.

4. Notwithstanding any provision herein to the contrary, any decision may be remanded by the Board for a resolution of the matter which is mutually acceptable to the parties or which is, in the best judgment of the Board, a fair and equitable resolution.

If the petition to appeal is granted, the Committee shall hear the appeal at a subsequent regularly scheduled meeting of the Committee and may request the person appealing to appear and present arguments on his or her behalf.

The Committee shall recommend action to the Board. The decision of the Board shall be final and binding for all purposes.

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE SPECIAL CALLED MEETING

MINUTES

February 20, 2020
Johnson City, Tennessee

The Board of Trustees Executive Committee held a special called meeting on Thursday, February 20, 2020 at 4 p.m. in the President's Conference Room on the second floor of Burgin Dossett Hall.

I. CALL TO ORDER

Chairman Scott Niswonger called the meeting to order at 4 p.m.

II. ROLL CALL

Adam Green, Secretary to the Board of Trustees, confirmed that the Executive Members were present. In attendance were Chairman Niswonger, Trustee David Golden and Trustee Linda Latimer. Joe Smith from the Office of University Relations took minutes.

III. REPORT FROM THE PRESIDENT

President Noland discussed how the board meeting the following day will be an opportunity to discuss the future of ETSU as he plans to provide a summary of the work that was done through the Committee for 125 which began in 2012. Many recent initiatives at ETSU trace back to the recommendations of that committee. Dr. Noland indicated that he intends to present to the Trustees the possibility of launching a second chapter of the Committee for 125 as a new strategic visioning process for the university.

President Noland also noted that the Feb. 21 board meeting will also include a presentation during lunch on the ETSU Bridge Program and that students will be present to talk about how the program has impacted them. The Feb. 21 meeting will likely be the last meeting held in the Millennium Center as the D.P. Culp Student Center is about to open. A ribbon-cutting ceremony is planned for March 6, and staff will begin moving back into the center in the upcoming days.

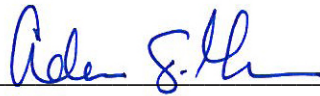
President Noland discussed the role of the executive committee which sometimes is called to meet for emergent circumstances. The purpose of today's meeting is to consider a letter that has been submitted to the board regarding an appeal.

In concluding his report, Dr. Noland provided an update on several legislative issues and feels overall that the current session is going well. He and his staff are tracking several bills very closely, and the budget appears to be solid at this time.

IV. REVIEW TERMINATION APPEAL FROM FORMER FACULTY MEMBER

Following Dr. Noland's report, the executive committee moved into executive session to discuss the remaining agenda item with the Board's external legal counsel, Ms. Melanie Murry from the University of Memphis.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "Adam Green", is written over a horizontal line.

Adam Green
Secretary of the Board of Trustees

Approved by the Board of Trustees at its April 24, 2020 meeting.