



Executive Committee
May 7, 2019
Derryberry Hall, Room 210
9:30 a.m.

AGENDA

- I. Call to Order and Roll Call
- II. Approval of Minutes
- III. Policy 110 (Access to Public Records) and Rule
 - A. Explanation of Procedural Posture
 - B. Comments Received and Staff's Recommendations
- IV. Tntech.edu Email Addresses
- V. Update by President
- VI. President's Performance Review Process and Timeline
 - A. Preliminary Procedural Matter
 - B. Timeline for Completion of Performance Review Process
 - C. Board Assessment Questions
 - D. Cabinet Assessment Questions
- VII. Election of Board Chair for July 1, 2019-June 30, 2021, Term
- VIII. Other Business
- IX. Adjournment



**Executive Committee
November 13, 2018
Derryberry Hall, Room 210**

MINUTES

AGENDA ITEM I—CALL TO ORDER AND ROLL CALL

The Tennessee Tech Board of Trustees Executive Committee met on November 13, 2018, in Derryberry Hall, Room 210. Chair Tom Jones called the meeting to order at 10:01 a.m.

Chair Jones asked Ms. Kae Carpenter, Secretary, to call the roll. The following members were present:

- Ms. Trudy Harper
- Mr. Johnny Stites
- Mr. Tom Jones

A quorum was physically in attendance.

Dr. Barbara Fleming, Mr. Forrest Allard, and Dr. Melissa Geist were in attendance. Ms. Rhedona Rose, Mr. Purna Saggurti, and Ms. Teresa Vanhooser participated by phone.

Tennessee Tech faculty, staff, and members of the public were also in attendance.

AGENDA ITEM II—APPROVAL OF MINUTES

Ms. Harper moved to recommend approval of the minutes. Mr. Stites seconded the motion.

After an opportunity for further discussion and there being none, the motion carried unanimously.

AGENDA ITEM III—ALIGNMENT OF TERM EXPIRATIONS FOR STUDENT TRUSTEE, COMMITTEE CHAIRS, AND CHAIR

Chair Jones stated that the student and faculty trustees' terms would expire on different dates than the other trustees. He stated that the hope was to align the terms of the student representative, faculty representative, and committee chairs to all end June 30.

Chair Jones stated that he was concerned about the student representative's term beginning in the summer and the student representative being able to serve the term through June 30. He stated that he was assuming that the student candidates would be chosen during the school year, the decision would be made at the March Board meeting, and the individual would assume office at the June meeting.

Ms. Carpenter clarified that the student trustee term would begin on July 1 of each year.

Dr. Geist stated that the Faculty Senate discussed the faculty trustee's term and that term ended on June 30.

Chair Jones stated that the Executive Committee needed to recommend that the terms of the student trustee, committee chairs, and the board chair all continue through June 30, with all future terms beginning on July 1.

Mr. Allard asked if the nomination of the student trustee would be held in March or June. He stated that either could work, the three candidates would make themselves available for the June meeting, and he did not foresee the change being an issue. Chair Jones answered that the nomination date would depend on the schedule of the Board but could be held in March or June.

Dr. Fleming stated that it would be great for the upcoming student trustee to have a training period overlapping with the current student trustee.

Mr. Allard stated that the student nomination could be held in March and the time through the June meeting could be a training period for the nominated student trustee.

Chair Jones requested a motion to align the expiration of the student trustee's, the committee chairs', and the chair's terms to June 30 and for all future terms to begin on July 1 and to place it on the Board's regular agenda.

Ms. Harper so moved. Mr. Stites seconded the motion.

After an opportunity for further discussion and there being none, the motion carried unanimously.

AGENDA ITEM IV—UPDATE BY PRESIDENT

President Oldham stated that Amazon chose Nashville to be the location of its east coast operations hub. He stated that the hub would provide 5,000 jobs. He stated that Tennessee Tech played a role in the discussions with Amazon.

President Oldham stated that there were over 50 faculty and staff engaged in the implementation of the strategic plan and the overall effort was led by Dr. Jeff Boles. Drs. Lisa Zagumny and Tom Payne were heavily involved last year in the development of the strategic plan. He stated that Drs. Jason Beach, Bedelia Russell, Ann Davis, and Ed Lisic were leaders of the various action groups.

President Oldham stated that the strategic planning groups have been involved in selecting a grand challenge for Tennessee Tech. He stated the discussions have evolved around the idea of the future and development of rural communities. He stated that Tennessee Tech had a unique opportunity to help not only rural communities located near Tennessee Tech, but also across the country and globally.

President Oldham stated that if the grand challenge was adopted, the entire campus community would play a role. He stated that the students, faculty, staff, the nature of the scholarships provided, and the outreach could all be oriented in the direction of the grand challenge.

President Oldham stated that Tennessee Tech was one of two public universities in Tennessee located in a rural part of the state, with UT-Martin being the other. He stated that Tennessee Tech felt a moral obligation and had a tremendous opportunity based on that fact.

President Oldham stated that Michael Aikens was leading the strategic planning effort and involving multiple faculty members. He stated that Mr. Aikens was also leading the center for rural innovation that has a direct outreach to rural communities.

Mr. Stites asked if it would be clear how the grand challenge played a part in the strategic plan of Tennessee Tech, how it would be funded, and how it would affect the current mission of Tennessee Tech, which was to educate students.

President Oldham stated that the grand challenge was integrated throughout the strategic plan. He stated Tennessee Tech was executing part of the grand challenge already, but was not organized in a coherent way to capture and leverage those actions. He stated that there might be funding needed later for other endeavors that were selected. He stated in terms of educating students, the grand challenge and current mission fit quite well.

President Oldham stated that the future rural communities have a lot to do with educational attainment and Tennessee Tech receives a lot of students from both the suburban areas and rural communities of Middle Tennessee.

Mr. Aikens stated that the grand challenge offered many educational opportunities and focus in the classroom could provide learning outcomes to rural areas. He stated that Tennessee Tech could explore grant opportunities for urban and rural areas.

Mr. Aikens stated that, for example, the College of Education and Chemistry Department have a coeducational \$3,000,000 grant, where they are helping to place chemistry teachers in urban areas. Next year, they will be looking at placing those chemistry teachers in rural areas. He stated that there was a lot of research opportunity within the rural areas.

Mr. Aikens stated that there were several multi-disciplinary learning opportunities in which the students could get involved. He stated that during the previous week over 100 positive responses from students, faculty, and administrators were received with 75 unique ideas on how the grand challenge could be implemented with little to no cost.

Mr. Aikens stated that the grand challenge applied to all four goals of the strategic plan. He stated that he was working with the communications team to include the grand challenge in the strategic plan working booklet, to describe how it would apply to those goals, and how the community could become involved.

Mr. Stites asked if there would be key performance indicators, metrics, and milestone events to measure the results of the grand challenge. Mr. Aikens stated that metrics would be included. He stated that a committee was formed with faculty, administrators, and community members that would be developing the implementation, how it would be measured, how to determine success, and how to provide the opportunity for everyone to be involved. He stated that the metrics would feed in to Tennessee Tech's existing metrics, which would be provided to the Board.

President Oldham stated that the basic idea was how to apply the intellectual capacity and the sweat equity of student groups available to Tennessee Tech to move the needle for communities.

President Oldham stated that the most recent THEC meeting went well for Tennessee Tech and was an indication of the state level of support and the beginning of expectations for fiscal year 2019-2020's budget. He stated that according to the funding formula, Tennessee Tech was the number one performing university out of the nine public universities in Tennessee. He stated that the credit goes to the faculty and staff, and was primarily driven by the number of undergraduates that Tennessee Tech has produced.

President Oldham stated that if the funding formula was fully funded, Tennessee Tech would receive a 7.6 percent increase, or \$3,800,000, in of new recurring state appropriations. He stated the funding was contingent upon Governor Lee's budget and legislative approval of the budget.

Chair Jones asked if there was any indication that the next governor would change the formula. President Oldham answered that there was not and the THEC staff worked closely with the budget office and the Governor's staff in developing the recommendations and formula.

Chair Jones asked how the FY19-20 budget compared to the FY18-19 budget. President Oldham stated that the request would be for an additional \$3,800,000 to be added to the \$51,000,000 appropriations received the previous year.

Ms. Harper asked President Oldham to describe new recurring money. President Oldham answered that the money would go to Tennessee Tech's base and subsequent years could be adjusted up or down based on the funding formula. He stated that when "recurring" was used it was always subject to a future action by the governor and the legislature.

Dr. Fleming stated that the Board should review the funding formula to gain a better understanding. She stated that it helped Tennessee Tech to have a high number of graduates and it hurt Tennessee Tech when the number of graduates declined.

President Oldham stated that there was a three-year moving average on the number of graduates, so there was a dampening effect that slows the decline but also made it slower to ramp up. He stated that the formula has fundamentally changed the conversation in Tennessee around student success. He stated that the formula has driven campuses to be more student-oriented.

Chair Jones asked how good Tennessee Tech was at predicting the outcome of the funding formula.

President Oldham stated that it was not only Tennessee Tech's performance being measured but the other universities' performances as well. He stated that Tennessee Tech had an idea in November 2018 of what the outcome might be on July 1, 2019. He stated that it was the earliest indication of what the outcome of the funding formula would be, but that did not mean it could not change.

President Oldham stated that the capital outlay priority list sent to the state included Tennessee Tech's engineering building at number four on the list, which was in the fundable range. He stated that the engineering building was a \$55,000,000 project and Tennessee Tech had some money already committed but also would raise \$5,000,000-\$8,000,000 to match funding for the building.

President Oldham stated THEC was recommending the third and final installment of the Carnegie funds, equaling \$900,000, which would bring the total recurring amount to \$2,100,000 for the Carnegie reclassification.

President Oldham stated that if the capital maintenance pool was fully funded as recommended by THEC, Tennessee Tech would receive \$7,700,000 to continue capital maintenance on campus.

Dr. Geist asked if that was a typical amount received. President Oldham stated that it was approximately double.

Dr. Geist asked if Tennessee Tech was certain it would receive the Carnegie funds. President Oldham answered that it was not certain, and unless THEC recommended the funding, it was

extremely difficult to get. He also stated that it was the legislature's decision to fund the budget as submitted or not.

President Oldham stated that THEC had discussed its preliminary range for tuition increases, which will probably be 0-2.5 percent and that THEC would set the final range at its May meeting.

President Oldham stated that the Policy 780 investigation was complete. He thanked Ms. Harper and the investigation committee for their efforts. He stated that he has spoken with Dr. Fleming and with Dr. Smith, President of the Faculty Senate, about some ways to communicate more fully and more directly with the campus community.

President Oldham stated that he felt the need to apologize to the Executive Committee and to the campus community as a whole for any role he played in the research misconduct and he realized as president, regardless of what mistakes were made, the buck stopped with him. He stated that the letter should never have left campus, he should have caught that, and should not have signed it, regardless of the circumstances. He stated that there should be no communication of results of studies other than to the sponsor of the studies.

President Oldham stated that prior to the completion of the 780 process, he was limited as to what he could say because until that time, he did not have the benefit of knowing all the facts. Now that the 780 process was finished, he wanted to speak with the campus community and address whatever questions he could. He stated that action items needed to be put in place to prevent similar mistakes from being made in the future.

Chair Jones asked if Ms. Harper and President Oldham felt this committee had complete independence and how well it performed its job.

Ms. Harper stated that Dr. Oldham was not at all involved with the committee's investigation. She stated that she wrote the letter in consultation with Provost Bruce and Dr. Huo, as required by Policy 780.

Ms. Harper stated that the procedures in Policy 780 worked well and there would be more discussion about improving the process.

Ms. Harper stated that she could not say enough about the excellent job the committees did and that the completeness, professionalism, and the respect shown to everyone involved in the process was above reproach. She stated that she believed that all sanctions have been issued that needed to be issued and she did not expect any further action to be taken on this particular matter, other than lessons learned.

Chair Jones thanked Ms. Harper for her service in this process. He stated that when President Oldham recused himself from the process, it was the Board's responsibility to step up. He stated that Ms. Harper handled the process in a way that no one else on the Board could have done. He thanked Dr. Oldham for his comments and stated that those comments were an important part of the healing process.

Mr. Stites stated that he was quite proud of Ms. Harper and he thanked President Oldham for his comments. He asked if there were any Board policies that should be adjusted to help the President and others on campus.

Ms. Harper stated that Tennessee Tech needed an institutional conflict of interest policy to address what it means to do sponsored research and what is allowed and not allowed. She stated that, in her opinion, Tennessee Tech had some of these points in place but they were not clear enough. She stated that Tennessee Tech should not ever communicate results of research to anyone other than the sponsor.

Ms. Harper stated that the policy should explain how to replace the principal investigator and ensure that process was tight. She stated that Tennessee Tech might want to incorporate concepts from the federal statute in its policy.

Ms. Harper stated that she was asked many times why the process took so long. She stated that Tennessee Tech should revisit the timing but also ensure it had sufficient time to do a complete and thorough review. She stated that this investigation occurred over the summer but those involved worked very hard and she believed this review could not have been completed any sooner. She stated that Tennessee Tech could slightly compress the timeline but did not believe it should make any major changes to the timeline outlined in Policy 780 because Tennessee Tech had to ensure that it maintained the integrity of the process.

Ms. Harper stated that Tennessee Tech needed to give further consideration to how it would handle a complaint that was not well-grounded and address that issue in more detail in Policy 780. She stated that, overall, the policy worked well and the decisions were not difficult at the end of the day.

Dr. Geist stated that she was glad Tennessee Tech was moving past the matter and was pleased Ms. Harper was helping that to happen. She stated that she found it incredible that a policy was needed that stated that a PI cannot be replaced and was flabbergasted that anyone would believe that was acceptable.

Ms. Harper stated that there were a number of mistakes made, including that issue, but none of them should have happened.

Chair Jones thanked Ms. Harper for her comments.

Mr. Stites asked if Ms. Harper required authorization from the Executive Committee to propose revisions to Policy 780.

Ms. Harper stated that a process was underway to propose needed improvements for the policy and those changes would not have to be approved until presented for approval. She stated that she would continue to work on the improvements until advised otherwise.

Dr. Fleming asked if those changes would be processed through regular channels. Ms. Harper stated that the changes would be processed through the Academic Council and University Assembly.

Chair Jones stated that the Board has one employee and that employee had both been directed by the Board and had also taken it upon himself to review the policies and for those reasons, the Executive Committee did not need to take any further action.

AGENDA ITEM V—UPDATE ON FISCAL MATTERS

Dr. Stinson stated that she wanted to begin with unrestricted state appropriations. She stated that the document in the Committee's book was provided to Tennessee Tech by the Tennessee Board of Regents because it still had authority for Tennessee Tech state appropriations. She stated that Tennessee Tech started the year with the \$51,066,000 and that included the recurring \$500,000 received for the Carnegie classification the previous year. She stated that there are many other recurring and one-time adjustments related to OPEB, retirement rates, and insurance premiums. She stated that a particularly important one she wanted to point out was the legislative amendment column that showed \$3,700,000. She stated that the \$3,000,000 was for the enhancement in the College of Engineering and the other \$700,000 was for the Carnegie reclassification. She stated that the footnote showed that those were recurring dollars for Tennessee Tech. She stated that the document also showed that none of the other legislative amendments for other institutions were recurring funds.

Dr. Stinson moved to the next item, which was the enrollment data. She stated that Tennessee Tech had a shortfall of approximately \$2,000,000 in its out-of-state tuition revenues and that was primarily related to international students. She stated that about 44 international students were not able to obtain visas and return and several prospective international students were unable to obtain visas. She stated that according to the Office of International Education, Tennessee Tech had the potential to have 20 additional international students for the spring semester. She stated that potential increase in international enrollment was not built into the budget because it was still a somewhat volatile environment.

Dr. Stinson stated that the \$2,000,000 shortfall had been addressed and it was in the October budget that would be presented at the December 2018 Board meeting for approval. She stated that Tennessee Tech did not make an across-the-board cut but made the cuts strategically. She stated that there were some units that did not take reductions and it was decided not to cut ITS and Facilities because those two units would be an important part of Tennessee Tech's strategic plan. She stated that University Advancement's budget was not cut because it would be working on raising matching funds for the new engineering building. She stated that Athletics' budget was not cut primarily because approximately 50 percent of Athletics budget is based on the student fee and student athletic fee. She stated that she and Dr. Brandon Johnson worked together to identify \$700,000 of funds designated for scholarships that were not going to be used.

Dr. Fleming asked for clarification on how the \$700,000, played into the previous \$3,000,000 scholarship shortfall, and when repayment of the shortfall would be complete. Dr. Stinson answered that the \$700,000 was a part of that shortfall and it was planned to take pieces of that scholarship budget to repay the \$3,000,000 shortfall, rather than cutting into college budgets. She stated that \$300,000 from International Education was also identified to meet the shortfall and was available due to the decline in international student enrollment.

Chair Jones asked if the decline was the result of students not returning or the result of cutting scholarships to international students. Dr. Stinson answered that the students who did not return were primarily full-pay students. She stated that the available scholarship dollars not awarded were reduced so the budgeted international scholarships were now less.

Chair Jones asked if that was a portion of a much larger international scholarship pool. Dr. Stinson and President Oldham explained how international scholarships were used to attract students.

Mr. Stites asked if it was best for a regional university to use those scholarship dollars to fund international students when it could instead fund a student from this region who might not get to enroll because sufficient scholarship dollars were not made available to him/her.

President Oldham replied that he believed it was very important that Tennessee Tech had an international component on campus and in a setting like the Upper Cumberland, it might be more important than for campuses in urban settings. He stated that when students graduate, they would be competing globally. He stated that many would not have an opportunity to study abroad or to gain an international experience on their own. He stated that if an international component was available on this campus, it helped students adjust to operating in a more global environment. He stated that he would not want offering scholarships to international students to interfere with making it affordable for someone from the Upper Cumberland to attend. He stated that there was a balance but he felt good about the current level of Tennessee Tech's international student enrollment.

Mr. Stites stated that he also would not want any regional students to be prevented from enrolling at Tennessee Tech. He asked if Tennessee Tech's current international student enrollment was at about 10-15 percent. President Oldham answered that Tennessee Tech's international enrollment was currently less than 10 percent.

Dr. Stinson stated that Tennessee Tech was down to about 278 international students. She stated that in fall 2014, Tennessee Tech had about 1239 international students and Tennessee Tech lost over \$11,000,000 in international student revenues. Dr. Stinson added that many of those dollars had been used for one-time expenditures in recognition of the possibility of fluctuations.

Mr. Stites stated that his perception was that most international students came here to get an education and then returned to their home country. He stated that he felt some value was gained by local students getting to know someone from other countries but he believed that priority should be given to the students of the Upper Cumberland.

Chair Jones stated that just because international scholarships were offered, it did not mean that scholarships were being taken away from regional students. He stated that it actually meant that revenue was gained because it helped ensure that international students enrolled and they paid more than the in-state students. He stated that it helped the bottom line, instead of taking away from it.

Dr. Stinson stated that Dr. Lori Bruce wanted to address an area in Academic Affairs that she had identified that could reduce Academic Affairs' budget by \$298,000.

Dr. Bruce stated that prior to learning of the budget situation, she was already several months into assessment of the Digital and Distance Education unit, with the intent to reorganize it. She stated that the budget situation just expedited the process. She stated that "digital" means online courses and "distance" is the label placed on extended education that encompasses branch campuses, continuing education, and dual enrollment. She stated that she had considered a reorganization based on finances and academics, but primarily on academic factors. She stated that one of the issues that concerned her was that two offices, both reporting to the Provost's Office, had responsibilities for online learning. She stated that situation created a very high potential for redundancy of efforts and for operating at cross-purposes. She stated that she had reorganized so both would be brought under one umbrella to report to the Center for Innovative Teaching and Learning (CITL). She stated this would, hopefully, facilitate synergy and minimize potential for redundancy. She stated that the other aspect was that the CITL was led by a tenured faculty member and provided faculty development opportunities and instructional technology support. She stated that to bring all of it under the CITL would foster more direct interactions with faculty and provide opportunities to support faculty-led development of distance programs and distance courses. She stated that she felt strongly that development of those should be faculty-driven and the reorganization would help facilitate that and also cut some costs.

She stated that for the extended education component, both the continuing education and the branch campuses had been in decline for several years. She stated that continuing education's projected revenues, as compared to actual revenues, had a deficit of over \$250,000 over the last four years. She stated that enrollment at the branch campuses' 2+2 programs was down 30 percent over the past four years. She stated that she reorganized it by eliminating some positions and changed the reporting structure to the Dean of Interdisciplinary Studies. She stated that particular dean was passionate about adult learners and he was passionate about nontraditional modalities of offering courses and programs.

Mr. Stites asked for an example of the branch campuses. Dr. Bruce answered that 2+2 programs were located, for example, at Oak Ridge, Pellissippi, Motlow/Tulahoma, and Roane State.

Mr. Stites asked if the faculty drove to the off-site location. Dr. Bruce answered that some of the faculty stay at the off-site locations but might also teach on campus. She stated that a part-time, temporary administrative associate might also be assigned to the site. She stated that after that program started reporting to the Dean of the College of Interdisciplinary Studies, he would closely monitor the program and had many ideas of how to grow the programs. She stated that many

people in the unit were not surprised about the reorganization, due to the steep enrollment decline in recent years.

Mr. Stites stated that with people at Motlow, Pellissippi, etc. talking about Tennessee Tech and encouraging individuals to take Tech courses, he was surprised that these off-site programs did not increase enrollment.

Dr. Geist stated that they want different programs there. She stated that at a lot of the locations, the only courses offered were Interdisciplinary Studies courses.

Dr. Bruce stated that the College of Education was offering far more courses at these sites than Interdisciplinary Studies. She stated that the full-time faculty located at these sites were College of Education faculty.

President Oldham stated that he believed the markets in those areas have been saturated. He stated that these markets were typically located in fairly isolated environments with smaller populations of potential students.

Dr. Fleming asked if this was all under the Center for Innovative Teaching and Learning. Dr. Bruce answered that the online component was under the Center for Innovative Teaching and Learning.

Dr. Fleming asked who the director of the Center was and if the Center was new. Dr. Bruce answered that the interim director was Dr. Bedelia Russell, the Center was not new, and had staff reporting to it who were responsible for online enrollment and course development and facilitated the faculty's conversion of traditional courses to online courses.

President Oldham stated that he appreciated Dr. Bruce doing this reorganization. He stated that in one of the first conversations when she came on campus, she was asked to review this area for a possible reorganization. He stated that neither he nor Dr. Bruce believed that this was the final answer but it was a great first step in the right direction. He stated that Tennessee Tech wanted to grow online and distance education and wanted to do it as aggressively and thoughtfully as possible.

Dr. Bruce stated that this reorganization was not an indication that Tennessee Tech was not committed to online and 2+2 programs. She stated that it was a sign that Tennessee Tech was committed to making these programs grow. She stated that these recent changes intentionally placed Tennessee Tech in a different trajectory and showed its commitment to these types of offerings.

AGENDA ITEM VI—DISCUSSION OF THE BOARD'S EFFECTIVENESS

Chair Jones stated that the Board evaluation was conducted and the results were summarized.

Chair Jones stated that the Executive Committee was charged with reviewing the responses and deciding what to do with the results. He stated that he reviewed and edited the summary, which resulted in the summary in the Committee's material.

Chair Jones stated that there was consensus among the Board members on some topics and some common actions were requested. He stated that even on those items, he was not certain that Board action was needed, other than to suggest to the President and the staff that these were open-ended comments from the Board.

Ms. Harper stated that the first step of the President's review process was that the President offered his thoughts on the goals and objectives for the year. She stated that because this was the first year, the President really did not have any input from the Board, other than what he had heard the Board say. She stated that his input was received by the Board, the Board offered comments, resulting in what was agreed to by both the President and the Board. She stated that to ensure this information was incorporated, she would like the results from this process to be offered to the President for inclusion in his goals and objectives for next year.

Chair Jones stated that while the Board could have Board goals and objectives, President's goals and objectives, and institutional goals and objectives, managing goals and objectives was not really the Board's business. He stated that the point was that the President was the Board's employee, the President was supposed to set the vision and the direction of the university, and the Board should take every action and opportunity to influence that direction and opportunity.

Chair Jones stated that one of the items on the summary read "Process and benchmarks related to the evaluation of the president's performance" and "Streamlined focus on a smaller set of goals with appropriate metrics." He stated that guidance had been given to the President and in his next set of goals and objectives, the Board would see how that was addressed. He stated that if the Board was not happy with the metrics, the outcome could be sent back for reconsideration.

Chair Jones stated that he discussed with the President and the Board Secretary whether any actionable items were needed. He stated that he believed no Board action items were required. He stated that the Board did not want to micromanage the President's job, neither as a Board, nor as individual Board members.

Chair Jones then reviewed and commented on the Discussion Items Related to the Board's Effectiveness:

1. Informational meetings/training related to:
 - a. Refresher course(s) on fiduciary and ethical responsibilities and the role of the Board
Chair Jones stated that over the course of the next year or more, refresher courses(s) would be conducted as informational meetings at scheduled Board meetings.
 - b. Faculty Senate
Chair Jones stated that the Board needed to gain a better understanding of the role of the Faculty Senate and ways to better communicate with it.

- c. Budget (process and updates on status and on progress on five-year plan)
Chair Jones stated that this item was already in process and that it was very important. He stated that Tennessee Tech's fiscal health was of the highest priority so the Board needed to become better educated on budget processes.
- d. Best practices in university management and effective governance
Chair Jones stated that the Board did its best to understand university activities but trustees did not lead university endeavors so it would be helpful to have more information on this topic.

Ms. Harper stated that after she completed her survey it occurred to her that a Code of Conduct for Board members was needed because questions about communication had arisen. She stated the Board had Policy 001/Code of Conduct, Ethics and Conflict of Interest but that her concern was less about not having conflicts but more about how trustees interacted and communicated and what the Board's role was in relation to the campus. Mr. Stites stated that "governance" might be what she was referring to and Ms. Harper agreed.

Chair Jones stated that this idea was captured under the Communications item. He stated that under this particular item, informational sessions that could be beneficial to the Board were listed.

President Oldham asked if there was a preferred time or format that the Board suggested for these informational meetings.

Chair Jones stated that he thought it was important that committee meetings had the flexibility to meet as needed between the quarterly meetings. He stated that his general guidance would be to leave the committee meeting schedules up to the committee chairs. He stated that committee chairs should be able to adapt as committee members' schedules changed. He stated that when out-of-cycle committee meetings were held, informational meetings could also be included at that time.

President Oldham stated that he and the staff would work with committee chairs to identify particular areas of concern and find the right format to fit committee members' schedules.

President Oldham stated that THEC was working on offering some additional training but was looking at a global perspective and not a local, institutional perspective.

Dr. Fleming stated that input was also needed from the faculty because, per the AAUP survey, which included 130 faculty responses, the responses indicated that the Board had not done a very good job. She stated that

possibly Troy Smith could ask the Faculty Senate what the faculty expected from the Board and where the Faculty Senate felt the Board had failed.

Dr. Geist stated that the faculty trustees from the LGIs met regularly and possibly the chairs could do that as well. She stated that the meetings provided a great touchpoint to see what was going on at other universities. Mr. Allard stated that the meetings with other student trustees were a fantastic resource and some of the best training he had received for his student trustee role.

- e. Policy development and implementation
- f. Other boards processes (e.g., participation in meetings with other boards)
Chair Jones stated that he thought this was an item that needed to be explored but recognized it would be difficult to schedule.

2. Committees and meetings

a. Committee structure

Chair Jones stated that when committee structures were first considered, Tennessee Tech proposed four committees. He stated that having only nine Board members, he decided to collapse the committees into three. He stated that his recommendation was to keep the committee structure at this time but if the new Board Chair wanted to reconsider the division of responsibilities when selected, that would be the new Chair's prerogative.

Chair Jones stated that without having the benefit of observing other boards' committee structures, he felt the Board had functioned very well with its committee structure.

President Oldham stated that he had not noticed the current committee structure being a deterrent from the administration's perspective.

Mr. Stites stated that he thought longer Board meetings might be needed so that more time could be spent learning about Tennessee Tech.

Chair Jones stated that if a Board meeting had a particularly heavy agenda, one possibility was to have Board meetings on one day and committee meetings on another day.

President Oldham stated that committee meetings could be held on the afternoon of day one, followed by a dinner or social event combined with a learning opportunity that evening, and the Board meeting could be held on day two with the intent to finish by noon. He stated that this would allow for travel to campus the morning of day one and travel home the afternoon of day two.

Mr. Stites stated that he disagreed with Chair Jones on one point. He stated that did not believe it was the President's responsibility to set the vision for Tennessee Tech. He stated that he believed it was the Board's responsibility to set the vision. President Oldham stated that he believed both were right.

Chair Jones stated that the President and the Board had to be in sync. He stated that if the President and the Board were out of sync, Tennessee Tech had a problem. He stated that the President had the opportunity to read all the Board's evaluation results and if the results did not influence his vision and his thinking, then there would be a problem. He stated that he did not think the Board had a problem and Mr. Stites agreed.

Dr. Fleming stated that trustees spent a lot of time prior to the committee meetings reviewing materials and looking for pitfalls that possibly the presenters had not thought of. She stated that when trustees got into the Board meeting, it could appear that little or no thought was given to an agenda item and the item was just rubber-stamped. She stated that she wanted faculty to know how much time and thought had gone into preparation for these meetings.

Chair Jones stated that much of the work and presentations were done in the committee meetings. He stated that the committee meetings were not streamed and it was possible that some only paid attention to the Board meetings. He stated that individuals had the option to attend both types of meetings, which was one advantage to having both the committee and Board meetings on one day.

Mr. Stites stated that there were over 30 comments about metrics, key performance indicators, and dashboard indicators. He stated that he did not know who needed to identify the specific indicators but the Board somehow needed to become educated on how to use them correctly.

President Oldham stated that Tennessee Tech measured an enormous amount of criteria. He stated that where the Board could be helpful to him was in identifying what indicators were most meaningful to the Board.

Mr. Stites stated that, ultimately, the Board had to set the vision. He stated that it was up to the President to carry out that vision to the best of his ability, but the metrics important to the Board needed to be measured, and that was how the President's performance would be measured.

President Oldham stated that he would attempt to provide specific, high-level metrics for those goals included on his evaluation and any other high-level institutional priorities. He stated that, for example, he would attach metrics to the strategic plan.

3. Communications

- a. Improving communications with and between the President, administration, and the Board

Chair Jones stated that the Board, the President, and the administration were working hard to improve communications.

- b. Meeting materials finalized sooner

Chair Jones stated that the staff was working to make this happen.

- c. Reports included in materials but not necessarily presented

Chair Jones stated that this had been discussed with staff.

- d. Dashboard for strategic plan and/or dashboard for assessment of progress toward goals

Chair Jones stated that the staff was asked to work on providing this to the Board to help trustees measure areas of progress.

4. Process and benchmarks related to the evaluation of president's performance
Streamline focus on smaller set of goals with appropriate metrics

Chair Jones stated that the Board had discussed this multiple time.

5. Addressing Tennessee Tech's major issues

Chair Jones stated that this was a free-form question in the evaluation. He stated that as Board members, all trustees had different ideas as to what the university's major issues were. He stated that Tennessee Tech's fiscal health and student enrollment were not one and the same. He stated that student enrollment was how to fund and pay for costs but Tennessee Tech's fiscal health went beyond that. He stated that it was the health and progress of all these different areas. He stated that making decisions about programs was included: should they be cut or should they not and how were they performing. He stated that from the Provost's earlier presentation, it was apparent that she was already looking at these items. He stated that he thought the five-year fiscal plan was also an administrative responsibility.

Chair Jones stated that his request to President Oldham was that the President would use these ideas to help frame his goals and objectives and the Board would respond accordingly. President Oldham replied that he would do so.

Dr. Fleming asked if the list could be maintained, periodically returning to it to see where improvement was still needed.

Chair Jones stated that he was not opposed to that. He stated that the way this Board was set up to work with the President was that he provided the goals and objectives and it had been made clear that the Board wanted metrics. He stated that some goals and objectives were more subjective and could not be measured but the Board had provided that for guidance. He stated that specific classes and meetings had been requested.

President Oldham stated that the Board would evolve over time with the new administration. He stated that some members would rotate off, new members would be appointed, and the make-up of the Board would most likely change. He stated that it was important for the Board to go through this exercise annually because the dispositions, attitudes, and thoughts would likely evolve over time.

Dr. Fleming stated that she thought it would be helpful to come back to this list in six months and ask if any progress had been made.

Chair Jones stated that can be done. He stated that it was the Executive Committee's responsibility to review the Board evaluation results and the Committee could certainly review the list and progress made before the next Board self-evaluation. He stated that Ms. Harper had already left the meeting, but she had seen the results, and he believed she was comfortable with the list. He asked Mr. Stites and other Board members if this was an appropriate way to handle the Board evaluation results.

Mr. Stites answered that he thought it was a good compilation of what had been discussed. He stated that he thought more time needed to be spent identifying exactly what metrics were important and what goals were really important for the President to focus on. He stated that discussion should be done in concert with the President. He stated that the Board could not ask the President to tell the Board what he wanted to do and then hold him responsible for it, unless the Board agreed with it.

Chair Jones stated that THEC's funding formula had a series of metrics for the funding formula and while it probably was not everything the Board wanted, it was a starting point. He stated that the President had been given guidance and had heard the Board's comments. He stated that when the President's goals and objectives were provided to the Board, Mr. Stites would want to see some metrics and he believed Dr. Fleming would also.

Dr. Fleming stated that THEC determined funding based on the number of graduates but provided additional credit for adult learners and students at the poverty level. She stated that her question was how the Board could focus on those groups.

President Oldham stated that Dr. Fleming was correct and the formula had codified the primary interests of the State of Tennessee, which should not be minimized. He stated that Tennessee Tech's budget was not limited by that, however.

Dr. Fleming stated that she agreed with but believed subsets of that goal were needed to help ensure that numbers of adult learners and students at the poverty level were sufficient.

Chair Jones stated that Governor Haslam told him that the reason he introduced legislation to make Tennessee Tech and other public universities locally governed institutions was because he wanted a group of people to wake up each morning thinking about how they could take care of Tennessee Tech. He stated that THEC metrics were important but it was Tennessee Tech's desire to be unique, to set its own vision, and to plot its own course. He stated that he thought the Board's

actions and engagement with Tennessee Tech were bearing fruit. He stated that the Board did not want to micromanage the President, the university, or the administration. He stated that if doing so became the culture of Tennessee Tech and the Board, Tennessee Tech would not have the strong presidents and leaders needed. He stated that was paramount to Tennessee Tech to always have the strongest possible leader.

AGENDA ITEM VII – OTHER BUSINESS

No further business was raised.

AGENDA ITEM VIII – ADJOURNMENT

There being no further business, the meeting adjourned at 12:14 p.m.

Approved,

Kae Carpenter, Secretary



Agenda Item Summary

Date: May 7, 2019

Agenda Item: Policy 110 (Access to Public Records) and Rule

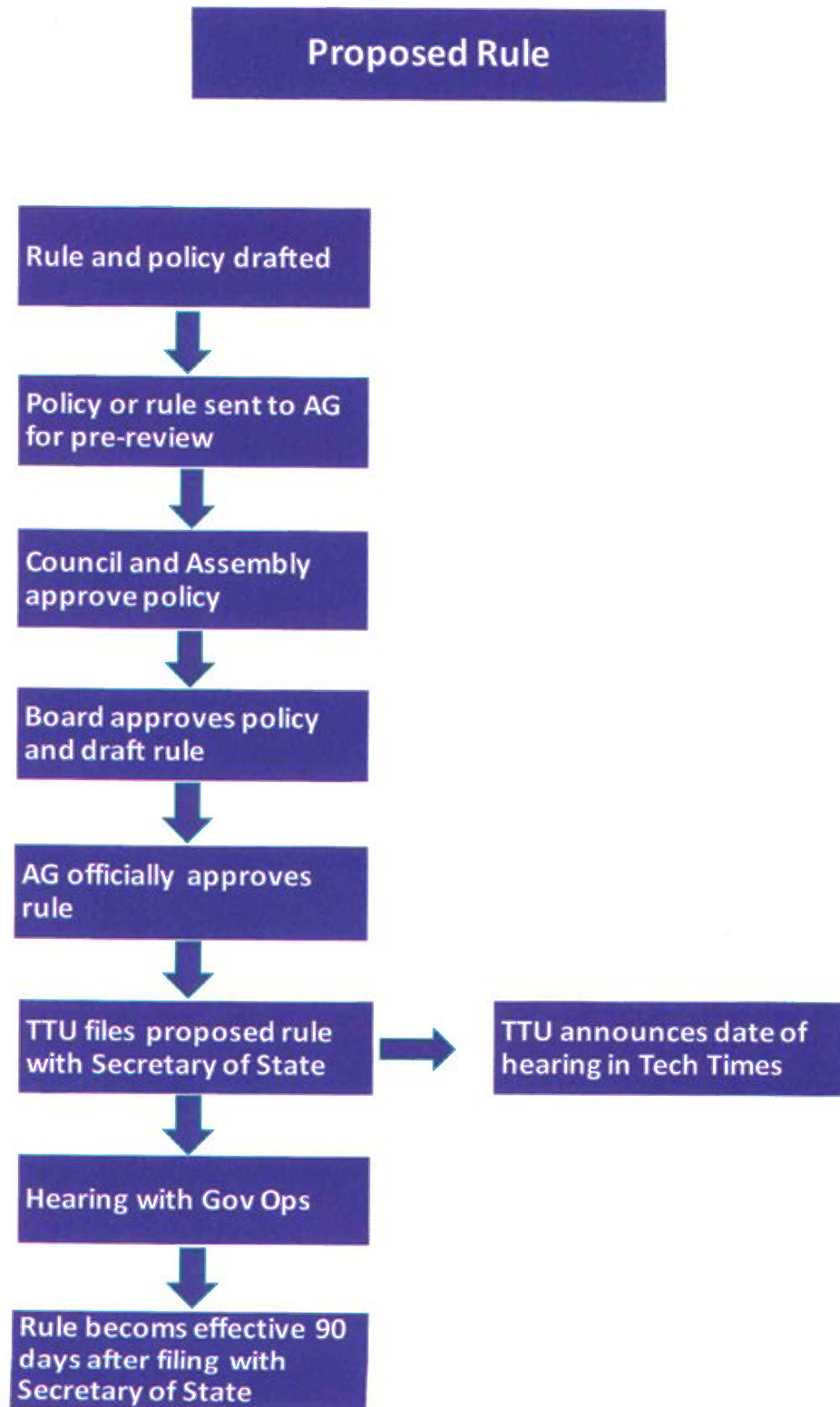
Review

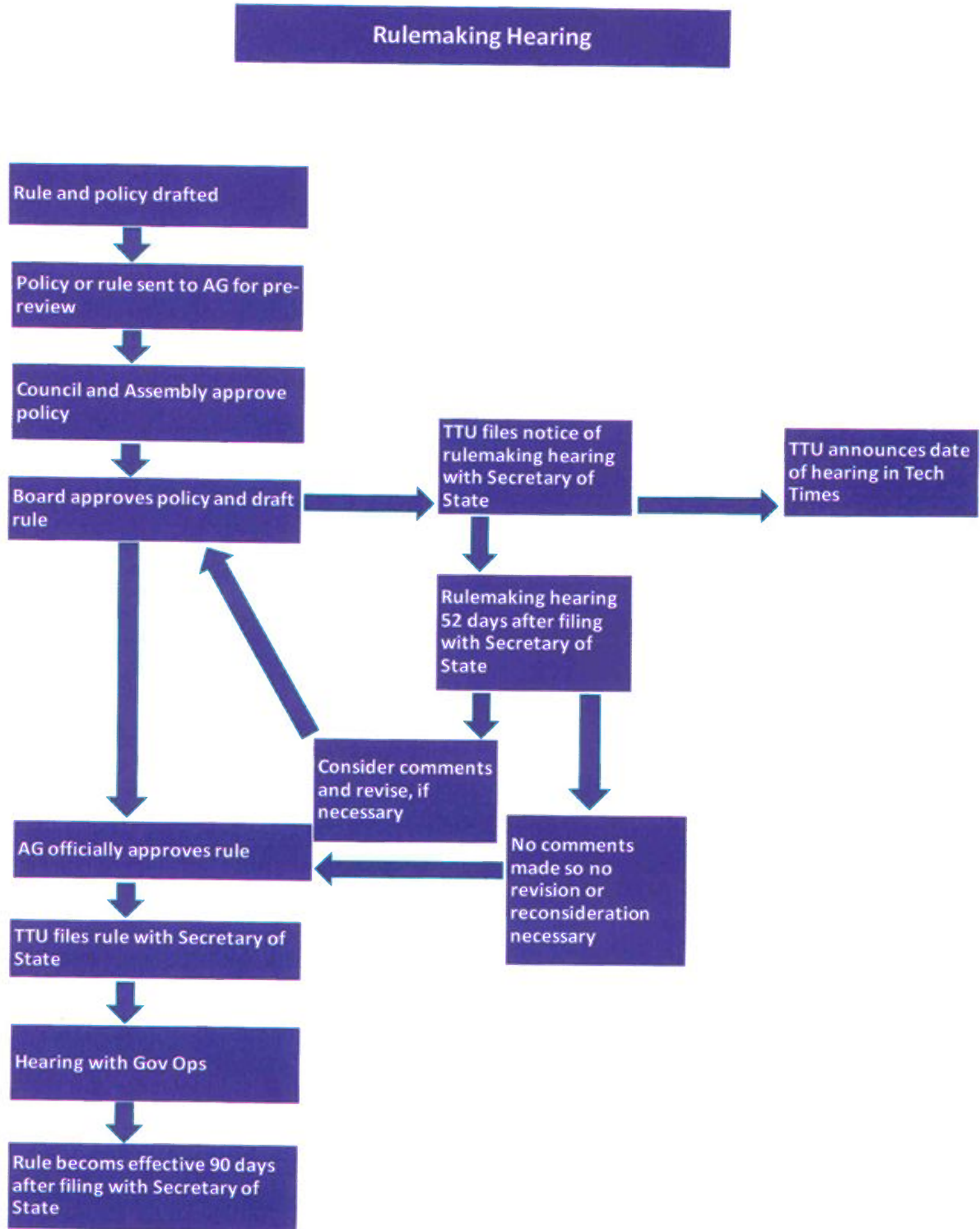
Action

No action required

PRESENTER: Kae, Karen, Tom

PURPOSE & KEY POINTS: In December, the Board approved a policy and rule related to access to public records. Consistent with the law, the policy and rule require proof of Tennessee citizenship to access public records. Prior to the rule becoming effective, interested parties requested a hearing on certain provisions in the rule, including the requirement of proof of Tennessee citizenship. Tennessee Tech conducted the hearing in February and now presents the comments with staff recommendations related to responses for the Executive Committee's consideration.





<p>Department of State Division of Publications 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower Nashville, TN 37243 Phone: 615-741-2650 Email: publications.information@tn.gov</p>	<p>For Department of State Use Only</p> Sequence Number: _____ Rule ID(s): _____ File Date: _____ Effective Date: _____
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Rulemaking Hearing Rule(s) Filing Form

Rulemaking Hearing Rules are rules filed after and as a result of a rulemaking hearing (Tenn. Code Ann. § 4-5-205).

Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).

Agency/Board/Commission:	Tennessee Technological University
Division:	
Contact Person:	Karen Lykins
Address:	1 William L. Jones Dr., Cookeville TN 38505
Zip:	38505
Phone:	931-372-3084
Email:	KLykins@tntech.edu

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

Chapter Number	Chapter Title
0240-09-05	Access to Public Records
Rule Number	Rule Title
0240-09-05-.01	Scope
0240-09-05-.02	Definitions
0240-09-05-.03	General Policy Statement
0240-09-05-.04	Requesting Access to Public Record
0240-09-05-.05	Responding to Public Records Request
0240-09-05-.06	Redaction
0240-09-05-.07	Inspection of Records
0240-09-05-.08	Request for Copies of Records

Rules
Of
Tennessee Technological University, Cookeville
Chapter 0240-09-05
Access to Public Records

New

Table of Contents is added to Chapter 0240-09-05 Access to Public Records and shall read as the follows:

- 0240-09-05.01 Scope
- 0240-09-05.02 Definitions
- 0240-09-05.03 General Provision
- 0240-09-05.04 Requesting Access to Public Records
- 0240-09-05.05 Responding to Public Records Request
- 0240-09-05.06 Redaction
- 0240-09-05.07 Inspection of Records
- 0240-09-05.08 Request for Copies of Records

0240-09-05-.01 Scope is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.01 Scope

- (1) This rule does not apply to a student’s request to see his/her own education records or to an employee’s or former employee’s reasonable requests to review or copy his/her own personnel file.
- (2) Proof of Tennessee citizenship for the purpose of access to public records is not proof of residency for the purpose of classifying students as in-state or out-of-state when assessing tuition and fees and for admission purposes.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.02 Definitions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.02 Definitions

- (1) Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- (2) Public Records Request Coordinator (“Coordinator”): The designated individual who has the responsibility to ensure Public Record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.
- (3) Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a Public Record.
- (4) Requestor: A person seeking access to a Public Record, whether it is for inspection or duplication.

Authority: T.C.A. § 10-7-503 (g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.03 General Policy Statement is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.03 General Policy Statement

- (1) Tennessee Tech shall timely and efficiently provide access and assistance to persons requesting to view

or receive copies of Public Records as required by law.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.04 Requesting Access to Public Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.04 Requesting Access to Public Records

- (1) Public Record requests should be directed to the Coordinator or his/her designee in order to ensure Public Record requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- (2) Requestor may contact the Coordinator in person, by telephone, by email, or by mail.
- (3) Tennessee Tech will publish the name, telephone number, email address, and office location of the Coordinator on its website or similar publication.
- (4) Tennessee Tech will not require a Requestor to submit a request for inspection in writing, absent good cause.
- (5) Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of Public Records.
- (6) No request is necessary for bid tabulations for Request for Proposals and Request for Quotes, which are posted regularly on Tennessee Tech's Purchasing and Contracts webpage. Similarly, meeting notices and materials for Tennessee Tech's Board of Trustees are posted on Tennessee Tech's Board webpage.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.05 Responding to Public Records Requests is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.05 Responding to Public Records Requests

- (1) The Coordinator shall, as necessary or appropriate:
 - (a) Request proof of Tennessee citizenship;
 - (b) Clarify the scope of the request;
 - (c) Advise the Requestor that Tennessee Tech may charge for copies if the request exceeds the costs threshold allowed by its rule;
 - (d) Advise the Requestor that Tennessee Tech is not the custodian of the record;
 - (e) Provide the records;
 - (f) Deny the request in writing, providing the appropriate basis, such as one of the following:
 1. The Requestor is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
 2. The request lacks specificity;
 3. An exemption makes the record not subject to disclosure under the Tennessee Public Records Act;
 4. The records do not exist.

- (2) The Coordinator may deny the request provided the Coordinator has identified in writing the specific legal basis for the denial of the request.
- (3) The Coordinator may, if appropriate, contact the Requestor to see if the request can be narrowed.
- (4) If requested records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.
- (5) A Records Custodian must promptly forward a request to the Coordinator and assist the Coordinator in making the records available to the Requestor in a timely manner.
- (6) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open, to redact records; or for other similar reasons, then the Coordinator shall, within seven (7) business days from the receipt of the request, send the Requestor a completed Public Records Response Form.
- (7) If the Coordinator reasonably determines production of records should be segmented because the Public Records Request is for a large volume of records, or additional time is necessary to prepare the records for access, the Coordinator shall notify the Requestor in writing that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Coordinator may contact the Requestor to see if the request can be narrowed.
- (8) If the Coordinator discovers records responsive to a records request were omitted, the Coordinator will notify the Requestor and produce the records as quickly as practicable.

Authority: T.C.A. § 10-7-503 (g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.06 Redactions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.06 Redaction

- (1) If a record contains confidential information that is not open for public inspection, the Coordinator, with assistance from the Records Custodian, shall redact the record prior to providing access.
- (2) Whenever the Custodian provides a redacted record, the Custodian will advise the Requestor of the general basis or bases for the redaction(s).

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.07 Inspections of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

240-09-05.07 Inspection of Records

- (1) Tennessee Tech will not charge for inspection of Public Records.
- (2) Tennessee Tech will advise the Requestor of the location where the records may be inspected.
- (3) The Coordinator may require an appointment for the inspection.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

0240-09-05-.08 Request for Copies of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.08 Request for Copies of Records

- (1) The Coordinator will respond to a Public Record request for copies in the most economic and efficient manner practicable.

- (2) Copies will be available for pickup at a location specified by the Coordinator.
- (3) Tennessee Tech will not use fees and charges for copies of Public Records to hinder access to Public Records.
- (4) The Coordinator will provide Requestors with an estimate of the charges prior to producing copies of records and may require prepayment of such charges before producing requested records.
- (5) If fees for copies and labor do not exceed \$25, Tennessee Tech may waive those fees. Requests for waivers for costs that exceed \$25 must be presented to the Coordinator, who is authorized to determine if such waiver is in the best interest of Tennessee Tech or for the public good.
- (6) A Requestor may use a personal cellphone to take pictures of records when the total amount of pages to be photographed does not exceed twenty-five (25) pages.
- (7) Tennessee Tech will not waive fees associated with aggregated records requests.
- (8) A Requestor must pay by cash, credit card, or personal check made payable to Tennessee Tech and presented to the Coordinator or to the Tennessee Tech Business Office.
- (9) Tennessee Tech will aggregate record requests in accordance with the current office of Open Records Schedule for Reasonable Charges for Frequent and Multiple Requests when more than (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.
- (10) If Tennessee Tech aggregates requests, the Coordinator will advise Requestors of the basis for the aggregation.

Authority: T.C.A. § 10-7-503(g)(2); T.C.A. § 49-8-203(a)(4).

* If a roll-call vote was necessary, the vote by the Agency on these rulemaking hearing rules was as follows:

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Melissa Geist					
Trudy Harper					
Tom Jones					
Rhedona Rose					
Purna Saggurti					
Johnny Stites					
Teresa Vanhooser					
Barry Wilmore					

I certify that this is an accurate and complete copy of rulemaking hearing rules, lawfully promulgated and adopted by the Tennessee Tech Board of Trustees on 06/20/2019, and is in compliance with the provisions of T.C.A. § 4-5-222.

I further certify the following:

Notice of Rulemaking Hearing filed with the Department of State on: 12/12/18

Rulemaking Hearing(s) Conducted on: (add more dates). 02/01/19

Date: _____

Signature: _____

Name of Officer: Karen Lykins

Title of Officer: Chief Communications Officer

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: _____

Rule Chapter Number(s): _____

All rulemaking hearing rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Public Hearing Comments

Comment: The rule should state that a resident can affirm Tennessee Tech residency through addition specified ways, such as a checkbox, residential or business address, or student id.

Response: The rule provides that a requestor can meet the citizenship requirement either by a valid Tennessee driver's license or an alternative acceptable form of identification. Tennessee Tech believes the rule is flexible enough to allow requestors to provide proof of residency through any number of avenues and that specifying the mechanisms would unnecessarily limit a requestor's or Tennessee Tech's options. Tennessee Tech does not believe, however, that a "checkbox" is a sufficient mechanism to prove Tennessee citizenship.

Comment: The rule should state that if Tennessee Tech has contracted with another entity and that entity possesses record subject to the Public Records Act, Tennessee Tech will facilitate or acquire those records on behalf of the requestor.

Response: Tennessee Code Annotated Section 10-7-503 (a)(2)(B) requires a "custodian" of a public record to "promptly make available for inspection any public record not specifically exempt from disclosure." Tennessee Code Annotated Section 10-7-503(a)(1)(C) defines a "records custodian" as any "office, official, or employee of any governmental entity lawfully responsible for the direct custody and care of a public record." While Tennessee Tech will make contract documents in its custody available to a requestor, Tennessee Tech declines to assume the burden of acquiring records that are not its direct custody or care.

Comment: While Tennessee Tech's rule does not prohibit photography of records, the commenter indicated that if Tennessee Tech does ban photography, that ban must be promulgated as part of the rule.

Response: Tennessee Tech does not prohibit the use of cellphones to photograph records. Tennessee Tech has added a provision to the rule that allows a requestor to use a personal cellphone to photograph up to 25 pages.

Comment: Tennessee Tech should accept a student id as proof of citizenship.

Response: Tennessee Tech declines to revise the rule for two reasons: First, a student id, by itself, is insufficient to prove citizenship or residency (see, e.g., requirements for voter registration or for a driver's license); second, Tennessee Tech does not wish to treat one class of requestors more favorably than another by accepting less proof of citizenship. Tennessee Tech's rule, however, is flexible enough to allow the use of a student id in combination with another document such as dorm address, utility bill, rental agreement, etc. to meet the citizenship requirement.

Regulatory Flexibility Addendum

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have an impact on small businesses.

Impact on Local Governments

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local government.

Additional Information Required by Joint Government Operations Committee

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Previously, Tennessee Tech adopted and followed the Open Records Counsel’s model policy related to responding to requests for public records. This rule does not materially change Tennessee Tech’s previous policy or processes for responding to such requests.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 10-7-503(g)(2) requires state government entities to promulgate rules regarding public records that meet the requirements of T.C.A. § 10-7-503(g)(1).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Tech Board of Trustees urges adoption. Individuals/entities that wish to review public records of the State of Tennessee are directly affected by this rule. Tennessee Tech believes the rule is consistent with the intent of the law, namely to create transparency in its operations. The Tennessee Coalition for Open Governments and the Society for Student Journalists have raised objections to the requirement that a requestor provide proof of Tennessee citizenship.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None known.

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None.

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Karen Lykins, Chief Communication Officer

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Karen Lykins, Chief Communication Officer
1 William L. Jones Dr.
Cookeville, TN 38505
931-372-3084
KLykins@tntech.edu

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

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**Tennessee Technological University
Policy No. 110**



Effective Date: July 1, 2017

Policy No.: 110

Policy Name: Access to Public Records

Revised: January 1, 2020

I. Purpose

Pursuant to Tennessee Code Annotated § 10-7-503(a)(2)(A), Tennessee Tech records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by law. This policy establishes uniform procedures for handling requests for such records.

II. Review

A. This policy will be reviewed every two years or whenever circumstances require review, whichever is earlier, by the Chief Communication Officer in consultation with the Office of the University Counsel, with recommendations for revision presented to the Administrative Counsel, University Assembly, and the Board of Trustees.

B. Proof of Tennessee citizenship for the purpose of access to public records is not proof of residency for the purpose of classifying students as in-state or out-of-state when assessing tuition and fees and for admission purposes.

III. Scope

This policy does not apply to a student's request to see his/her own education records or to an employee's or former employee's reasonable requests to review or copy his/her own personnel file.

IV. Definitions

A. **Public Record(s):** All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

B. **Public Records Request Coordinator ("Coordinator"):** The designated individual who has the responsibility to ensure Public Record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.

C. **Records Custodian:** The office, official, or employee lawfully responsible for the direct custody and care of a Public Record.

- D. Requestor: A person seeking access to a Public Record, whether it is for inspection or duplication.

V. General Policy Statement

Tennessee Tech shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of Public Records as required by law.

VI. Requesting Access to Public Records

- A. Public Record requests should be directed to the Coordinator or his/her designee in order to ensure Public Record requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- B. A Requestor may contact Tennessee Tech's Coordinator in person, by phone at 931-372-3084, by email at openrecords@tntech.edu, or by mail at Campus Box 5056. Tennessee Tech will post the Coordinator's name and office location on the Office of Communications & Marketing webpage.
- C. Tennessee Tech will not require a Requestor to submit a request for inspection in writing, absent good cause.
- D. Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of Public Records.
- E. Tennessee Tech will not, absent good cause, require a Requestor to submit a request for copies on a specific form.
- F. No request is necessary for bid tabulations for Request for Proposals and Request for Quotes, which are posted regularly on Tennessee Tech's Purchasing and Contracts webpage. Similarly, meeting notices and materials for Tennessee Tech's Board of Trustees are posted on Tennessee Tech's Board webpage.

VII. Responding to Public Records Requests

- A. The Coordinator shall, as necessary or appropriate:
 - 1. Request proof of Tennessee citizenship;
 - 2. Clarify the scope of the request;
 - 3. Advise the Requestor that Tennessee Tech may charge for copies if the request exceeds the costs threshold set out in this policy;

4. Advise the Requestor within seven (7) business days that it will take more than seven (7) business days to respond to the request;
5. Advise the Requestor within seven (7) business days that Tennessee Tech is not the custodian of the record;
6. Provide the records;
7. Deny the request in writing, providing the appropriate basis, such as one of the following:
 - a. The Requestor is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
 - b. The request lacks specificity;
 - c. An exemption makes the record not subject to disclosure under the Tennessee Public Records Act;
 - d. The records do not exist.
- B. The Coordinator may deny the request provided the Coordinator has identified in writing the specific legal basis for the denial of the request.
- C. The Coordinator may, if appropriate, contact the Requestor to see if the request can be narrowed.
- D. If requested records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.
- E. A Records Custodian must promptly forward a request to the Coordinator and assist the Coordinator in making the records available to the Requestor in a timely manner.
- F. If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then the Coordinator shall, within seven (7) business days from the receipt of the request, send the Requestor a completed Public Records Response Form.
- G. If the Coordinator reasonably determines production of records should be segmented because the Public Records Request is for a large volume of records, or additional time is necessary to prepare the records for access, the Coordinator shall notify the Requestor in writing that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Coordinator may contact the Requestor to see if the request can be narrowed.
- H. If the Coordinator discovers records responsive to a records request were omitted, the Coordinator will notify the Requestor and produce the records as quickly as practicable.

VIII. Redaction

- A.** If a record contains confidential information or information that is not open for public inspection, the Coordinator, with assistance from the Record Custodian, shall redact the record prior to providing access.
- B.** Whenever the Custodian provides a redacted record, the Custodian will advise the Requestor of the general basis or bases for the redaction(s).

IX. Inspection of Records

- A.** Tennessee Tech will not charge for inspection of Public Records.
- B.** Tennessee Tech will advise the Requestor of the location where the records may be inspected.
- C.** The Coordinator may require an appointment for the inspection.

X. Request for Copies of Records

- A.** The Coordinator will respond to a Public Record Request for copies in the most economic and efficient manner practicable.
- B.** Copies will be available for pickup at a location specified by the Coordinator.
- C.** Tennessee Tech will not use fees and charges for copies of Public Records to hinder access to Public Records.
- D.** The Coordinator will provide Requestors with an estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- E.** If fees for copies and labor do not exceed \$25, Tennessee Tech may waive those fees. Requests for waivers for costs that exceed \$25 must be presented to the Coordinator, who is authorized to determine if such waiver is in the best interest of Tennessee Tech or for the public good.
- F.** A Requestor may use a personal cellphone to take pictures of records when the total amount of pages to be photographed does not exceed twenty-five (25) pages.
- G.** Tennessee Tech will not waive fees associated with aggregated records requests.
- H.** A Requestor must pay by cash, credit card, or personal check made payable to Tennessee Tech and presented to the Coordinator or to the Tennessee Tech business office.

- I. Tennessee Tech will aggregate record requests in accordance with the current office of Open Records Schedule for Reasonable Charges for Frequent and Multiple Requests when more than four (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.
- J. If Tennessee Tech aggregates requests, the Coordinator will advise Requestors of the basis for the aggregation.

XI. Interpretation

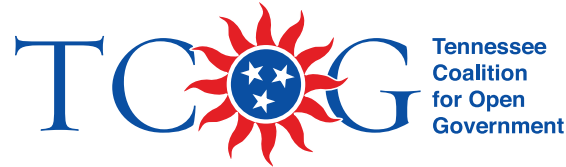
The Coordinator or her/his designee has the final authority to interpret the terms of this policy.

XII. Citation of Authority for Policy

T.C.A. §10-7-503

Approved by:

Administrative Council:	April 4, 2017; September 12, 2018
University Assembly:	April 19, 2017;
Board of Trustees:	September 18, 2018



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Tune, Entrekin & White, PC

Jan. 31, 2019

To: Karen Lykins
Tennessee Technological University
1 William L. Jones Drive
Cookeville, TN 38505
klykins@tntech.edu

Dear Ms. Lykins,

The attached comments on Tennessee Technological University's proposed rules "Access to Public Records" is on behalf of Tennessee Coalition for Open Government, a nonprofit organization founded in 2003 to promote transparency in government.

As way of background, our organization provides to citizens educational resources, including workshops and written materials, and a Help Line to answer questions about open records and open meetings in Tennessee.

We also track changes to access to public records and meetings by monitoring court cases and the Legislature.

Thank you for the opportunity to provide comments.

Deborah Fisher
Executive Director
Tennessee Coalition for Open Government

Tennessee Coalition for Open Government
P.O. Box 22248, Nashville TN 37202
(615) 602-4080 | www.tcog.info
"To preserve and improve access to public information"

TCOG Comments on Tennessee Technological University's Proposed Rules Regarding Public Records Requests

Jan. 31, 2019

By Deborah Fisher, Executive Director of Tennessee Coalition for Open Government

My comments, on behalf of Tennessee Coalition for Open Government, are intended to highlight items in the department's proposed rules that are likely to hinder access to public records and reduce what should be a free flow of information about what government is doing..

Our organization is particularly concerned by rules that, based on evidence and experiences with the public and public records requests, slow down or shut down access to public records. We hope to share those experiences with you and offer a better way that both promotes open government and protects the interests of the university.

Identification requirement

The proposed rules state that "Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee's driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of the department's public records."

It also states that a request can be denied if the person has not presented evidence of Tennessee citizenship.

We strongly urge you to consider allowing a resident to affirm their residency through additional specified ways.

We have found that the requirement of a driver's license can be a hurdle that either delays or blocks access to public records. Many people are concerned about identity theft and do not wish to email a copy of their driver's license. And sometimes, when making a public records request, mailing a copy through the U.S. Postal Service may seem more secure, but it takes much longer.

We urge you to update your rules to state that Tennessee Tech will accept the following as affirmation of Tennessee residency.

1 - **Checkbox.** The Office of Open Records Counsel sample Records Request Form provides a checkbox for a citizen to affirm that they are a Tennessee resident. We believe that most people will not lie on this form. We urge Tennessee Tech to accept this checkmark on a request form as an affirmation of Tennessee residency. If the person provides an out-of-state mailing address, your rules would not prohibit you from asking for additional proof of identification.

2 - **Residential or business address.** We also urge you to allow the person to provide their home address as proof of residency, or the address of their business, if they are making a request on behalf of their business.

3 - **Student ID.** Finally, we urge you to allow a student to provide their student ID.

All of these will allow Tennessee Tech to quickly sort out which requester is living in Tennessee and which is not in a much easier, faster and less bureaucratic way for both the university and the person requesting records.



Examples of problems with driver's license requirement

We want to share some problems that have been associated with a requirement that a requester provide a driver's license.

In the past several months, our organization has received numerous complaints from citizens and journalists faced with seemingly new requirements of having to provide a copy of their driver's license to local and state government entities before their request would be considered. In most instances, this has delayed access to public records. In some cases it has shut it down.

In one example, a person made a request only to receive a denial letter **seven business days** later stating that his request was denied because he did not provide a driver's license with the request.

His request was clear that he worked for a local company. Still, in the face of this, the government agency filled out a denial form, mailed it and then had to process the second request by the person who resubmitted with a copy of a redacted driver's license. This whole process, which should have taken one day, took weeks — and of course cost unnecessary time and effort.

In another case, a county commissioner from East Tennessee requested **minutes from two public meetings of a state board** that oversees standards for local jails. She was denied access for **several weeks** based on not providing a driver's license, even though she had made public records requests of the board before and received public records before. (It was pretty obvious which jail she was interested in - her county jail that was discussed at the two meetings)

Several emails back and forth between her and the state lawyer over proof of residency wasted time and effort. The state agency's attorney had every reason to think the person was who she said she was and no reason to think she was not. Yet he would not budge on this rule.

And finally, there are journalists who work for Tennessee newspapers or TV stations in border cities — Bristol, Chattanooga and Memphis — who have been denied access to public records simply because their home address is across the state line. There are many reasons why a journalist who works in Tennessee might not live in Tennessee — family reasons are probably the biggest. But we do not think that journalists who work for Tennessee newspaper or TV stations or other news organizations should be denied access to public records in Tennessee — that access being an important part of how they collect and report information to Tennessee residents.

Why this is good for Tennessee Tech and for Tennessee citizens

Allowing residents to affirm residency through a checkbox on a records request form, provide their residential address or address of their business, or provide their student identification card would have many benefits.

- **It would help residents who fear emailing or mailing a copy of their driver's license for privacy reasons.** This is particularly important for state agencies who are dealing with residents all over the state who may not be able to drive to Nashville.



- **It would reduce the need of a government entity to handle and store confidential information** — i.e., driver's license numbers or other private citizen information on documents.
- **It would reduce work and save time for government employees having to deny requests when a driver's license was not provided on the front end.**
- **It would reduce the chance that a requirement for proof of residency will be abused** — or perceived to be abused — by a government official to delay fulfillment of a records request. I reference the state attorney example above.
- **It would help residents who struggle with technology to make a copy of their driver's license.** Some residents don't have ready access to a copy machine or technology, or don't fully understand how to take a digital picture, blocking out their driver's license number, to email it. This is particularly important for state agencies who likely get public records requests from residents throughout the state, and cannot or do not wish to drive to Nashville to make their public records request.
- **It would help residents who do not have a driver's license or Tennessee identification document.**
- **It would improve compliance with the spirit and letter of the law.**
- **And finally — it would promote a friendly and accessible culture in a government agency committed to transparency to citizens**

Records not in Tennessee Tech custody

Under "Responding to Public Records Requests" (4), the rules state that if records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.

The Tennessee Public Records Act states that "A governmental entity is prohibited from avoiding its disclosure obligations by contractually delegating its responsibility to a private entity." [T.C.A. 10-7-503 (a)(6)]

We urge you to have a policy or a rule that states that if Tennessee Tech has contracted with another entity and that entity, on behalf of the university, possesses records that are public records as defined by law, that Tennessee Tech will facilitate or acquire those records upon a public records request.

Photography of public records

Your rules do not mention any prohibition on a requestor taking photographs of a record that they are inspecting. We do not think it is necessary to affirm that a resident may take photos of a records that he or she is inspecting. But if the university is considering limiting photography of public records, we do believe that it must be in the form of a rule. We would oppose any ban on a resident photographing a public record, particularly as a way to take notes of what's in a record.



Tennessee Tech should accept a student id as proof of citizenship.

Comments Received and Tennessee Tech's Responses:

Comment: The rule should state that a resident can affirm Tennessee Tech residency through addition specified ways, such as a checkbox, residential or business address, or student id.

Response: The rule provides that a requestor can meet the citizenship requirement either by a valid Tennessee driver's license or an alternative acceptable form of identification. Tennessee Tech believes the rule is flexible enough to allow requestors to provide proof of residency through any number of avenues and that specifying the mechanisms would unnecessarily limit a requestor's or Tennessee Tech's options. Tennessee Tech does not believe, however, that a "checkbox" is a sufficient mechanism to prove Tennessee citizenship.

Comment: The rule should state that if Tennessee Tech has contracted with another entity and that entity possesses record subject to the Public Records Act, Tennessee Tech will facilitate or acquire those records on behalf of the requestor.

Response: Tennessee Code Annotated Section 10-7-503 (a)(2)(B) requires a "custodian" of a public record to "promptly make available for inspection any public record not specifically exempt from disclosure." Tennessee Code Annotated Section 10-7-503(a)(1)(C) defines a "records custodian" as any "office, official, or employee of any governmental entity lawfully responsible for the direct custody and care of a public record." While Tennessee Tech will make contract documents in its custody available to a requestor, Tennessee Tech declines to assume the burden of acquiring records that are not its direct custody or care.

Comment: While Tennessee Tech's rule does not prohibit photography of records, the commenter indicated that if Tennessee Tech does ban photography, that ban must be promulgated as part of the rule.

Response: Tennessee Tech does not prohibit the use of cellphones to photograph records. Tennessee Tech has added a provision to the rule that allows a requestor to use a personal cellphone to photograph up to 25 pages.

Comment: Tennessee Tech should accept a student id as proof of citizenship.

Response: Tennessee Tech declines to revise the rule for two reasons: First, a student id, by itself, is insufficient to prove citizenship or residency (*see, e.g.*, requirements for voter registration or for a driver's license); second, Tennessee Tech does not wish to treat one class of requestors more favorably than another by accepting less proof of citizenship. Tennessee Tech's rule, however, is flexible enough to allow the use of a student id in combination with another document such as dorm address, utility bill, rental agreement, etc. to meet the citizenship requirement.

TENNESSEE PUBLIC RECORDS ACT AND CITIZENSHIP REQUIREMENT

I. Statutory Language Related to Citizenship

The Tennessee Public Records Act provides that public records “shall, at all times during business hours, . . . be open for personal inspection by any citizen of this state . . .” T.C.A. § 10-7-503(a)(2)(A).

II. Meaning of “Citizen”

Neither the statute nor the courts have provided clear guidance on what constitutes a “citizen” for purposes of the Tennessee Public Records Act. However, in *McBurney v. Young*, 569 U.S. 221 (2013), a United States Supreme Court case that upheld the constitutionality of the “citizen-only” provision in the Virginia statute, the Court treated “citizen” as synonymous with “resident” – meaning that if the requestor was a resident of Virginia, then he or she was a citizen who could make a request for public records.

III. Meaning of “Resident”

What constitutes a “resident” is not generally defined in the Tennessee Code. There is, however, a specific provision related to the definition of “resident” as it applies to voter registration requirements. This provision, though not binding, includes factors that may be considered when determining residency. The factors include but are not limited to a location of a person’s occupation, place of registering personal property, payment of taxes that are governed by residence, and place of licensing for activities such as driving.

IV. Guidance from the Attorney General’s Office and the Office of Open Records Counsel

Both the Attorney General’s Office and the Office of Open Records Counsel have indicated that a state entity may waive the Tennessee Public Records Act’s citizenship requirement.

The Attorney General’s Office has opined that persons who are not citizens of Tennessee can be denied access to public records but that the Tennessee Public Records Act “does not prohibit the release of public records to non-citizens . . .” TN Ag. Op. 01-132.

The Office of Open Records Counsel’s “Best Practices and Guidelines” provides as follows:

Citizenship

1. Only citizens of Tennessee have an enforceable right to access public records. Accordingly, a governmental entity has discretion to provide access to persons who do not provide proof of Tennessee citizenship. The decision to respond to requests from requestors who are not Tennessee citizens should be clearly expressed in the governmental entity's public records policy.
2. Although not required, a records custodian has the right to require government issued photo identification that includes a person's address to verify citizenship. The decision to require photo identification should be clearly expressed in the governmental entity's public records policy and uniformly imposed for all requestors.
3. A records custodian may accept alternate forms of identification to verify citizenship. If alternative forms of identification are accepted, such as a student ID from a Tennessee school, governmental entities should develop a list of acceptable alternative forms of identification.

[Best Practices and Guidelines](#), Section II, Open Records Counsel, Office of the Tennessee Comptroller of the Treasury.



Agenda Item Summary

Date: May 7, 2019

Division: Planning & Finance

Agenda Item: Tntech.edu Email Addresses

Review

Action

No action required

PRESENTERS: Claire Stinson, Vice President for Planning & Finance

PURPOSE & KEY POINTS:

Approval of definition of "affiliation" in regards to the removal of email addresses of former employees and/or students.

"No longer affiliated" is defined as:

- Students who have graduated or are no longer enrolled
- Faculty or staff who have voluntarily left or have been terminated

"Continuing Active Account Access" for Emeritus Faculty

- Emeritus Faculty (Account set for annual review):
 1. Emeriti faculty must sign an agreement, in which they agree to abide by TTU Policy 801 (Information Technology Acceptable Use), accept that the account includes no right to privacy, and acknowledge that the University is not responsible for the loss of any data stored on University resources.
 2. Emeriti faculty with a TTU email address must complete relevant security training. Failure to complete satisfactorily such training, or violations of security protocol, will result in revocation of digital account access.
 3. Emeriti faculty with email access shall have the respective department chairperson serve as sponsor. The account will have an expiration date set for annual review. At that time, the Department chair can reauthorize the Emeriti account, or cancel it, as appropriate.
 4. Barring notification, accounts that have not been accessed for ninety days will be deactivated.
 5. Any cost associated with these accounts will be covered by the sponsoring department or college.

Example reasons for "Continuing Active Account Access" include but are not limited to:

- Serving on a student committee(s)
- Teaching a class(s)
- Active funded research project being managed by TTU Office of Research
- Actively authoring scholarly publications
- Actively collaborating on grant proposal submissions

Account Annual Review Process:

- Email notice 90 days before account expiration
 - Includes Date of scheduled Expiration for account access
 - "Continuing Active Account Access" for Emeritus Faculty (Renew Form-Fillable form to submit to appropriate entity).
- Approval Process (Requires two signatures)
 - Submit to Department Chair, 2nd approval by Dean of College
 - Submit to Dean of College, 2nd approval by Provost

List of Emeritus Faculty

The office of the Provost will maintain an accurate list of Faculty awarded Emeritus status

State of Tennessee Enterprise-Information-Security Policies for user access to information systems:

<https://www.tn.gov/content/dam/tn/finance/documents/Enterprise-Information-Security-Policies-ISO-27002-Public.pdf>

Section 5.2.3

Management of Privileged Access Rights (5.2.3) Users should have the least privileges required to perform their roles as identified and approved by their agency. The allocation and use of privileged access rights should be restricted and controlled.

Section 5.2.6

Removal or Adjustment of Access Rights (5.2.6) All access rights for employees and external entities to information and information processing facilities should be revoked upon termination of their employment, contract, agreement or change of agency by the close of business on the user's last working day.

Tennessee Technological University Policy:

Policy No. 801- Information Technology Acceptable Use Policy

IV.

A. Tennessee Tech hereby adopts State of Tennessee Acceptable Use Policy Network Access Rights and Obligations as may be amended from time to time and unless otherwise indicated.

C. Persons accessing or using Tennessee Tech IT resources do not have a right to privacy in such usage. Also, as a public institution, Tennessee Tech is subject to the Tennessee Public Records Act and may be obligated to provide electronic records pursuant to that law. Accordingly, **users should not consider nor treat Tennessee Tech IT resources in the same manner as one's personal computing resources.**

F. Users should use computing and IT resources only for Tennessee Tech related purposes. Recreational use should not impact Tennessee Tech operations or violate any local, Federal, or state laws.

I. A user shall not use Tennessee Tech information technology resources for any private or personal for-profit activity. Except for those not-for-profit business activities which are directly related to an employee's job responsibilities or which are directly related to an organization which is affiliated with Tennessee Tech, a user shall not use Tennessee Tech information technology resources for any not-for-profit business activities, unless authorized by the President or appropriate designee.



Agenda Item Summary

Date: May 7, 2019

Agenda Item: Update by President

Review

Action

No action required

PRESENTER: Phil

PURPOSE & KEY POINTS: During the sunrise hearing for Tennessee Tech's Board of Trustees on April 1, 2019, the Chairman of the House Government Operations Committee requested the Board to allow speakers to address the Board without requiring advance notice. Currently, Bylaw 5.4 requires a person to request to address the Board 15 days in advance of the meeting, absent good cause, and to indicate the subject matter to be addressed.

Bylaws of the Tennessee Tech Board of Trustees

5.4 Anyone who wishes to address the Board must submit a written request to the Board's secretary to be received at least fifteen days prior to the scheduled meeting of the Board, absent good cause. The request must include the requestor's contact information and the subject matter to be addressed.

A. The Board's secretary, in consultation with the chair, may either place the requested item on the agenda or notify the requestor in writing of the reason for rejecting the request. The secretary will, as soon as practicable, notify the other Board members of the request and the disposition of the matter.

B. The Board may limit a speaker's time for any such address.



Agenda Item Summary

Date: May 7, 2019

Agenda Item: President's Evaluation Process

Review

Action

No action required

PRESENTER: Tom

PURPOSE & KEY POINTS: The Executive Committee is responsible for organizing and conducting an annual performance review of the President. As part of that responsibility, the Committee needs to approve (a) a timeline for completion of the process, (b) a Board assessment questionnaire; (3) a Cabinet assessment questionnaire; and (4) discuss other matters as required by the "Procedures for President's Performance Review" adopted by the Board.



Synopsis of President's Performance Review Process

1. The President submits a self-assessment to the Executive Committee.
2. The Executive Committee sends assessment to the Board members and solicits comments from them.
3. The Executive Committee reviews confidential faculty evaluations of the President and other comments, if any.
4. The Executive Committee Representative summarizes comments from faculty evaluations, the Board, and others received, if any, and shares the confidential summary with the Executive Committee.
5. The Executive Committee Representative meets with the President to review the material.
6. The Executive Committee Representative provides a confidential written summary of meeting to the President and to the Board.
7. The President and Board members are given an opportunity to offer comments to the written summary.
8. The Executive Committee Representative will provide a final copy of the confidential evaluation to the President, the Board, and the Office for Human Resources.



Procedures for President's Performance Reviews and Comprehensive Reviews

I. Purposes

- A.** The purposes of the annual performance review are:
 - 1.** To assist the Board in determining whether the President's performance is effective;
 - 2.** To enable the President to enhance his or her performance and leadership;
 - 3.** To promote good communications and strong working relationships between the President, the Board, and Tennessee Tech constituencies;
 - 4.** To enable the President and the Tennessee Tech Board of Trustees ("Board") to set mutually agreeable goals; and
 - 5.** To inform Board decisions on compensation and other terms of employment for the President.
- B.** The purpose of the process is to provide the Board with a full opportunity to provide input to the President's evaluation while according the President the same level of confidentiality enjoyed by all other Tennessee Tech employees.

II. Responsibility

- A.** Pursuant to TTU Policy 002 (Selection, Evaluation, and Retention of the President), the Board is responsible for assessing the President's performance.
- B.** Pursuant to TTU Policy 005 (Board Committees), the Board has delegated to the Executive Committee the responsibility for organizing and conducting an annual performance review of the President.

III. Process for the President's Annual Performance Review

- A.** The President shall prepare a written self-assessment statement in a format and according to a timetable mutually agreed upon by the President and the Executive Committee. The statement shall include the following:
 - 1.** Progress toward meeting goals and expectations previously agreed upon¹ by the President and the Board,
 - 2.** Assessment of Tennessee Tech's strategic directions pertaining to its mission and vision statements,

¹ This requirement is not applicable to the President's evaluation in fiscal year 2018 or in the first year of any subsequent President's tenure. In those cases, the President shall identify reasonable goals in writing and submit them to the Executive Committee and Board for approval.

3. Assessment of the overall academic quality of Tennessee Tech, including its achievements and accomplishments,
 4. Assessment of Tennessee Tech's financial status,
 5. Identification of significant institutional challenges faced over the prior year, and a prospective statement of challenges and opportunities facing Tennessee Tech in the upcoming year, and
 6. Goals proposed by the President for the coming year.
- B.** After receipt of the President's confidential self-assessment statement, the Executive Committee will confidentially share the President's self-assessment with the Board and solicit confidential written feedback from the Board members on the President's statement.
 - C.** The Executive Committee will also review the confidential faculty evaluations of the President submitted pursuant to TTU Policy 209 (Faculty Evaluation of University Administrators) and may, in its sole discretion or at the request of the Board, solicit additional confidential feedback from faculty, administrators, or staff as needed.
 - D.** The Chair of the Board or a member of the Executive Committee designated by the Chair (either of whom hereinafter referred to as "the Executive Committee Representative") will summarize the written comments from faculty evaluations, the board, and others received and share the summary with the Executive Committee for its review.
 - E.** Based on the summary of the materials received, the Executive Committee Representative will meet with the President concerning the President's self-assessment statement, feedback received, and the President's goals and expectations for the coming year.
 - F.** Based on the President's self-assessment statement, feedback received, and the meeting with the President, the Executive Committee Representative will prepare a confidential draft written assessment of the President's performance, and share this assessment with the President and the Board, who may offer confidential written comments concerning this assessment. The Executive Committee Representative will incorporate these comments as appropriate.
 - G.** The Executive Committee Representative will provide a copy of the final confidential written assessment to the Board and the President.
 - H.** The Executive Committee may, in its sole discretion, vary the requirements of the annual performance review process.

IV. Periodic Comprehensive Review

- A.** Two years after the first annual assessment of the President is conducted, the Executive Committee should consider whether or not to perform a comprehensive review of the President's performance in a subsequent year.
- B.** If such a comprehensive review is to be performed, the Executive Committee may choose to engage the assistance of one or more external advisors.

Approved by the Board on August 17, 2017.