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2018 February 21 - Board of Trustees Executive Committee Minutes

Board of Trustees, East Tennessee State University

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EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE

MINUTES

February 21, 2018
Johnson City, Tennessee

The East Tennessee State University Board of Trustees Executive Committee held a meeting at 4 p.m. on Wednesday, February 21, 2018, in the President's Conference Room in Burgin Dossett Hall on ETSU's main campus in Johnson City, Tennessee.

I. Call to Order

Mr. Scott Niswonger, chair of the Executive Committee, called the meeting to order.

II. Roll Call

Secretary Dr. David Linville noted that, because all three members (Mr. Niswonger, Mr. David Golden and Dr. Linda Latimer) were calling in for the meeting, he was required to ask each member if they can hear the meeting clearly on the phone and if anyone is present in the room. All three committee members affirmed that they could hear and were alone.

Melanie Murry, counsel from the University of Memphis, also was on the phone for the meeting. Other guests in attendance included Secretary Linville, Deputy Secretary Nathan Dugger, Amanda Mowell (University Relations), Dr. Susan Epps (ETSU faculty member), Nate Morabito and Phillip Murrell (WJHL-TV), Zach Vance (Johnson City Press) and Kristen Swing (University Relations, taking minutes).

Secretary Linville noted to Chairman Niswonger that he did not detect a physical quorum, however a quorum did exist by the inclusion of those members participating by electronic means. In accordance with Tennessee Code § 8-44-108 section (b) (2), Secretary Linville offered up to the committee the following circumstances which necessitate the reason for holding this meeting:

- It is necessary for the Executive Committee of the Board to meet in order to review the appeal filed with the Board.
- The prompt necessity of this committee's meeting did not provide adequate time for this committee's membership to make necessary arrangements to be physically present for a quorum.

For these reasons, Secretary Linville contended that participation by a quorum of the committee members by electronic or other means of communication is necessary, and then asked that a motion be made and a roll call vote be taken for a determination on

the necessity of holding the meeting. All three committee members voted that a necessity does exist for the meeting to proceed.

III. Approval of Minutes

The minutes of the August 1, 2017, Executive Committee meeting were unanimously approved, with Trustee Golden making a motion to approve and Trustee Latimer seconding the motion.

IV. Review Termination Appeal from Former Faculty Member

Chair Niswonger noted that the group was there today for this single item – to grant or deny the appeal of former faculty member Dr. David Champouillon, a tenured faculty member who was terminated by the university in May 2017.

Secretary Linville offered to provide a summary of actions up until that point. He noted that, according to policy, when a faculty member appeals a university decision to the board, it goes to the appropriate Board of Trustees committee. In this case, that is the Executive Committee. On August 1, 2017, the Executive Committee met in a closed executive session with Ms. Melanie Murry and subsequently requested clarifying information from both the university and Dr. Champouillon. That information was sent to the committee members individually and they reviewed the materials as individuals. Now, they come together with a decision before them to either grant or deny Dr. Champouillon's petition for appeal.

Trustee Golden pointed out that the record they were initially provided was quite extensive, and the members had reviewed it as well as the additional items that were requested. He said he believed Board of Trustees policy and procedures have been followed. Trustee Golden said he also believed the university was correct in its determination and there is evidence to support it. He said there was no material error in the application of the law, and made a motion to deny the appeal. Trustee Golden's motion was seconded by Trustee Latimer, who said she completely agreed that procedure had been followed. With no further discussion, a roll call vote took place and all three committee members voted in favor of denying the petition to appeal.

Secretary Linville addressed next steps, pointing out that the Executive Committee's decision will now go to the full Board of Trustees on Friday. Trustee Golden said, for clarification, that the decision of the delegated committee should be brought to the full board for its ratification of the decision, not for further discussion of the issue. Ms. Murry said she was going to make the same recommendation.

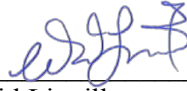
V. Other business

There was no other business.

VI. Adjournment

Chair Niswonger adjourned the meeting.

Respectfully submitted,

A handwritten signature in blue ink, appearing to read "David Linville", positioned above a horizontal line.

David Linville
Secretary of the Board of Trustees

Approved by the Executive Committee at its April 27, 2018 meeting.

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE
FEBRUARY 2018 SPECIAL CALLED TELEPHONIC MEETING

4:00-4:30pm EST
Wednesday
February 21, 2018

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

AGENDA

- I. Call to Order
- II. Roll Call and Instructions Related to Telephonic Meetings
- III. [Approval of the Executive Committee Minutes of August 1, 2017](#) [action item]
(5 minutes)
- IV. [Review Termination Appeal from Former Faculty Member](#) [action item] (20 minutes)
- V. Other Business
- VI. Adjournment

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: February 21, 2018
ITEM: Approval of the Minutes of August 1, 2017
COMMITTEE: Executive Committee
RECOMMENDATION: Approval
PRESENTED BY: David Linville, Secretary

The minutes of the Executive Committee meeting of August 1, 2017 are included in the meeting materials.

MOTION: I move that the Board of Trustees adopt the resolution, approving the minutes as outlined in the meeting materials.

RESOLVED: The reading of the minutes of the August 1, 2017 meeting of the Executive Committee is omitted, and the minutes are approved as presented in the meeting materials, provided that the Secretary is authorized to make any necessary edits to correct spelling errors, grammatical errors, format errors, or other technical errors subsequently identified.

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE

MINUTES

August 1, 2017
Johnson City, Tennessee

The East Tennessee State University Board of Trustees Executive Committee held a meeting at 4 p.m. on Tuesday, August 1, 2017, in the President's Conference Room in Burgin Dossett Hall on ETSU's main campus in Johnson City, Tennessee.

I. Call to Order

Mr. Scott Niswonger, chair of the Executive Committee, called the meeting to order at 4:19 p.m. A traffic issue on Interstate 26 caused a couple of meeting attendees to arrive late.

II. Roll Call

Secretary Dr. David Linville called the roll. All members were present for the meeting. They are Chair Niswonger, David Golden and Dr. Linda Latimer.

Melanie Murry, counsel from the University of Memphis, was on the phone for the meeting. Other guests in attendance included ETSU President Brian Noland, Secretary Linville, Deputy Secretary Nathan Dugger, Joe Smith (University Relations), Nate Morabito and Phillip Murrell (WJHL-TV), Jessica Fuller (Johnson City Press) and Kristen Swing (University Relations, taking minutes).

III. Approval of Minutes

The minutes of the May 25, 2017, Executive Committee meeting were unanimously approved, with Trustee Golden making a motion to approve and Trustee Latimer seconding the motion.

IV. Report from the President

Dr. Noland reported on two key areas – enrollment and construction progress.

In terms of enrollment, Dr. Noland said the budget for the year has been built upon a decline in enrollment of 250 students. However, he reported that, at a minimum, enrollment for the fall semester is expected to be flat. He said he is hopeful it will be positive, which would result in revenues that can be invested into reserves. Also in terms of enrollment, Dr. Noland said he believed the Board of Trustees would be pleased with the diversity and academic profile of the class.

In terms of construction, Dr. Noland said the football stadium is moving along and right where it needs to be in order to be ready for the season opener on Sept. 2. He also reported that the university will break ground on the performing arts center on Sept. 8, the same day as the quarterly Board of Trustees meeting. Dr. Noland also

addressed the impending displacement of individuals working within the Culp Center as that renovation project gears up. He reported that, in December, employees and offices will begin moving to temporary locations, which include a residence hall that will be taken offline, spaces in the library and spaces in the Center for Physical Activity.

Also in his report, Dr. Noland reminded the trustees of a meeting in Nashville on August 18 called by Gov. Bill Haslam for all of the six universities' new Board of Trustees members.

He also reported on THEC's meeting the previous week, noting that staff at the university is currently preparing all capital projects to bring before the Board of Trustees prior to submitting them to THEC. He pointed out that it remains a goal to submit tuition recommendations to the Board in April instead of mid-summer so that students will know the cost of attending before leaving for the summer. Similarly, tenure and promotion would be brought before the Board of Trustees earlier so faculty members know their standing before departing for the summer.

In closing, Dr. Noland mentioned the numerous celebratory events coming up as the new semester gets underway, including faculty convocation and student convocation. He invited the trustees to attend those events.

Trustee Golden congratulated Dr. Noland, noting that it is fantastic where he and the university as a whole sit. Dr. Noland thanked Trustee Golden, noting that a lot of work has been and continues to be conducted by staff to put the university in this position.

V. Review Termination Appeal from Former Faculty Member

Prior to the meeting start, Chair Niswonger informed media and other guests in the room that this agenda item would not be discussed in the open meeting but instead needed to be taken up by the committee in an executive session.

VI. Other business

There was no other business.

VII. Adjournment

Chair Niswonger adjourned the public portion of the meeting and the committee went into executive session at 4:25 p.m.

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: February 21, 2018

ITEM: Review Termination Appeal from Former Faculty Member

COMMITTEE: Executive Committee

PRESENTED BY: David Linville, Secretary

Dr. David Champouillon, a tenured faculty member who was terminated by the university on May 19, 2017, has petitioned the Board of Trustees, appealing the decision made by the university. The Committee met on August 1, 2017 to discuss the information in executive session with legal counsel, Ms. Melanie Murry.

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.