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4-27-2018

2018 April 27 - Board of Trustees Executive Committee

Board of Trustees, East Tennessee State University

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EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE

MINUTES

April 27, 2018
Johnson City, Tennessee

The East Tennessee State University Board of Trustees Executive Committee held a meeting at noon on Friday, April 27, 2018, in Meeting Room 3 of the D.P. Culp University Center 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

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

Others in the room included ETSU President Brian Noland, Kristen Swing of University Relations, and Joe Smith of University Relations.

III. Approval of Minutes

The minutes of the Feb. 21, 2018, 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 the well-being of Dr. Bert Bach, following an injury he suffered to his leg earlier in the week.

Next, Dr. Noland updated the group on conversations around the Millennium Centre, asking for the committee's support to begin direct conversations with the state and gather provision materials for the State Building Commission. He said he will bring a plan to the Board of Trustees for approval right before taking it to the SBC for approval. Dr. Noland said the purchase price is currently \$5.75 million and noted that the university spends \$165,000 per year to rent the Niswonger lab alone. The facility could be used for university events, with one Sodexo staff operating it and the other campus functions. A new parking fee would help offset the cost for the parking garage. All members of the committee agreed to let Dr. Noland move forward. Dr. Noland said Dr. David Collins is handling all of the staff work on the university end and will do the direct negotiations with the state.

Dr. Noland then moved on to personnel matters, noting that there are none currently that would bring negative attention to the university. He said there is one possible in the coming weeks. The review of a faculty member in the College of Business and Technology is wrapping up and is related to inappropriate student relationships. He said he did not anticipate it would rise to the level of detenuing. Dr. Noland also noted that the issues with the former tennis coach are done, but we may have to forfeit a prior championship or two based on NCAA sanctions. He said the violations are all Level 1 violations.

As he looks ahead, Dr. Noland said he feels good about the budget situation moving into the fall. He also said there was an opportunity to bring the clinical structures of the university up with the times, referencing MEAC.

V. Other business

Trustee Golden brought to the attention of the president questions regarding reimbursements with Ballad Health that include ETSU and billing code inconsistencies. He suggested that university staff contact Ballad to gather further information as it becomes available.

Trustee Golden also discussed the need to review a presidential evaluation policy submitted to the group by the Faculty Senate. He recommended the group discuss the matter and ask that the full Board of Trustees authorize the Executive Committee to review the presidential evaluation policy and then bring it back to the full board. The issue was formerly handled by the Tennessee Board of Regents, and this is the first time it is being handled by the local governing body. Trustee Golden said they needed to set a precedent and felt that should be delegated to the Executive Committee. All members agreed that was a good plan.

VI. Adjournment

Chair Niswonger adjourned the meeting.

Respectfully submitted,



David Linville
Secretary of the Board of Trustees

Approved by the Board of Trustees at its September 21, 2018 meeting.



News Release
Office of University Relations

April 23, 2018

ETSU Board of Trustees Executive Committee to hold meeting April 27

JOHNSON CITY – The Executive Committee of East Tennessee State University’s Board of Trustees will meet Friday, April 27, at noon.

The meeting will take place in the Meeting Room 3 in the D.P. Culp University Center. It will be conducted permitting participation by electronic or other means of communication.

An agenda and meeting materials for the committee meeting will be posted at www.etsu.edu/trustees in advance of the meeting. For more information, call 423-439-4317. For disability accommodations, call the ETSU Office of Disability Services at 423-439-8346.

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EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE
APRIL 2018 CALLED MEETING

12:00-12:30pm EDT
Friday
April 27, 2018

Third Floor Meeting Room
D.P. Culp University Center
412 J.L. Seehorn Road
Johnson City, TN

AGENDA

- I. Call to Order
- II. Roll Call
- III. [Approval of the Executive Committee Minutes of February 21, 2018](#) [action item]
- IV. Presidential Update [information item]
- V. Other Business
- VI. Adjournment

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: April 27, 2018
ITEM: Approval of the Minutes of February 21, 2018
COMMITTEE: Executive Committee
RECOMMENDATION: Approval
PRESENTED BY: Nathan Dugger, Assistant Secretary

The minutes of the Executive Committee meeting of February 21, 2018 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 February 21, 2018 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

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.