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12-12-2022

2022 December 12 – University Council Agenda and Minutes

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AGENDA
University Council
Monday, December 12, 2022
East Tennessee Room
8:30 a.m. – 11:00 a.m.

1. Call to Order
2. Roll Call
3. Standing Items
 - 3.1. Approve minutes of the November 14, 2022 meeting (attachment)
 - 3.2. Review agenda
 - 3.3. Consent agenda items:
 - 3.3.1. Smoking and Tobacco Policy (attached)
 - 3.3.2. Drug-Free Campus Policy (attached)
 - 3.3.3. Utility Cart Safe Operation Policy (attached)
 - 3.3.4. Electronic Waste Policy (attached)
 - 3.3.5. General HIPAA Policy and Hybrid Entity Designation (attached)
 - 3.4. Call for Voluntary Reports of UC-Essential Action Items from Governance Organizations
 - 3.5. Sub-Council Reports – University Governance Organizations – Stephen Hendrix
4. Action Items
 - 4.1. Old Business
 - 4.2. New Business
5. Information Items/Presentation
6. President’s Report
7. Announcements
8. Adjournment

The next meeting is scheduled for January 9, 2023 at 8:30 a.m.

University Council
Monday, December 12, 2022
Via Zoom

1. Call to Order

Provost and Senior Vice President for Academics Kimberly D. McCorkle called the meeting to order at 8:30 a.m.

2. Roll Call

Melissa Nipper led the roll call. Members present were Dr. Ginni Blackhart, Dr. Joe Bidwell, Dr. Cheri Clavier, Dr. Joel Faidley, Ms. Joy Fulkerson, Dr. Adam Green, Dr. Lisa Haddad, Dr. Nick Hagemeyer, Mr. Stephen Hendrix, Dr. Mike Hoff, Dr. Leann Horsley, Dr. B.J. King, Dr. Karen King, Dr. David Linville (on behalf of Dr. Bill Block), Ms. Candy Massey, Dr. Sam Mayhew, Dr. Kimberly McCorkle, Dr. Arpita Nandi, Dr. Rob Pack, Dr. Tony Pittarese, Mr. Jeremy Ross, Ms. Pam Ritter, Dr. Richard Sander, Dr. Janna Scarborough, and Ms. Jessica Vodden.

3. Standing Items

3.1 Approve minutes from the November 14, 2022, meeting

A motion was made to approve the minutes from the November 14, 2022, meeting. The motion was seconded; the minutes were approved.

3.2 Review agenda

Dr. Kimberly McCorkle announced that the President's Report would be removed from the agenda since President Brian Noland is traveling.

3.3 Consent agenda items

A motion was made and seconded to approve the five policy items on the consent agenda (listed below). The motion was seconded and approved.

- 3.3.1 Smoking and Tobacco Policy
- 3.3.2 Drug-Free Campus Policy
- 3.3.3 Utility Cart Safe Operation Policy
- 3.3.4 Electronic Waste Policy
- 3.3.5 General HIPAA Policy and Hybrid Entity Designation

3.4 Call for Voluntary Reports

Council of Academic Chairs: Dr. Lisa Haddad reported that the council had completed some chair training this fall and work continues on the chair handbook and website updates. Feedback for the chair step-down policy has been turned back over to the committee.

IT: Dr. Karen King reported that the Voyager implementation was underway and on schedule. HR completed its first test last week, with a 100 percent pass rate, and Finance has started the design phase. Dr. King mentioned that she would like to schedule a time to speak about Voyager with the Faculty Senate.

3.5 Sub-Council Reports

Mr. Stephen Hendrix noted that the Sub-Council for University Governance continues to work with the chairs of the various committees across the institution to assist them in their needs as they continue to staff their committees, answer their questions, and collect annual reports for Archives.

4. Standing Items

4.1 Old Business

There were no old business items to discuss.

4.2 New Business

There were no new business items to discuss.

5. Information Items/Presentations

There were no information items or presentations.

6. President's Report

This item was removed from the agenda.

7. Announcements

SACSCOC Update: Dr. Cheri Clavier updated the Council on the recent SACSCOC meeting in Atlanta. She also reminded the Council that the on-site visit will be April 3-6, 2023, at which time the on-site team is required to look at certain standards again.

CFO Search: Dr. Kimberly McCorkle updated the Council on the search for ETSU's new Chief Financial Officer, who will replace Dr. B.J. King when she retires in January 2023. They have completed Zoom interviews and expect to have three candidates on campus for in-person interviews so that a new CFO will be in place by early spring.

ETSU Homepage: Ms. Jessica Vodden informed the Council that a new ETSU homepage would be launched over the holiday break. Unlike the current page, users will now see the same homepage, whether on campus or off campus.

Commencement: Dr. McCorkle thanked everyone for their work on the fall commencement ceremonies, held December 10.

8. Adjournment

Provost McCorkle adjourned the meeting at 8:51 a.m.



Smoking and Tobacco Use Policy

Responsible Official: Chief Operating Officer

Responsible Office: Human Resources

Policy Purpose

This policy prohibits smoking, vaping, and tobacco on ETSU-owned or controlled property.

Policy Statement

ETSU is a Tobacco-Free Campus. Smoking, vaping, and Tobacco Use is prohibited in and around all university buildings and grounds; ETSU-affiliated off-campus locations and clinics; any buildings owned, leased, or rented by ETSU; ETSU facilities located on the campus of the James H. Quillen Veterans Affairs Medical Center at Mountain Home; and all state vehicles. Violations of this policy should be reported to Public Safety. Smoking in an individual's personal vehicle is not prohibited.

Previous Policy: PPP-53 Smoking and Tobacco Use

Authority: Focus Act, TCA 49-8-101 et. al.

Definitions

Tobacco Use The personal use of any tobacco product, whether intended to be lit or not, which shall include smoking tobacco or other substances that are lit and smoked, as well as the use of an electronic cigarette or any other device intended to simulate smoking and the use of smokeless tobacco, including snuff; chewing tobacco; smokeless pouches; any form of loose-leaf, smokeless tobacco; and the use of unlit cigarettes, vaping devices, cigars, and pipe tobacco.

Policy History

Effective Date:

Revision Date:

Procedure

I. Employee.

If an employee violates this policy, Public Safety will forward the complaint to the Office of Human Resources for appropriate action.

II. Student Violations.

If a student violates this policy, Public Safety will forward the complaint to the Division of Student Life and Enrollment for appropriate action.

III. Visitors.

If a visitor violates this policy, Public Safety will forward the complaint to the organization or department affiliated with the visitor.

Effective Date:

Procedure History

Revision Date:

Related Form(s)

Scope and Applicability

Primary: Human Resources

Secondary:



Drug-Free Campus	
Responsible Official: Chief Operating Officer	Responsible Office: Human Resources

Policy Purpose

This policy prohibits the use, sale, distribution, or manufacturing of controlled substances on ETSU-owned or controlled property.

Policy Statement

ETSU will comply with all state and federal laws related to controlled substances. ETSU prohibits the use, sale, distribution, or manufacturing of controlled substances. This policy applies to all university buildings and grounds; ETSU-affiliated off-campus locations and clinics; any buildings owned, leased, or rented by ETSU; ETSU facilities located on the campus of the James H. Quillen Veterans Affairs Medical Center at Mountain Home; and all state vehicles.

Suspected or known use, sale, distribution, or manufacturing of controlled substances should be reported to Public Safety. ETSU will impose the appropriate sanction(s) on any employee, student, or visitor who fails to comply with the terms of this policy.

I. Employees.

As a condition of employment, each employee, including student employees, must abide by the terms of this policy, and must notify the Office Human Resources of any criminal drug statute conviction for a violation occurring in the workplace (on or off campus) no later than five days after such conviction. A conviction includes a finding of guilt, a plea of nolo contendere, or imposition of a sentence by any state or federal judicial body.

An employee who fails to comply with this policy, including failure to notify of conviction, may be subject to disciplinary action, up to and including termination.

II. Students.

Student violations of this policy will be handled by the Division of Student Life and Enrollment.

III. Visitors.

Visitor violations of this policy will be handled by Public Safety and reported to other law enforcement agencies as required by law.

IV. Certification and Notification Requirements for Federal Grants.

A certification statement will be placed in all federal grant requests that the institution is complying with the Drug-Free Workplace Act of 1988 and the Drug-Free Schools and Communities Act Amendments of 1989.

All employees involved in the performance of federal contracts and grants will be furnished a copy of this policy statement. In addition, they must certify that they will abide by the terms of the policy.

Upon receiving notice of a drug conviction by an employee involved in the performance of a federal contract or grant, the appropriate federal agency will be notified within ten (10) days of the notice of conviction.

Previous Policy: PPP-26 Drug-Free Campus

Authority:

Definitions

Policy History

Effective Date:

Revision Date:

Procedure

Effective Date:

Procedure History

Revision Date:

Related Form(s)

Scope and Applicability

Primary: Human Resources

Secondary:



Electronic Waste (eWaste) Management Policy	
Responsible Official: Chief Operations Officer	Responsible Office: Department of Sustainability

Policy Purpose

This policy specifies the electronic waste (eWaste) disposal and recycling procedures for all university-owned electronic devices and equipment utilized by the ETSU campus community.

Policy Statement

This policy applies to all university-owned electric and electronic devices and equipment utilized by the ETSU campus community. This policy also applies, where applicable, to operational aspects in facilities leased by ETSU.

Faculty, staff, and students are encouraged to actively try to reduce eWaste generation. Electronic devices and equipment must not be placed in the trash, even if it is broken or obsolete.

Broken or obsolete electronic devices and equipment may contain heavy metals and other materials that can become hazardous to human health and the environment. It may also contain electronically stored digital data that is sensitive, protected, or privileged information.

When electronic devices and equipment break or become obsolete, they must be properly disposed of or recycled by an ETSU Department of Sustainability approved contractor. All electronically stored digital data must be erased before final disposition of the electronic device or equipment. All data-sanitized ETSU surplus computers, laptops, tablets, etc., will be donated to local schools via the Providing Area Schools with Technical Assistance (PASTA) program, sold through [GovDeals](#), or recycled by a vendor providing eWaste services to ETSU in accordance with all federal, state, and local laws and regulations, and university procedures.

Authority: FOCUS ACT § 49-8-203 et. seq; Environmental Protection Agency (EPA) regulations (40 CFR 261); Health Insurance Portability and Accountability Act of 1996 (HIPAA); Family Educational Rights and Privacy Act of 1974 (FERPA)

Previous Policy: Facilities Management Policy Number 1300.2 (Electronic Waste Policy)

Defined Terms

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

Electronic Waste (eWaste): Electronic waste is a general category for electrical or electronic devices and equipment facing displacement or replacement that are hazardous due to the toxic metals present within their internal materials, coatings, and glass. Electronic waste or eWaste may include, but is not limited to: personal computers (or other devices with data storage drives), monitors, microwaves, televisions, keyboards, printers, telephones, stereo equipment, typewriters, radios, calculators, copiers, fax machines, cell phones, and audio equipment.

PASTA Program: Providing Area Schools with Technical Assistance (PASTA) is a program run by the ETSU Computing Department. It erases all digital data and refurbishes surplus ETSU computers and related equipment for donation to local school systems and non-profits. It also provides technical assistance to local schools via students engaged in service learning.

[GovDeals](#)

GovDeals is an online marketplace that provides services to government, educational, and related entities for the sale of surplus assets to the public.

Policy History

Effective Date:

Revision Date: 9/16/22 Previous unit policy was implemented October 17th, 2016.

Procedure

eWaste Roles and Responsibilities

1. Faculty, staff, and students are encouraged to identify all broken or obsolete ETSU owned electronic devices and equipment under their control.
2. The device/equipment user shall complete an [Equipment Inventory Change/Deletion Request](#) form or email the [Central Receiving Inventory Supervisor](#).
3. The Central Receiving Inventory Supervisor will process the form, remove the broken or obsolete item(s) from inventory, and dispatch an ETSU employee to pick up and deliver the items to the director of the PASTA program.
4. The Director of the PASTA program will be responsible for the secure destruction of any electronically stored digital data before determining if the device/equipment should be donated to local schools, sold through [GovDeals](#), or, if unusable, recycled by a university approved eWaste contractor.
5. Unusable eWaste will be transferred to a locked storage container until the items are picked up by the recycling contractor at regular intervals.
7. The recycling contractor will ensure eWaste items are mechanically shred and recycled according to specifications prescribed by the Department of Sustainability.
8. The eWaste recycling contractor will provide the Sustainability Coordinator with a certificate of recycling/destruction and weight totals for the recycled items. The Sustainability Coordinator is responsible for record keeping and certifications of disposal for all eWaste.
9. The Department of Sustainability will ensure the recycling vendor maintains a Business Associate Agreement (BAA) as required by the Health Insurance Portability and Accountability (HIPAA) Act of 1996 (HIPAA Privacy Rule).
10. No outside (non-ETSU) eWaste will be accepted for recycling.

Procedure History

Effective Date:

Revision Date:

Related Form(s) & Contacts

[PASTA program](#)

[Equipment Inventory Change/Deletion Request.](#)

[ETSU RECYCLES](#)

[Hazardous Waste Management Policy](#)



General HIPAA Policy and Hybrid Entity Designation

Responsible Official: HIPAA Compliance Officer

Responsible Office: Office of University
Counsel

Policy Purpose

This policy reflects East Tennessee State University's commitment to comply with the Health Insurance Portability and Accountability Act of 1996 ("HIPAA") and designates ETSU as a Hybrid Entity.

Policy Statement

I. Covered Entity.

ETSU is a Covered Entity under HIPAA and shall comply with HIPAA's requirements to protect the privacy and security of Protected Health Information and to provide individuals with certain rights with respect to their Protected Health Information created, collected, transmitted, and maintained by ETSU.

II. Hybrid Entity Designation.

ETSU performs activities which include Covered Functions and non-covered functions. When a Covered Entity performs both functions, HIPAA permits Covered Entities to designate themselves as a Hybrid Entity. This policy designates ETSU as a Hybrid Entity.

III. HIPAA Compliance Office Responsibilities.

The HIPAA Compliance Office shall maintain a current list of designated Health Care Components for ETSU. The HIPAA Compliance Office shall develop uniform unit level policies and procedures consistent with this policy.

Authority: 45 C.F.R. §160, §162, and §164, T.C.A. § 49-8-203

Previous Policy: N/A

Defined Terms

A defined term as a specific meaning within the context of this policy.

Covered Entity:	A Covered Entity is a health plan, a health care clearinghouse, or a health care provider who transmits any health information in electronic form in connection with a Covered Function pursuant to 45 C.F.R. § 160.103.
Covered Function:	Functions of a Covered Entity the performance of which makes the entity a health plan, health care provider, or health care clearinghouse pursuant to 45 C.F.R. § 164.103.
Health Care Component:	A component or combination of components of a Hybrid Entity designated by the Hybrid Entity in accordance with 45 C.F.R. §164.105(a)(2)(iii)(D) pursuant to 45 C.F.R. § 164.103.
Hybrid Entity:	A Hybrid Entity is a single legal entity: (1) That is a Covered Entity; (2) Whose business activities include both Covered and non-covered Functions; and (3) That designates Health Care Components in accordance with paragraph 45 C.F.R. §164.105(a)(2)(iii)(D) pursuant to 45 C.F.R. § 164.103.
Protected Health Information:	Protected Health Information means Individually Identifiable Health Information:(1) Except as provided in paragraph (2) of this definition, that is: (i) Transmitted by electronic media; (ii) Maintained in electronic media; or (iii) Transmitted or maintained in any other form or medium.(2) Protected Health Information excludes Individually Identifiable Health Information: (i) In education records covered by the Family Educational Rights and Privacy Act, as amended,20 U.S.C. 1232g; (ii) In records described at 20 U.S.C. 1232g(a)(4)(B)(iv); (iii) In employment records held by a Covered Entity in its role as employer; and (iv) Regarding a person who has been deceased for more than 50 years. 45 C.F.R. § 160.103.

Policy History

Effective Date:

Revision Date:

Procedure

Procedure History

Effective Date:

Revision Date:

Related Form(s)

N/A

Scope and Applicability

Primary: Faculty, Staff, and Students in designated Health Care Components

Secondary:



University Utility Cart Safe Operation Policy	
Responsible Official: Chief Operations Officer	Responsible Office: Administration

Policy Purpose

This policy specifies standards for the safe use and operation of all Utility Carts owned and operated by any ETSU department or unit on any ETSU campus or premises.

Policy Statement

This policy applies to all members of the ETSU campus community, including faculty, staff, students, and approved volunteers, and applies to Utility Carts owned and operated by any ETSU department or unit on any ETSU campus or premises. This policy covers all types and makes of unlicensed off-the-road vehicles: three (3), four (4), or six (6) wheel vehicles, electric or gas powered, or alternative fuel vehicles, used for transportation of people, equipment, products, etc., on campus or for grounds or facilities maintenance purposes.

Utility Cart Safe Operation Requirements

- A. ETSU full and part-time employees and students and approved volunteers possessing a valid driver's license from any state are authorized to operate a Utility Cart for official university business.
- B. Utility Cart operators must be at least 18 years of age and have their driver's license on their person.
- C. Utility Carts may only be driven on paved pathways and parking areas, or other areas specifically approved or designated by an ETSU department or unit (e.g., athletic fields, campus recreation). Operators must make reasonable efforts to keep carts off the grass except when necessary for campus events, maintenance, when serving a person with a disability, or in case of emergencies. Departments will be held accountable for damage caused by their Utility Cart to university greenspaces.

- D. Except for transporting ETSU community members with disabilities, and when necessary for campus events, maintenance, or emergencies, the use of Utility Carts by ETSU faculty, staff, students, vendors, volunteers, and contractors is prohibited within the University Commons, the Campus Center Quadrangle, the Culp Amphitheater, and their associated greenspaces without prior approval from Facilities Management. See, [Policy on Vehicle Usage and Staking In University Commons and Associated Greenspaces](#).
- D. Utility Cart operators must keep a proper lookout for pedestrian traffic, bicycles, other vehicles, and fixed objects. Pedestrians have the right-of-way on all pedestrian ways. Operators must be cautious, courteous, and yield to all other traffic at all times.
- E. All Utility Carts operated after dark shall be equipped with working head and tail lights.
- F. All Utility Cart occupants must be seated and keep all limbs inside the vehicle at all times.
- G. If the Utility Cart is equipped with seat belts, the operator and passengers are required to wear them.
- H. Utility Carts are not to be overloaded by carrying more passengers than seating is provided for or by overloading the Utility Cart's recommended carrying or load capacity.
- I. Drivers may not use hand held electronic devices while operating a Utility Cart, or utilize devices that impede hearing (e.g., AirPods, stereo headsets, earplugs, etc.).
- J. Drivers may not operate a Utility Cart while under the influence of drugs or alcohol.
- K. Utility Cart operators are responsible for the ignition keys for the period of time in which they are in possession of the vehicle. Keys shall not be left in the UC. The parking brake must be set when leaving a UC parked.
- L. Any accident or incident involving a Utility Cart shall immediately be reported to ETSU Police Department/Public Safety at 439-4480.
- M. Passengers in a Utility Cart shall be limited to faculty, staff, employees, students, volunteers, and guests of the University.
- N. If operated on a city street, knowledge of and compliance with applicable City of Johnson City laws, rules, regulations and policies regarding use are the responsibility of the driver; noncompliance may result in citation and/or suspension of user privileges.
- O. To ensure the familiarity and knowledge of Utility Cart safety, it is recommended that all operators take the ETSU online training module at [Talent LMS](#).
- P. Each Department shall be responsible for disseminating this policy, verifying volunteer status

and operator requirements, training all operators of Utility Carts on the above rules and safe use of Utility Carts, and insuring that appropriate corrective actions are taken when violations of this policy are reported. Employee violations are considered job performance issues and disciplinary action may be taken. Misuse of university Utility Carts by ETSU students may result in disciplinary actions pursuant to the [ETSU General Policy on Student Conduct and Disciplinary Sanctions](#).

- R. ETSU Departments are encouraged to share Utility Carts. For those departments without UCs Facilities Management has two (2) UCs that are available for reservation for official university business. The procedure is described below.

Authority: Focus Act: T.C.A. § 49-8-203, et. Seq.

Previous Policy: Facilities Management Policy Number 400.1: Utility Golf cart Policy

See Also: Facilities Management Policy Number 900.1: Vehicle Use Unit Policy

Defined Terms

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

Utility Cart	Any ETSU-owned or leased self-propelled, unlicensed (unregistered) off-road vehicles operated on the campus including golf carts.
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Policy History

Effective Date:

Revision Date:

Procedure

Reserving a Facilities Management Golf cart

Facilities Management has a two (2) golf carts that are available for utilization by ETSU departments and employees. The procedure to reserve a golf cart can be found here:

[Utility Golf Cart Request Form](#)

Any accident or incident involving a Facilities Management Utility Cart shall immediately be reported to ETSU Police Department/Public Safety at 439-4480 and Facilities Management at 439-7900.

Effective Date:

Revision Date: /2022

Related Form(s) and Documents

ETSU online training module at [Talent LMS](#)

[Policy on Vehicle Usage and Staking in University Commons & Associated Greenspaces](#)

Primary:

Scope and Applicability

Secondary: