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2017 November 13 – University Council Agenda and Minutes

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AGENDA
University Council
Monday, November 13, 2017
East Tennessee Room – Culp Center
8:30 a.m. – 11:00 a.m.

1. Call to Order
2. Roll Call
3. Standing Items
 - 3.1. Approve minutes of October 9, 2017 meeting
 - 3.2. Review agenda
 - 3.3. President's Report – Dr. Brian Noland
 - 3.3.1. Recap of President's Leadership Retreat
 - 3.3.2. Budget Process
 - 3.4. Report of Completed Action Items from:
 - 3.4.1. Academic Council – Dr. Bert Bach
 - 3.4.2. Council of Chairs – Dr. Janna Scarborough
 - 3.4.3. Information Technology Council – Dr. Karen King
 - 3.4.4. Research Council – Dr. William Duncan
 - 3.4.5. Faculty Senate – Dr. Susan Epps
 - 3.4.6. Staff Senate – Ms. Stefanie Murphy
 - 3.4.7. Student Government Association – Ms. Keyana Miller
 - 3.4.8. Graduate & Professional Student Association – Mr. Michael Luchtan
 - 3.4.9. Facilities/Construction – Mr. Jeremy Ross
4. Action Items
 - 4.1. Old Business
 - 4.2. New Business
 - 4.2.1. Discussion of Draft *PPP-84 Guidelines for Waived, Modified, or Internal Searches*—Mr. Ed Kelly
5. Announcements
 - 5.1. Nature/Structure/Function of University Council Discussion for December 2017 UC Meeting
 - 5.2. Other
6. Adjournment

University Council
November 13, 2017 at 8:30 a.m.
East Tennessee Room, Culp Center

1. Call to order

Dr. Wilsie Bishop called the meeting to order.

2. Roll Call

Ms. Kristen Swing called the roll. Those in attendance were: Dr. Bert Bach, Ms. Bridget Baird, Dr. Wilsie Bishop, Mr. Scott Carter, Dr. Cheri Clavier, Dr. William Duncan, Dr. Susan Epps, Dr. Bill Flora, Ms. Kristin France, Dr. Michael Hoff, Dr. Keith Johnson, Dr. Jane Jones, Dr. B.J. King, Dr. Karen King, Dr. Angela Lewis, Dr. David Linville, Dr. Celia McIntosh, Dr. Robert Means, Ms. Keyana Miller, Ms. Stefanie Murphy, Dr. Brian Noland, Dr. Rick Osborn, Dr. David Roane, Mr. Jeremy Ross, Ms. Melody Russell, Dr. Janna Scarborough, Dr. Joe Sherlin, Dr. Ramona Williams, Dr. Randy Wykoff.

Those absent were Mr. Ed Kelly, Dr. Claudia Kozinetz, Mr. Michael Luchtan; Ms. Pam Ritter, and Mr. Joe Smith.

Others in attendance: Mr. James Batchelder, Ms. Mary Cradic, and Ms. Kristen Swing (taking minutes).

3. Standing Items

3.1 Approve minutes of October 9, 2017, meeting

Dr. Susan Epps made a motion to approve the [minutes](#) from the October 9, 2017, meeting, which was seconded by Dr. Bill Flora and unanimously approved.

3.2 Review Agenda

Dr. Bishop asked if any additions or changes to the agenda were needed. She pointed out that with Mr. Ed Kelly being absent, Dr. Angela Lewis would present Action Item 4.2.1. No other additions or changes were made.

3.3 President's Report

Dr. Noland opened his comments by inviting members of the University Council to attend the Holiday Lights event that evening. He announced that he would discuss the following in his report: (1) an overview of last week's presentation of budgets to Gov. Haslam, (2) an overview of last week's Board of Trustees meeting, (3) a review of the retreat held last month for vice presidents and deans, and (4) a conversation on the budget model with a goal of wrapping up discussion about the current year's budget and moving on to next year's.

- **Overview of budget presentations:** Dr. Noland represented the six independent universities at the budget presentations with Gov. Haslam last week. Lengthy conversation took place concerning outsourcing. University of Tennessee's decision on outsourcing has, in all likelihood, taken the issue off the table. Gov. Haslam challenged the universities to examine efficiencies within their respective budgets to compensate for potential cost savings that outsourcing could realize. Dr. Noland noted that any such savings at ETSU were "negligible."

The Tennessee Higher Education Commission is recommending a 5.4 percent increase in overall appropriations, including salary enhancements of 2-3 percent. THEC also set the cap for tuition and fees increases at 3 percent. Gov. Haslam indicated a solid year for higher education. Dr. Noland inferred that Gov. Haslam wanted to close out his tenure with some significant investments in higher education.

ETSU's proposed humanities building is ninth on the capital projects list. Under the old governance system, the project would have been on the list for years; Lamb Hall, for example, had been on the list since 1994. The project's position on the list puts it above the line for funding. This \$74 million project also includes renovations to Mathes and Rogers-Stout Halls.

Dr. Noland warned that, while it will be a positive year financially in terms of state funding, state appropriations make up approximately 25 percent of the university's funding while the majority of funding comes from tuition and fees. Additional funding, possibly \$600,000 and a recurring \$525,000 annually, was also presented for hiring pediatric subspecialists, which would serve as a match to the funds made available by Mountain States Health Alliance to hire the subspecialists.

Dr. Joe Sherlin requested further clarification regarding ETSU's humanities project being "Number 9" on the list of capital projects. Dr. Noland explained that this \$300 million cumulative list captures projects numbered 1-10. Even if ETSU's project were not funded, he noted, it should at least receive planning money this budget cycle.

Dr. Noland thanked Mr. Jeremy Ross for his presentation to THEC that demonstrated how students were coming from high schools and community colleges with expectations that were not being recognized upon arrival at ETSU.

- **Overview of Board of Trustees meeting:** The November 11 meeting went well, but feedback received from trustees indicated that the trustees are interested in human interest stories through which they can learn more about the people and faces of this institution.

As action items, the Board of Trustees approved:

- the October revised budgets, giving the university leadership spending authority for the revenues not budgeted in July;
- giving faculty and staff three additional annual holidays beginning with the 2018-19 academic year: Veterans Day, the Wednesday before Thanksgiving, and the Friday before Easter;
- changes to the academic year, which will be piloted for two years and allow for changes if feedback so indicates:
 - the year will always start the last Monday in August;
 - Fall Break will fall around Halloween;

- Commencement will always be the third Saturday of December;
- spring semester will start the Tuesday after Martin Luther King Day;
- Spring Break has been moved back to the week of St. Patrick's Day;
- Spring commencement will be held around Mother's Day;
- there will be two weeks between the close of summer session and the start of the fall semester;
- a memorandum of understanding with Wellmont Health System;
- the establishment of a scholarship pilot targeting potential students in Buncombe and Henderson counties in North Carolina. The "Carter Plus" scholarship provides an additional \$3,000 on top of the standard Carter scholarship, essentially equalizing in-state and out-of-state costs. This scholarship pilot is an effort to offset North Carolina's creation of its own version of Tennessee Promise and ETSU's need to remain competitive in North Carolina. The pilot is for new students only. A recent Greensboro, North Carolina, newspaper article addressing out-of-state tuition trends, named ETSU among the top places students are attending.

Dr. Noland added that the Trustees had a conversation about salaries not being where they should be and how being independently governed allows for the opportunity to "pull some levers" on the benefits side of the equation.

- **Retreat in Abingdon, Virginia:** The retreat focused on the implementation of the strategic plan and conversations around timing, appropriateness, and communication. Also included was discussion about the form and function of the University Council as well as conversation regarding budget processes to which contributions from Drs. Gordon Anderson and Randy Wykoff were energizing.

Last year, the university moved through a structured budget process and built the budget based on enrollment projections. Dr. Noland explained that the enrollment increase this fall has made things "interesting." The Budget Advisory Committee helped develop and implement the new model as well as educate the campus about it. Operating paradigms, however, were not handled as smoothly, and a shared governance gap has led to some uncertainty. Even without the new budget process, some uncertainty would likely have manifested because the university is not accustomed to having revenue above what is budgeted.

Dr. Noland observed that, while this year was originally proposed to be a transition year, the university has moved quickly to make it an implementation year in regard to the distribution of that unexpected revenue. An implementation committee addressed cost differentials and splits. Deans felt the split should be 70/30 while some felt 100 percent of the tuition growth should go to the colleges. One-hundred percent, however, is not entirely possible, Dr. Noland explained, because it would not accommodate for salary increases, inflation, and other institutional needs. Moreover, such a disbursement does not recognize the work being done in non-instructional units. Everyone on campus is involved in the

growth initiative, so the 70/30 split is fair and avoids conversations on the word *tax*.

- **Budget Process/Conversation:** Dr. Noland steered the budget conversation among University Council members through a series of questions for Dr. B.J. King:
 - Will implementation occur this year?
 - Dr. King said she and her staff are ready to implement.
 - Have any unintended consequences of implementing this year been identified?
 - Some uncertainty existed concerning summer school and winter term revenue, but “a dollar is a dollar” no matter how it is generated; therefore, it gets rolled into the model. All units would be retaining 50 percent of their fall-out dollars, and they were also fronted funds.
 - While other unintended consequences may arise, what those might be cannot be determined with certainty at this time.
 - How will cost centers in Sevierville and Kingsport be handled?
 - Cost centers will be rolled into the model as well.
 - Further discussion on cost centers ensued:
 - Dr. Bert Bach addressed the issue of risk associated with offering credit hours at cost centers rather than in Johnson City where enrollment might be better. He said his answer has always been that the plan drives the budget, not the other way around, and the institution has committed to growing the Sevierville Center.
 - Dr. Wykoff pointed out that, in the new model, the idea of “a dollar is a dollar” makes sense; from his perspective, in the old model, the incentive was there because that was the only mechanism available to get money back to a college.
 - Dr. Flora said he did not think someone would act maliciously to create curriculum that steals credit hours from others at the institution but wondered if there should be an incentive for departments to work collaboratively.
 - Dr. Celia McIntosh wondered if, with the increasing interest in interdisciplinary studies, it might be possible to have an MOU between units on how things will be done. Dr. Wykoff said this issue, which has arisen often in the past, has to be addressed in the approval process for new programs. He said collaboration gives the institution a competitive edge, so an incentive to do it already exists, but he agreed that the approval process needs to address it. Dr. McIntosh said the breadth of programming at ETSU is awesome and ought to be leveraged. Dr. Janna Scarborough asked about the increased cost to drive to Sevierville to teach a course. She also asked, in terms of summer and winter sessions, if last year’s money is being absorbed. Mr. James Batchelder explained that last year’s total revenue amount for summer school and cost

centers was put into this year's budget and will remain there permanently. Expenses that had been covered were still being covered, and that is why it went to a base-to-base because it did no harm. For summer 2018, those costs are built into the base already, and colleges have the latitude to decide how much or how little instruction to offer. For example, if a department desires to offer a four-person course and knows it will lose money, the department, with agreement of the dean, has the ability to do so. Operating costs are now baked into the budget. As a point of clarification, Dr. Keith Johnson asked if, with summer and winter sessions, he can choose to offer courses with low enrollment and plan to offset that with revenue generated by courses with higher enrollment. Dr. Noland re-affirmed this methodology and added that the conversation on course offerings would be between Dr. Johnson, as department chair, and his dean.

- Dr. Bishop inquired as to the effect on this process of summer school crossing fiscal years. Mr. Batchelder said funds had been brought in from the span of the two fiscal years, and the full amount was received.
- Dr. Noland pointed out that, in the past, as the university looked to launch cost centers, the rent, utilities, and operation costs were charged back to the units participating. Currently, launch costs are incorporated into Dr. Osborn's budget, and those centers are part of the strategic plan. The 70/30 split is no longer going to be used to cover the utility bill. Dr. Osborn said he is ready to move forward.
- Dr. Scarborough recommended that consideration be given to replacing the term *cost center*.

Dr. Noland asked for any further questions, noting that it was time to move forward with the budget call and prepare for next year. Concerned with complacency regarding our sources of revenue, Dr. Noland emphasized that it is critical for the entire ETSU community to push both the growth agenda and student success agenda. While the 75.9 percent retention rate is a point of celebration, we should stop looking back and focus on the path ahead instead.

As leaders look at the budget call, Dr. Noland said the institution needs to project enrollment – will it be flat or will it be up—and if up, by what margin? Now is the time to look at what programs deans and chairs desire to launch. He also said the budget plans for a minimum 2 percent salary enhancement.

4.2.1 Discussion of Draft PPP-84 Guidelines for Waived, Modified, or Internal Searches

Dr. Bishop announced that, due to an unexpected scheduling conflict, Dr. Lewis had requested she be allowed to present sooner than the agenda allowed. Dr. Susan Epps made a motion to move the item up in the agenda, which was seconded by Ms. Stefanie Murphy and unanimously approved.

Dr. Lewis said this was a [policy](#) being implemented to address and guide processes in situations requiring deviation from the established search process. The draft policy now before University Council has been reviewed by Executive Council, and, prior to this effort, no policy existed to address these search issues. The policy is intended to ensure that search processes conducted outside the standard procedure are done correctly and equitably.

Points of discussion included:

- a request for clarification regarding the specificity on requiring only Athletics to report the number of minorities, veterans, and those with disabilities interviewed. Dr. Lewis explained that every search request that comes through Equity and Diversity is subject to that requirement regardless of departmental or unit origin.
- whether this draft policy would go out for 30-day comment. Continued discussion determined that a 30-day public comment period was appropriate. Dr. McIntosh made a motion to send the policy to the 30-day public comment period; a second was provided by Dr. Roane.
- the recommendation that the policy be formatted according to the standard policy template now in force and include an explanatory statement or preamble that this draft policy, as with most Human Resources policies, is predicated on laws and/or guidelines at the federal level. The Council then unanimously accepted the policy and reaffirmed the motion to send it out for 30-day review.

3.4 Report of Completed Action Items from:

3.4.1 Academic Council – Dr. Bert Bach

Dr. Bach reported on academic support actions, academic actions, and policies. Regarding academic support actions, the Academic Council had a presentation on October 12 regarding Undergraduate Admissions and voted to collaborate with Admissions. Concerning academic actions, the council approved a name change from Bachelor of Science in Interdisciplinary Studies to Bachelor of Science in Elementary Education. The council also approved a new undergraduate minor in American Sign Language and the elimination of a graduate certificate in Emerging Technology. Regarding policies, the council converted a policy on the academic calendar as it relates to complying with credit hours, converted a transcript policy, and approved a new policy related to academic catalogs.

3.4.2 Council of Chairs – Dr. Janna Scarborough

Dr. Scarborough said the ECCC met on October 19, at which time they prepared for the upcoming CAC meeting. Chairs will give feedback on graduate policies' review process. A call was made to deans for financial support. The Council of Academic Chairs met Friday. Information was provided about on learning and development opportunities. They talked about ongoing professional development ideas and formal chairs retreat and discussed wanting a clear university agenda around "Step in, step up, and step down" processes and procedures. The group also talked about professional development, advocacy resources, and the role of being a peer (and not being

a peer). The group talked about building the chair positions as a community, meeting more regularly, and exploring the role chairs can have on the university culture.

3.4.3 Information Technology Council – Dr. Karen King

Dr. King revisited a policy she had previously reported on to University Council related to research data, storage, and back-up that has been implemented, but additional feedback has left Dr. King wanting to re-examine the [policy](#). Dr. King said the policy has already been approved, but during implementation, the ITC realized it did not do enough. Therefore, she felt it would be beneficial to utilize the University Council’s 30-day comment process, make any necessary adjustments to the policy based on feedback following review by the ITC, and then bring it back to University Council. She explained that issues had been raised regarding implementation and communications logistics, and, as a result, implementation was on hold. She was scheduled to meet with the IRB the following day.

Points of discussion included:

- Dr. Duncan said this is a key policy and emphasized that the institution has not been HIPAA compliant with research.
- Dr. Bishop asked whether there was a benefit to this item becoming a policy at the university level. Dr. King said she would like to get the feedback first and then make that determination.
- Dr. Flora asked whether the IT policy going out for review could be put in the new policy format before being posted. After some discussion, it was determined to leave it as is since individuals had already reviewed it in the original format.

Dr. McIntosh made a motion to send out the ITC policy for 30-day review to be used by ITC; a second was provided by Dr. Bill Flora. The group unanimously approved the motion.

3.4.4 Research Council – Dr. William Duncan

Dr. Duncan reported several informational items were presented but no action items from its last meeting. Among the informational item, Dr. Richard Ignace presented an undergraduate research report, which resulted in a great discussion about getting more students involved in research and looking at mechanisms to link interested students with research faculty.

3.4.5 Faculty Senate – Dr. Susan Epps

Dr. Epps reported on action items, including the affirmation of the Tennessee Faculty Senate resolution to revise the TUFTS constitution and the selection of Allan Forsman from the College of Public Health as the faculty member to be named to the All Southern Conference Faculty Staff Team.

3.4.6 Staff Senate – Ms. Stefanie Murphy

Ms. Murphy reported on three items, including the selection of Libby Tipton as the staff member to be named to the All Southern Conference Faculty Staff Team. The Staff Senate Cares Committee (10 people) took part in a work day event in Gatlinburg, and another trip is planned for December or January.

Additionally, Staff Senate is accepting donations for the holiday food drive and noted the group is “overwhelmed” with requests for baskets already. Baskets are provided to faculty, staff, and students in need as well as to community members; in fact, Washington County Schools had requested 100 baskets.

3.4.7 Student Government Association – Ms. Keyana Miller

Ms. Miller reported that on November 28, the SGA will be presented with a new constitution and new set of bylaws, which currently are with the Rules and Conduct Committee. SGA is working on Faculty/Staff Appreciation Week for Spring 2018 and also has civility series (no longer called “week”) planning committee meetings later in the day. Ms. Miller encouraged departments and organizations to come to the SGA for a funding application if they have an applicable program in mind. The series has an official logo and takes on the theme “Step into Civility.” She also reminded the group of the holiday lighting event that evening.

3.4.8 Graduate and Professional Student Association – Ms. Melody Russell

Ms. Russell reported a GPSA grant-writing workshop was held earlier in the month as well as a clean-up held last week. GPSA’s closing meeting will be November 29, at which time new members will be elected.

3.4.9 Facilities/Construction – Mr. Jeremy Ross

Mr. Ross briefly mentioned the \$76 million humanities building previously addressed by Dr. Noland.

A Human Resources survey has been distributed, and all employees are encouraged to participate; to date, 1,100 responses had been received.

A great concern on this campus is safety, and a very clear expectation exists for events held on our campus to be safe and feel safe. An assessment will be conducted, and efforts are already under way to improve safety, including a new command center at certain events, wandings, clear bag requirements, and more. Budgeting for safety improvements has not been determined.

4. Action Items

4.1 Old Business

None

5. Announcements

5.1 Nature/Structure/Function of University Council Discussion for December

Dr. Noland said the recent retreat included significant conversation about the role of the University Council and how it is structured to avoid duplication of effort among governance entities and also retain the ability to be nimble. The December meeting of the University Council will be used to discuss the role of the group, how it should be organized, what should come through the group, and other similar questions. He said there was not a clear, determining voice at the retreat, and the decision was made to bring it back to the Council for more discussion. Dr. Bishop concurred that it is time to determine if the group is achieving its full potential.

5.2 Other

Dr. Noland shared some additional information from the Board of Trustees meeting.

- The Board has charged him with bringing back to the next meeting a review of the Research Foundation including its nature, structure, and form. He said the trustees are watching the Wellmont/Mountain States merger closely and want to ensure we have the structure to onboard the resulting potential resources.
- By its summer meeting, Dr. Noland is to bring recommendations related to Title IX, primarily in the athletic program and bringing on women's programs.
- Finally, Dr. Noland reinforced the emphasis on safety on campus. He referenced two reports this fall of potential gun violence against the campus, one at a concert and one at University School as well as fliers discovered around campus. The Board of Trustees has charged him to conduct a 360-degree review of safety as soon as possible. Dr. Noland noted that the safety concerns at ETSU are facing other colleges and universities as well, and he anticipates some of the additional revenue from this year will be spent on safety mechanisms across campus.

Dr. Bishop thanked Dr. Epps for the pumpkin bread she brought to the meeting.

6. Adjournment

Dr. Epps made a motion to adjourn and it was seconded by Dr. Flora.

DRAFT

PPP-84 Guidelines for Waived, Modified or Internal Searches

East Tennessee State University (ETSU) specifically finds that diversity of faculty, administrators and staff is a crucial element of the educational process and reaffirms its commitment to enhancing education through affirmative action to increase diversity at all levels. ETSU will take affirmative action and document good faith efforts to identify and employ minority, veteran, and applicants with disabilities.

A vacancy exists when the division's vice president authorizes a position to be filled. The receipt of a letter of resignation does not necessarily establish a vacancy in a particular department. The need for a line replacement must be established with approval from the appropriate dean and the vice-president/president. This approval is documented through the submission of an advertising request through *eJobs*. Standard search procedures as outlined in PPP-35, *Search Guidelines for Filling Faculty, Administrative, and Clerical/Support Vacancies*, should be followed for all searches.

In compliance with the university's affirmative action plan and human resources' PPP-35 search procedures, all regular positions should be advertised. However, under certain circumstances, recruitment efforts may be waived or modified after the appropriate review and approval. Issues to be considered when requesting a waiver or modification:

- (1) the hiring unit's past affirmative action efforts
- (2) the hiring unit's and/or the university's affirmative action goals
- (3) the availability of a vacant position number
- (4) the existence of a qualified, diverse internal applicant pool
- (5) the option to advertise and back-fill a similar position
- (6) the need for budget reductions, position freezes and/or eliminations, or reductions in force

Waived Search Options

Generally, promotions, voluntary demotions, and lateral transfers occur through the initiative of the employee applying for advertised job vacancies. Promotion, demotions and lateral transfers are acceptable upon request of the hiring manager and without advertisement; however, they must be achieved within the parameters of the affirmative action plan.

Promotion: A promotion is defined as an increase in position or rank brought about by means of assuming the duties of a vacant position of higher classification, or assuming duties which warrant a reclassification of present position to one at a higher level.

Demotion: A demotion is defined as a decrease in position or rank brought about by means of assuming the duties of a vacant position of lower classification.

Lateral Transfer: An internal transfer occurs when an employee applies for and/or is appointed to a newly created or existing open position, thus vacating their former position. When appointed to a position that is in the same pay level as the one from which he/she is transferring, a lateral transfer occurs.

Direct Hire: The direct hire of an external job applicant without the use of the university's search procedures is only permitted when it is based upon the recommendation of the Affirmative Action Officer, and with the final approval of the University President. Approval of the direct hire will be based upon affirmative action goals and the need to recruit and retain minority, veteran, and applicants with disabilities.

Modified Search Options:

Internal Only Search: Internal only job postings are acceptable upon request of the hiring manager and without external advertisement; however, they must be achieved within the parameters of the affirmative action plan. Additional requirements include:

- The position must be posted on the *eJobs* job vacancy site with a designation that it is an internal campus search.
- Only currently employed regular employees (temporary employees excluded) may apply.
- The job vacancy must be designated as campus-wide, or it may be restricted to departmental personnel only.
- The vacancy must be posted for a minimum of two weeks.
- The hiring manager will notify all currently employed regular personnel within the department of the pending job vacancy.

Advertising Time Period: Under PPP-35, *Search Guidelines for Filling Faculty, Administrative, and Clerical/Support Vacancies*, all faculty and administrative positions must remain open for a minimum of 30 days (calculated from the date the advertisement appears in national journals); and, all clerical/support positions must remain open for a minimum of 14 days. Requests to deviate from these advertising periods must be approved by the Office of Equity and Diversity prior to advertisement.

High-level Athletic and Coaching Positions:

For high-level athletic and coaching hires, the advertising/hiring process may require a level of speed and confidentiality that other searches may not require. The hiring manager will provide the Office of Equity and Diversity with a memorandum requesting a modified or waived search. Following written approval, the hiring manager will maintain documentation of the search process including but not limited to the following:

- Estimate of the number of contacts from interested applicants

- Examples of direct contacts initiated by the campus –
Current/former conference commissioners
Current/former athletic directors
Current/former college coaches
Current/former NFL coaches
Black Coaches Association
NCAA
- Estimate of the number of minority, veteran, and candidates with disabilities that were considered
- Basis for the final candidate recommendation (in relation to an existing position description)
- Information regarding salary recommendation for new hire and how it compares to salary earned by the last person holding the position

Request Process for Internal, Modified, or Waived Searches: The hiring manager shall submit to the Office of Equity and Diversity a memorandum providing the justification for a modified, internal or, waived search. If approved, the offices of Equity and Diversity will work with Human Resources and the hiring manager to properly fill the vacancy.