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1992 March 16 - Faculty Senate Agenda and Minutes

Faculty Senate, East Tennessee State University

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FACULTY SENATE

NEXT MEETING: March 16, 1992
3:30 P.M., FORUM

NOTE TO DEPARTMENT CHAIRS: Please post or circulate among your faculty.

AGENDA FACULTY SENATE MEETING MARCH 16, 1992

1. **APPROVAL OF MINUTES:** March 2, 1992 (enclosed).
2. **NEW BUSINESS**
 - a. Staff Senate Resolution (enclosed).
 - b. University Standing Committee Appointments
Committee on Committees
 - c. Other
3. **OLD BUSINESS**
 - a. Interview Format of Candidates for Presidential Search
 - b. Other
4. **ANNOUNCEMENTS**
 - a. State Attorney General Opinion on Donating Unused Sick Leave Days by Departing or Retiring Faculty (enclosed).
 - b. Resolution from the ETSU Alumni Association Board of Directors (enclosed).
 - c. Memo from Doug McAlister, ETSU Alumnus, Member ETSU Alumni Board and VPI Faculty Member (enclosed).
 - d. Student Regent Selection/Nomination.
 - e. Memo from Rick Landrum to Joy Burleson: Instructors Charging Students for Particular Items (enclosed).
 - f. Memo from Dr. James Vaught concerning Academic Computing (enclosed).

MINUTES - PRESIDENT'S COUNCIL

WEDNESDAY, MARCH 4, 1992, 9:00 a.m., Reece Museum

PRESENT: Bach, Norment, Sauceman, Spritzer, Shelton, Stanton, Acuff, Ostheimer, Hales, East (Nutter), Lenz, Osborn, Burlison, Borchuck, Garland, Bettis, Lanza, Alfonso, Essin, Stout, Jordan, Gehre (Manahan), Landrum, Vaught

GUESTS: Tinnon, Keplinger, Hawk, Hicks-Caskey, Neasman, Collins

1. CURRENT INFORMATION CONCERNING 1991-92 AND 1992-93 FUNDING: LEGISLATIVE REPORT

As an information item, President Bach distributed copies of the March 2 Leonard Bradley memorandum as the most current information concerning legislative action and 1992-93 funding. (enclosure #1 on file)

2. STRATEGIES FOR ADDRESSING FALL, 1992 STRATEGIC ENROLLMENT GOALS: PROBLEMS AND ALTERNATIVES

Dr. Garland discussed strategies for addressing fall, 1992 enrollment goals (enclosures #2, #3, and #4 on file) which included the following recommendations:

- (1) to seek approval of TBR to increase the number of alternative admissions at ETSU from 150 to 250. Following discussion, there was consensus of Council to support the increased number of alternative admissions. President Bach requested that Academic Council review this proposed change and provide a recommendation.
- (2) to increase the number of work scholarships to support enrollment of exceptional students. Following discussion, there was agreement that any increase in the number of work scholarships would need to be phased in over more than one budget period.

3. MARKETING STRATEGIES FOR OLDER ADULT STUDENTS

Mr. Sauceman discussed proposed marketing strategies for older students which included establishing a task force to examine various marketing approaches. (enclosure #5 on file) Following discussion, there was consensus for Mr. Sauceman to proceed with the task force and the membership outlined in his March 4 memorandum. Task force representatives from Nursing, College of Business Marketing Department, and the Graduate School were recommended additions.

4. TELECOMMUNICATIONS POLICIES (LONG DISTANCE, CREDIT CARD, AND CELLULAR PHONES)

Dr. Vaught reviewed draft policy statements regarding long distance telephone calls, telephone credit cards, cellular telephones and the use of state owned telephones in private residences. (enclosure #6 on file) Following discussion, it was agreed that editorial changes would be incorporated and the policies reviewed by Ms. Burleson and Mr. Landrum and then returned to the next agenda.

5. CLASSROOM FEE COLLECTION

As an information item, Ms. Burleson distributed copies of the February 24, 1992 Landrum memorandum concerning instructors charging students for particular items. (enclosure #7 on file) Council members are to disseminate this information as existing policy.

6. PARKING STICKERS

As an information item, Dr. Gehre reviewed the Neasman February 26, 1992 memorandum which described the use of a new parking hang tag to replace the existing decal. (enclosure #8 on file) There was consensus of Council to proceed with the proposed change.

7. UNIVERSITY PLANNING MANUAL

As an information item, Dr. Hales distributed copies of the University Planning Manual. Sufficient copies are available for vice presidents, deans, directors and unit heads.

8. SPRING COMMENCEMENT SPEAKER

Mr. Sauceman reviewed his March 4 memorandum concerning the identification of a spring commencement speaker. (enclosure #9 on file) He confirmed that an invitation has been extended to President George Bush but due to lack of a confirmation at this time it was necessary to proceed with identifying an alternate. There was consensus for Mr. Sauceman to proceed with individuals having been suggested to the President's Office and to add the name of Dr. Donald Coffey from Johns Hopkins.

9. IRATE (AND ANONYMOUS) OBJECTION TO PROVIDING INFORMATION BY INTERDEPARTMENTAL MEMORANDUM: RESPONSES AS TO HOW INFORMATION SHOULD BEST BE DISTRIBUTED TO ALL CAMPUS CONSTITUENCIES

As an information item, President Bach reported receiving an anonymous objection to providing information to all faculty and staff by interdepartmental memoranda. (enclosure #10 on file) There was consensus of staff that while good judgment should be used in determining the best process for disseminating information, that there was merit in utilizing individual notification.

10. MAINTAINING OF PERSONNEL CREDENTIALS: PROPOSED PROTOCOLS

Dr. Alfonso reviewed a draft status of proposed protocols for the maintaining of personnel credentials. (enclosure #11 on file) Following discussion and with editorial changes, there was consensus of Council to proceed with the policy.

11. DESEGREGATION DATA: ANNUAL STATISTICAL REPORT FOR 1990 AND 1991

As an information item, President Bach reviewed the February 20, 1991 Floyd memorandum concerning desegregation data for 1990 and 1991. (enclosure #12 on file) He indicated that as frozen positions were restored there would be need to refer to this data in determining a sequence for refilling positions. In addition, he indicated that ETSU will need to determine strategies for improving compliance with these goals as a part of information to be submitted to the DMC in April.

12. RESOLUTION OF LITIGATION CONCERNING FACULTY MEMBER IN DEPARTMENT OF HISTORY

As an information item, President Bach reported the elements of the resolution of litigation concerning a faculty member in the Department of History. There were no questions from Council regarding this issue.

13. KINGSFORT UNIVERSITY CENTER TASK FORCE REPORT: CONSIDERATION OF RECOMMENDATION

Dr. Osborn reviewed the recommendations of the Kingsport University Center task force report. Following discussion, the issues were summarized in three categories:

- (1) Special action plan for academic programs beginning fall 1992
- (2) Physical plant issues including KUC security, parking and lighting
- (3) Issues related to student quality of life and publicity

President Bach requested that Dr. Osborn chair a committee of deans to draft a statement of institutional commitment via Academic Council. Dr. Gehre is to assess the physical plant issues and provide a recommendation comparing conditions at KUC with the ETSU campus. Mr. Sauceman and Dr. Stout were to address issues of publicity and quality of life at KUC. The requested action plans are to be completed by the end of May.

14. TAX WITHHOLDING

As an information item, Mr. Collins discussed his March 4 memorandum concerning the reduction in federal income tax withholdings. (enclosure #13 on file) He indicated that this memorandum is to be distributed to all employees.

15. NOMINEES FOR STUDENT REGENT

President Bach reviewed the February 26, 1992 Otis Floyd memorandum which requested nominees for the position of student regent. (enclosure #14 on file) Council members were requested to provide nominations of worthy candidates to SGA President Ken Bailey.

16. STATUS OF REENTRY TO DOSSETT HALL

As an information item, Dr. Vaught reported that physical plant and telecommunications work in Dossett Hall was proceeding on a schedule to allow staged reentry beginning March 16.

17. QUESTION CONCERNING BALANCE OF PUBLICITY THROUGH UNIVERSITY RELATIONS

As an information item, Mr. Sauceman reviewed his February 28 memorandum to Dean Ostheimer which responded to concerns regarding the adequacy of Arts and Sciences publicity. (enclosure #15 on file)

18. PRESIDENTIAL DISTINGUISHED LECTURE SERIES

As an information item, Mr. Sauceman provided a update on the status of the Presidential Distinguished Lecture series. He indicated that Anglican Church emissary Mr. Terry Waite was scheduled to present the next lecture in October 1992. It was indicated that while one half of the Presidential Lecture Series' budget had been frozen, that there were sufficient funds remaining to provide the Terry Waite lecture.

19. CARL JONES SYMPOSIUM

As an information item, Mr. Sauceman distributed brochures announcing the first Carl Jones Symposium on March 30. (enclosure #16 on file)

20. OLD BUSINESS

A. Council Recommendations for Improving Race Relations

As an information item, Ms. Jordan requested Council to provide directly to her any recommendations for improving race relations. She would then compile the recommendations for a report/discussion at the next Council meeting.

21. NEW BUSINESS - none reported

'MINUTES OF THE ACADEMIC COUNCIL

THURSDAY, MARCH 5, 1992, 9:30 A.M., ROOM 131, BROWN HALL

PRESENT: Alfonso, Ostheimer, Spritzer, Hales, Lenz, Lanza, Bishop, Osborn, Norment, Essin, Ellis, Yount, Stout, Garland, Bettis

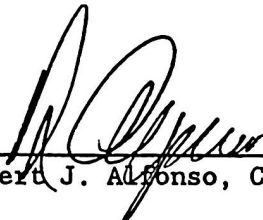
ABSENT: Nutter, Borchuck, Acuff, Smith

GUESTS: Burnley, Harville, Gallagher

1. Dr. Burnley presented data on the relative merits of using the the ACT/COMP or the College Base test in Performance Funding. She stated that we would lose 5 points the first year if we decide to use the College Base. Following thorough discussion, a motion was made and seconded that we elect to use College Base. The motion passed.
 - 1.1. Dr. Burnley stated that students need to be motivated to take the test seriously and she suggested the score be placed on the official transcript to motivate students to do their best. She also suggested longitudinal testing by establishing entry scores on the College Base. A motion was made and seconded that the test score be placed on the transcript. A friendly amendment was added which would require the testing of all incoming students. Following additional discussion, the question was called. The motion failed.
 - 1.2. A motion was made and seconded that the test score be placed on the transcript. The motion passed.
 - 1.3. A motion was made and seconded that the University test those students who come without ACT or SAT in order to establish a beginning score. The motion failed.
 - 1.4. A motion was made and seconded that we test all entering undergraduate students. The motion passed. It was suggested a committee be appointed to plan the implementation of this testing.
2. Dr. Bishop announced that the March of Dimes in cooperation with Volunteer ETSU will be holding a "Tree of Life" march on April 25. She encouraged deans to encourage their colleges/schools to participate in the march.
3. Dr. Alfonso presented the resolution on academic computing which was passed by the Faculty Senate on December 16, 1991. Following discussion, a motion was made and seconded that the Academic Council express strong support for the resolution. The motion passed. A suggestion was made that an editorial change be made after the statement about the "78 computers" to read "78 computer service computers available 24 hours a day."

MINUTES OF THE ACADEMIC COUNCIL
THURSDAY, MARCH 5, 1992
PAGE 2

4. Dr. Alfonso brought up the matter of the Faculty Senate recommendation on Faculty Emeritus. It was the consensus of the group that action be deferred until some editing can be done on the document to improve clarity.
5. Dr. Garland presented a proposal on regulated admissions. The proposal recommended changing the number of regulated admissions to 250. After a brief discussion, a motion was made and seconded to approve the proposal. The motion passed.
6. Dr. Ostheimer presented a proposal for a change in the policy for administrative chair stipends. Following minor editing, a motion was made and seconded that the proposal as edited be approved and that a study be made of other administrative stipends, specifically those for associate/assistant deans. The motion passed.
7. Dr. Alfonso presented a concept for creating an Instructional Development Committee, which would provide funding to faculty for instructional and curriculum development projects. The committee would function much as does the Research and Development Committee. He suggested funding might start at \$50,000. Proposal would come from the faculty with departmental and college/school endorsement. A motion was made and seconded that the Council endorse the concept to establish an Instructional Development Committee with an appropriate budget to support the program. The motion passed.
8. Dr. Alfonso supplied the Council with a summary of a proposed Honors Program for ETSU. It was called to the attention of the Council that concern has been expressed by faculty about the cost of this type of program. It was the consensus of the group that additional discussions need to be held soon with more people involved.
9. Dr. Hales discussed the possibility of submitting a proposal for a grant to support TQM activities on campus. He stated he needed a recommendation from the Council whether or not to submit a grant application for the grant. Following a brief discussion of the proposal, a motion was made and seconded that the Council endorse submitting an application. The motion passed. A committee was appointed to help Dr. Hales with the preparation of the application.
10. Dr. Bettis announced that Friday would be the last day to make changes in the summer schedule.
11. Dr. Norment supplied the group with graduate enrollment data.
12. The meeting was adjourned.


Robert J. Alfonso, Chair

MINUTES OF THE ACADEMIC COUNCIL

MARCH 19, 1992, 9:30 A.M., ROOM 131, BROWN HALL

PRESENT: Ostheimer, Spritzer, Nutter, Hales, Osborn, Bader (Stout),
Borchuck, Bishop, Barr (Lanza), Milhorn-Williams (Essin),
Ellis, Yount, Norment, Smith/Lenz, Bettis

ABSENT: J. Smith, Garland, Acuff

GUESTS: Coron, Leger, Sabatino, Whitmore, Gotterbarn

1. Curriculum proposals were presented as follows:

1.1. Department of Geography/Geology - Dr. Coron presented a proposal for a new course, GEOL 4905, Independent Study in Geology, 1-4 cr. hrs. A motion was made and seconded to approve the course. Discussion centered on whether or not this is a new course or a course hour change. A motion was made and seconded to table the original motion. The motion to table passed.

1.2. Department of Sociology and Anthropology - Dr. Leger presented three proposals for course title changes as follows:

SOAA 3030, Sex Roles in America to Gender and Society
SOAA 4157, Sociology of the City to Urban Social Policy
SOAA 4807, Contemporary Social Theory to Modern Social Theory

A motion was made and seconded to approve these title changes. Following discussion of the course 4157, the motion was withdrawn. A motion was made and seconded that SOAA 4157 be sent back to the Department for a revised course syllabus and an addition of 5157 to the numbering. The motion passed.

1.2.2. A motion was made and seconded that the title of SOAA 3030, Sex Roles in America be changed to Gender and Society. The motion passed.

1.2.3. A motion was made and seconded that the title of SOAA 4807, Contemporary Social Theory be changed to Modern Social Theory. The motion passed.

1.3. Department of Human Development and Learning - Dr. Whitmore presented a proposal to change the M.Ed. in Counseling (42 cr. hrs.) and the MA in Counseling (39 cr. hrs.) to 48 credit hours for both programs. He stated the purpose of this change was to prepare for accreditation in Counseling. A motion was made and seconded to approve this proposal. It was called to the attention of the group that part of the paperwork necessary for a complete proposal was missing. A motion was made and seconded to table the motion until the additional information can be prepared. The motion to table passed.

- 1.4. Department of Computer and Information Science - Dr. Hales presented a proposal for a new concentration, Software Engineering Concentration in Master of Science in Computer Science. The new concentration contains a request for three new courses:

CSCI 5910, Software Design Studio I
CSCI 5920, Software Design Studio II
CSCI 5930, Software Design Studio III

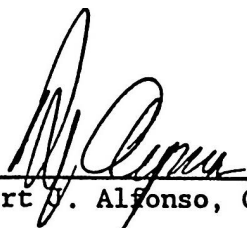
Dr. Gotterbarn walked the group through the proposal. A motion was made and seconded to approve the proposal. Following discussion, the motion passed.

- 1.5. Division of Health Science - Dr. Lenz presented a proposal to establish a new administrative unit to oversee the Kellogg Foundation Grant activities. The name of the unit will be called "Office of Rural and Community Health." If approved, they requested it to be made retroactive to September 1, 1991. A motion was made and seconded to approve this proposal. Following discussion, the motion passed.

2. Dr. Alfonso indicated that clarification is needed in the section of both the promotion and tenure policies dealing with appeals. Present wording in section 2.3.11.2. appears to be contrary to the intention of the appeals process. The same wording appears in the promotion and tenure appeal policies. The revised wording, appearing below, will be taken to the Faculty Senate for their information and discussion prior to formal approval of the Academic Council.

Two appeal opportunities follow the dean's action and precede that of the President. The candidate may opt to utilize either one, but not both, of these opportunities. Should the dean opt not to recommend for promotion, the candidate may request a pre-appeal conference with the Vice President. Should the Vice President choose not to recommend for promotion and the candidate has not appealed following the dean's positive recommendation, the candidate may request a pre-appeal conference with the President. In either event the pre-appeal conference must be requested within seven days of receiving written notice of the negative recommendation.

3. The meeting was adjourned.



Robert V. Alfonso, Chair

ROSTER - FACULTY SENATE 1991-92

7/1/91

SCHOOL	NAME	DEPARTMENT	TRM	PO BOX	PHONE	COMMITTEE
AS&T	Terry Counterline	Comp&Infor Sci	94	70,711	6964	FACULTY CONCERN
	Ken James	Home Economics	93	70,671	4411	*ACADEMIC MATTER
	Jim Pleasant	Comp&Infor Sci.	94	70,711	6962	RESEARCH
	Bob Riser	Comp&Infor Sci.	92	70,711	5609	*FACULTY DEVELOPMENT
A&S	Scott Beck	Sociology&Anthr	92	70,644	6648	+FACULTY DEVELOPMENT
	Jeff Gold	Philosophy	94	70,656	5810	FACULTY DEVELOPMENT
	Mark Holland	English	92	70,683	926-4011	FACULTY CONCERNS
	Dan Johnson	Biological Sci	93	70,703	4359	RESEARCH
	Linda Lawson	Mathematics	94	70,663	6975	RESEARCH
	Anne LeCroy	English	92	70,683	5991	+ACADEMIC MATTER
	Jim Odom	History	94	70,672	6693	ACADEMIC MATTER
	George Poole	Mathematics	93	70,663	4349	*RESEARCH
	Ed Williams	English	93	70,683	6626	+*FACULTY ELECTION
Bus	Bill Fisher	Mgmt & Mkting	93	70,625	5304	FACULTY DEVELOPMENT
	Mary Lou Gammo	Accountancy	93	70,710	4599	FACULTY CONCERNS
	Eddie Yasin	Mgmt & Mkting	94	70,625	5877	RESEARCH
	Al Lucero	Office Mgmt	92	70,594	6986	ACADEMIC MATTER
Dev St	Robert Davidson	DevelopmentalMth	92	70,620	6690	COMMITTEE ON COM.
Educ	Chris Ayres	Phys Educ & Rec	92	70,654	5259	ACADEMIC MATTER
	Bill Campbell	University Sch	93	70,632	4333	FACULTY DEVELOPMENT
	Katie Dunn	Curr & Instr	92	70,684	5931	FACULTY CONCERNS
	Chip East	Phys Educ & Rec	94	70,654	5257	RESEARCH
	Rebecca Isbell	Hum Dev&Learning	93	70,548	4196	FACULTY ELECTI.
	Mary Nelson	University Sch	94	70,632	4333	*COMMITTEE ON COM.
Library	Marcellus Turner	Reader Services	94	70,665	5629	FACULTY CONCERNS
Medicine	Brad Arbogast	Internal Med	92	70,622	6289	FACULTY DEVELOPMENT
	Bob Acuff	Surgery	94	70,575	6257	
	Kenneth Ferslew	Pharmacology	93	70,577	6274	+COMMITTEE ON COM.
	Sue McCoy	Surgery	94	70,575	6264	ACADEMIC MATTER
	Ahmad Wattad	Pediatrics	92	70,578	6222	FACULTY ELECTION
	Eliz. Williams	Internal Med	93	70,622	461-7022	FACULTY CONCERNS
	Mike Woodruff	Anatomy	94	70,582	6244	+RESEARCH
Nursing	Virginia Adams	Family/Comm Nurs	92	70,676	6830	RESEARCH
	Sally Crawford	Adult Nursing	94	70,629	6786	FACULTY CONCERNS
	Carol Gordon	Adult Nursing	92	70,629	4388	FACULTY DEVELOPMENT
	Beth Smith	Profess Roles	93	70,658	4336	*ACADEMIC MATTER
P&AH	Creg Bishop	Environ Health	94	70,682	4268	ACADEMIC MATTER
	Mike Gallagher	Health Sciences	94	70,673	4468	FACULTY DEVELOPMENT
	Rebecca Nunley	Dental Hygiene	93	70,690	4434	+*FACULTY CONCERNS
	Phil Scheuerman	Environ Health	92	70,682	4408	RESEARCH

* - Executive Committee

+ - Chair of Committee

STATE OF TENNESSEE
Office of the Attorney General

JOHN KNOX WALKUP
SOLICITOR GENERAL

450 JAMES ROBERTSON PARKWAY
ATTORNEY GENERAL & REPORTER
NASHVILLE, TENNESSEE 37243-0485

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DEPUTY ATTORNEYS GENERAL
ANDY D BENNETT
MICHAEL W. CATALANO
DONALD L. CORLEW
PERRY A CRAFT
KIMBERLY J. DEAN
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CHARLES L. LEWIS
CHRISTINE MODISHER
MICHAEL D. PEARIGEN
JENNIFER H. SMALL
JERRY L. SMITH
GORDON W. SMITH
JIMMY G. CREECY
CHIEF SPECIAL COUNSEL

February 19, 1992

The Honorable D. E. "Rusty" Crowe, II
Suite 310, War Memorial Building
Nashville, Tennessee 37243-0025

Dear Senator Crowe:

In response to your request, attached is opinion
number U92-25. If you have further questions or comments,
please contact this office.

Sincerely,



CHARLES W. BURSON
Attorney General and Reporter

CM/nlr

Enclosure

rec'd 3-2-92
WJ.



Senate Chamber State of Tennessee

NASHVILLE

February 22, 1992

D. E. "RUSTY" CROWE, II
3RD SENATORIAL DISTRICT
HAWKINS & WASHINGTON COUNTIES
808 E. 8TH AVENUE
JOHNSON CITY, TENNESSEE 37601
615-928-8890
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615-741-2468
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VICE-CHAIRMAN
SENATE MAJORITY CAUCUS
SECRETARY
GOVERNMENT OPERATIONS
MEMBER OF COMMITTEES
ENERGY AND NATURAL RESOURCES
STATE AND LOCAL GOVERNMENT
SELECT OVERSIGHT COMMITTEE ON
CORRECTIONS
COMMUNICATIONS AND INFORMATION
VETERANS' AFFAIRS
NATIONAL COMMITTEES
NCSL ENVIRONMENT AND NATURAL
RESOURCES OF THE STATE FEDERAL
ASSEMBLY

Dr. Robert V. Acuff
503 Rose Avenue
Johnson City, Tennessee 37601

Dear Bob,

Enclosed is a copy of the Attorney General Opinion concerning departing or retiring faculty members at a Board of Regents university donating unused sick leave days to the faculty sick leave bank.

Please let me know at any time when I may be of assistance to you.

Sincerely,

D. E. Crowe, II

DEC:wsc

Enclosure

STATE OF TENNESSEE
OFFICE OF THE
ATTORNEY GENERAL
450 JAMES ROBERTSON PARKWAY
NASHVILLE, TENNESSEE 37243-0485

February 19, 1992

OPINION NO. U92-25

Operation of Faculty Sick Leave Bank

QUESTION

Can a departing or retiring faculty member at a Board of Regents university donate unused sick leave days to the faculty sick leave bank?

OPINION

A departing or retiring faculty member at a Board of Regents university may not donate unused sick leave days to the faculty sick leave bank.

ANALYSIS

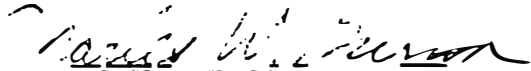
T.C.A. § 8-50-925 permits state institutions of higher education to create faculty sick leave banks at each branch or institution. The statute first requires a petition from at least 20 eligible faculty. Then the chief executive officer of the institution appoints sick leave bank trustees. Under T.C.A. § 8-50-925(d) the trustees are responsible for preparing a sick leave bank plan. This statute further provides:

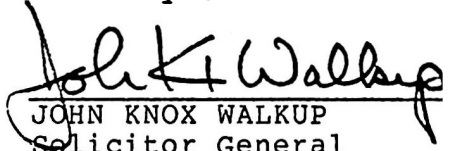
It shall be the specific responsibility of the trustees to adopt reasonable rules for the assessment or contribution of sick leave days to maintain an adequate reserve of usable days for bank members based upon total membership and projected potential need." (emphasis added).

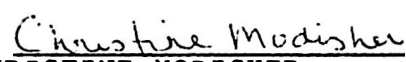
The Tennessee Board of Regents has promulgated Guideline No. P-060 regarding formation and operation of

faculty sick leave banks. This Guideline provides at Section D4 that the bank trustees shall: "Adopt reasonable rules for the assessment of sick leave hours by participants in order to maintain an adequate reserve of usable days for bank members. This reserve shall only be established through the assessment of bank membership"

The primary purpose of statutory construction is to ascertain and give effect to the intention of the legislature as expressed in the statute. Westinghouse Electric Corp. v. King, 678 S.W.2d 19 (Tenn. 1984). The words of the statute are to be given their natural and ordinary meaning. State v. Williams, 690 S.W.2d 517 (Tenn. 1985). In this case, the statute permits rules for the assessment or contribution of sick leave days. T.C.A. § 8-50-925(d). The Guideline of the Board of Regents opted to permit only rules for assessment of sick leave days. This is permissible under the statute. Therefore, it is the opinion of this Office that departing or retiring faculty members may not contribute their unused sick leave days to the sick leave bank.


CHARLES W. BURSON
Attorney General and Reporter


JOHN KNOX WALKUP
Solicitor General


CHRISTINE MODISHER
Deputy Attorney General

Requested by:

The Honorable D. E. "Rusty" Crowe, II
Suite 310, War Memorial Building
Nashville, TN 37243-0025



East Tennessee State University

President's Office • Box 24520A • Johnson City, Tennessee 37614-0002 • (615) 929-4211

MEMORANDUM

TO: Ms. Joy Burleson, Director of Internal Audit

FROM: Rick Landrum, Assistant to the President for Legal Affairs *RL*

SUBJECT: Instructors Charging Students for Particular Items

DATE: February 24, 1992

Pursuant to the conversation we had regarding the issue referenced above, I am of the opinion that TBR Guideline No. B-060 controls the issue and prohibits the type of activity you described in our conversation.

Specifically, the issue is whether a course instructor may collect funds from students in the course for providing particular items related to the course's content? A short answer, based on Guideline B-060, is no - an instructor may not collect funds from students in a course in return for providing particular items related to the course's content. "Unless specifically approved by the Tennessee Board of Regents, miscellaneous course fees are not authorized." TBR Guideline B-060, Section VI (p. 7). Students may be required to purchase or obtain various materials in order to complete requirements for a course [id., VI(A)]; however, the items or materials must be purchased directly by the student [id., emphasis supplied]. Where an instructor acts as a "middle man" by purchasing the materials and then reselling them to the students, this provision would be violated. Consequently, academic departments should be instructed to advise individual course instructors to refrain from any such arrangements or requirements unless the student is required to directly purchase the item or material.

Let me know if I can provide any additional assistance.

cc: Dr. Robert Alfonso

RECEIVED

FEB 25 1992

Internal Audit Department

ETSU

East Tennessee State University

Office of the Vice President for Information Resources • Box 19240A • Johnson City, Tennessee 37614-0002 • (615) 929-6431

M E M O R A N D U M

TO: Dr. Robert V. Acuff, Faculty Senate President

FROM: James E. Vaught, Interim Vice President
for Information Resources

DATE: March 2, 1992

SUBJECT: SENATE RESOLUTION ON ACADEMIC COMPUTING

This is in response to your January 28, 1992 memorandum which conveyed the December 16, 1991 Faculty Senate Resolution on Academic Computing. As requested this item was on the agenda for the Information Resources Council February 27 meeting.

Issues related to the Senate recommendations were addressed by Council in its adoption of the 1992-1993 strategic plan for computing. The strategic plan priorities 1 and 2, as adopted, are for faculty and student PCs.

The Senate recommendation to consider the use of Computer Services R/R funds to support these priorities was also discussed. Council members will take this recommendation to their respective constituents and the item will be returned to the agenda for the Council meeting scheduled for March 19.

xc: President Bach
Dr. Robert Alfonso
Dr. Phil Scheuerman
Dr. James Hales
Faculty Senate Executive Committee

March 4, 1992

TO: Dr. Robert Acuff
President, ETSU Faculty Senate

FROM: Doug McAlister *Doug McAlister*
Executive Director, Public Service Programs

RE: Appreciation

Allow me to express my appreciation to you and the ETSU Faculty Senate. I have spent the last 15 years as an active participant in our Va Tech, Faculty Governance system and know it to be essential to a University.

I truly value the position and the need for faculty integrity with respect to the current Presidential search. The strength of a progressive and contemporary university requires an active governance system.

On a separate but related issue, I have also provided you with the re-structuring which we are currently implementing!

JDM/ksr

Enclosure

Honorable Ned McWherter
Governor - State of Tennessee
Nashville, Tennessee

Dr. Otis L. Floyd, Jr.
Chancellor
Tennessee Board of Regents
1415 Murfreesboro Road
Nashville, Tennessee 37217

The Board of Directors of the East²/Tennessee State University National Alumni Association meeting on March 7, 1991, passed the following resolution relative to the search for the office of President, East Tennessee State University.

- Whereas, we believe the students, faculty, and administration at East Tennessee State University, along with the communities served by this great institution, are beginning to suffer damage to the quality of education, divisiveness between the campus constituencies, and irreparable harm to community relationships,

and

- Whereas, due to the length of the selection process, and the continuation of said process causing further undue delay and continuing deterioration of the situation that currently exists;

Therefore

- The Board of Directors of the East Tennessee State National Alumni Association calls on the Honorable Governor Ned McWherter, Governor, State of Tennessee; Dr. Otis Floyd, Chancellor; and the Tennessee Board of Regents, to move immediately to name a President of East Tennessee State University.

Dated: March 7, 1991²