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7-17-2020

### 2020 July 17 – Board of Trustees Agenda and Minutes

East Tennessee State University

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EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES  
JULY 2020 SPECIAL CALLED MEETING

1:00 p.m. - 3:30 p.m. ET  
Friday  
July 17, 2020

Telephonic Meeting

ORDER OF BUSINESS

- I. Call to Order
- II. Roll Call
- III. [Minutes from April 24, 2020](#)..... Tab 1
- IV. [Student Trustee Selection](#)..... Tab 2
- V. Academic, Research, and Student Success Committee (45 minutes)
  - A. [Revised 2020-21 Academic Calendar](#) ..... Tab 3
  - B. [Emergency Rule - Title IX](#) ..... Tab 4
  - C. [Opening Strategy Update](#)..... Tab 5
- VI. Finance and Administration Committee (30 minutes)
  - A. [Budget Update](#) ..... Tab 6
- VII. President’s Report (45 minutes)
- VIII. Other Business
- IX. Executive Session
  - A. Discuss pending legal action (if necessary)
- X. Adjournment

EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

ACTION ITEM

DATE: July 17, 2020

ITEM: Approval of Minutes from April 24, 2020

RECOMMENDED ACTION: Approve

PRESENTED BY: Adam Green  
Secretary

The minutes of the April 24, 2020 meeting of the Board of Trustees are included in the meeting materials.

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

**RESOLVED: The reading of the minutes of the April 24, 2020 meeting of the Board of Trustees is omitted, and the minutes are approved as presented in the meeting materials, provided that the Secretary is authorized to make any necessary edits to correct spelling errors, grammatical errors, format errors, or other technical errors subsequently identified.**

EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

MINUTES

April 24, 2020  
Johnson City, Tennessee

The quarterly meeting of the East Tennessee State University Board of Trustees was held at 10 a.m. on Friday, April 24 via teleconference call due to extraordinary circumstances surrounding the COVID-19 outbreak. The meeting was livestreamed to allow individuals to attend remotely.

**I. Call to Order**

Chair Scott Niswonger called the meeting to order at 10 a.m.

In his opening remarks, Chair Niswonger welcomed everyone to the first quarterly meeting held entirely via teleconference. Although Trustees had anticipated holding the meeting in the newly renovated D.P. Culp Student Center, these “unprecedented times” have called for all courses to move online, most students to move from their residence halls, and most employees to work remotely. Chair Niswonger spoke about ways ETSU has stepped forward to help the community and put students first.

**II. Roll Call**

Secretary Green provided special instructions for telephonic meetings. Because Trustees participated via Zoom, votes were taken by roll call. In accordance with Tennessee Code § 8-44-108 section (c) (3), Secretary Green asked Trustees two questions. First, he asked each Trustee if he or she could clearly hear and participate in the meeting, and second, if any other persons were present in the room. All Trustees answered yes and that they were along, respectively.

The following Trustees were present:

Janet Ayers  
Steven DeCarlo  
Virginia Foley  
David Golden  
Dorothy Grisham  
Linda Latimer  
Scott Niswonger  
Ron Ramsey  
Cristopher Santana  
Kelly Wolfe

Secretary Green said he did not detect a physical quorum present; however, a quorum existed by the inclusion of members participating by electronic means. He explained

that in accordance with Tennessee Code § 8-44-108 section (b) (2), the meeting was necessary for the following reasons:

- It is a regularly scheduled quarterly meeting of the ETSU Board in compliance with bylaws and state statute;
- Business critical decisions for the operations of the institution are slated for this meeting such as promotion and tenure of faculty members, tuition and fees establishment for the upcoming academic year, as well as budget planning among other items;
- Due to the COVID-19 virus outbreak and subsequent recommendations from the Centers for Disease Control and Prevention as well as Governor Bill Lee, social distancing measures and a limit on group gathers are being observed.

Secretary Green said that for these reasons, he contended that participation by a quorum of the Board members by electronic or other means of communication is necessary. He then asked Chairman Niswonger for a motion and a roll call vote for a determination on the necessity of holding this meeting. Trustee Golden made a motion, followed by a second from Trustee Grisham. All Trustees provided affirmative votes that the meeting had a necessity to proceed.

Since the meeting was held remotely, President Brian Noland said the Board would take actions as a committee of the whole with the exception of the Audit Committee.

### **III. Public Comments**

Because the meeting was conducted virtually, public comments could not be presented in the traditional manner. Chair Niswonger encouraged anyone who has a comment for the Board to email those comments to [TRUSTEES@etsu.edu](mailto:TRUSTEES@etsu.edu).

### **IV. Approval of the Minutes from February 21, 2020 Quarterly Meeting and March, 23, 2020 Called Meeting**

Trustee Golden made a motion to accept the minutes which was seconded by Trustee Foley and unanimously approved by roll call vote.

### **V. Report from the Audit Committee**

In his report, Committee Chair Golden said the committee conducted annual reviews of both the audit committee and internal audit charters, as well the internal audit and prohibiting fraud, waste and abuse policies. The TBR version of the conflict of interest policy is under review and a new version will be presented at the next Audit Committee Meeting. The committee reviewed the 2019-20 Audit Plan and received a variety of reports on audits performed since the February meeting. All items on the recommendation log are progressing well.

Chair Golden also congratulated President Noland and staff for a perfectly clean report of the audited financial statements from the Comptroller of the Treasury.

**VI. Consent Agenda**

Trustee Foley made a motion to accept the items on the consent agenda. This was seconded by Trustee Wolfe and unanimously approved by roll call vote.

**VII. Academic Research and Student Success Committee**

Dr. Wilsie Bishop encountered technical difficulties; therefore, Dr. Brian Noland presented the promotion and tenure of faculty members. Some faculty, he noted, are being recommended as exceptions with background and justification provided (pgs. 53-56 of agenda packet). This action has moved through a deliberative process of review at the departmental level, at the college level, by the University Provost, and ultimately, by the Office of the President, he said.

Trustee Foley made a motion to approve the promotion and tenure of faculty members. Trustee Latimer provided a second and the motion unanimously approved by roll call vote.

**VIII. Finance and Administration Committee**

Dr. BJ King provided an overview of the action items for consideration:

**A. Salary Increase for FY21**

The Finance and Administration Committee recommends that the proposed 1.5% Governor's salary increase for 2020-21 be placed in a reserve account. The Committee will meet at a later date to determine how the funds may be distributed in January. Dr. King said this is the most prudent action the Board could take. She will likely have more clarity about budgets for FY21 when the October revised budgets are generated.

**B. Revised COM and COP Tuition Increase, Housing Rent for FY21**

Given the climate with COVID-19, it was recommended that previously approved rate increases of 2% for Quillen College of Medicine and 1.5% for Gatton College of Pharmacy, as well as housing rent increases from the February 21, 2020 meeting of the Board of Trustees be amended for no increase.

**C. Tuition and Mandatory Fees for FY21**

Dr. King outlined the criteria the Board of Trustees must consider when setting tuition and mandatory fees (pg. 64-65 of agenda packet). She also discussed current year tuition and fee rates at other Tennessee public schools (pg. 66-67 of agenda packet). Other schools may attempt to keep tuition flat, but some may raise mandatory fees, she noted. A 1.66% tuition increase was originally proposed, but ETSU was the first school to announce a 0% increase across the board. A \$64 program service fee was also proposed, but is no longer recommended by the Finance and Administration Committee in light of current economic challenges associated with COVID-19.

**D. 2019-20 Estimated and 2020-21 Proposed Budget**

Dr. King presented each of the estimated and proposed budgets, starting with main campus. She said all university divisions had an opportunity to participate in annual budget hearings. The original budgets that would have been presented during this meeting were adjusted in March after Gov. Lee released the revised budget. Proposed

adjustments were discussed at the called meeting of the Finance and Administration Committee on April 1.

The budget for the main campus includes a \$2.3 million increase in state appropriations. Dr. King proposed using the appropriations to fund employee benefits (\$512,000), budget for a decline of 100 students as estimated in enrollment calculations (\$800,000) and the remaining funds will be used to offset a 1.7% inflationary factor and other expenses in a manner consistent with the strategic plan.

Dr. King said some budget items have changed since presented at the April 1 committee meeting (pg. 69 of agenda packet). Auxiliaries revenues in the spring estimated budgeted have been written down (about 45%) due to actions taken by executive leadership at ETSU to refund a portion of the housing and the dining fees that were charged for the term and were unused by students when they needed to return home after spring break. Also, tuition and fee revenues have been projected based on flat tuition and enrollment down 100 students.

Dr. King then defined the allocation of net new funding toward salary and benefits, as well as promotion and tenure pool, GA pay increase, operating dollars, strategic initiatives geared toward research and recruitment of students, and a reclassification of scholarship dollars.

Next, Dr. King gave an overview of position changes from the 2019-20 budget to the proposed budget 2020-21 (pg. 69 of agenda packet). She included a footnote at the bottom of the slide from her presentation that lists where each of faculty positions is allocated. Dr. King then presented graphs of the expenditure budget by function and natural classification for main campus.

Next, Dr. King presented the budget for Quillen College of Medicine, which has prepared a new budget based on a 0% increase in tuition (pg. 70 of agenda packet). The Medical Assistance Corporation supports about 41% of the total expenditures for Quillen College of Medicine, she noted. State appropriations account for about 34% of the budget for the college and tuition and fees are about 9%. Those two pieces, plus the resident participation agreements for medical residents, account for the majority of the revenue sources for their budget. The college has written down the revenue about \$300,000 due to the out-of-state tuition rate being set at 30% of in-state rate, which was approved at the September Board Meeting (pg. 71 of agenda packet). The college also has an increase of three faculty positions, but they are reallocating within their own unit and not asking for any new positions. Dr. King then presented graphs of the expenditure budget by function and natural classification for Quillen College of Medicine.

Family Medicine did not have to change their budgets from what was presented on April 1, Dr. King explained. The budget already included a reduction in salary increase and the elimination of the operating appropriations. They anticipate a slight increase in revenue, which they are offsetting with a slight increase in expenditures, she added. Family Medicine has hired additional faculty members, some through vacant positions and an additional position (pg. 71 of agenda packet). Dr. King then presented graphs of

the expenditure budget by function and natural classification for Family Medicine.

Next, Dr. King presented the Gatton College of Pharmacy budget, which receives no state appropriations and is almost 100% dependent on tuition and fees. The college has written its revenue down by about half a million dollars year-over-year. Expenditures were written down, she added, and the college is increasing in instruction and decreasing in other areas of expenditure within their unit to make their budget balance. There are no new positions in their budget. Lastly, Dr. King presented graphs of the expenditure budget by function and natural classification for Gatton College of Pharmacy.

A discussion followed about the benefits of the new budget model during the current economic environment. Then, Dr. King answered a question about the status of refunds for student housing.

#### **E. Capital Budget and Disclosures FY 2020-21**

Mr. Jeremy Ross provided an overview of projects requested in three categories – capital outlay, capital maintenance and disclosures (pgs. 73-74 of agenda packet). The deadline to submit the capital outlay project, the Humanities Building, has been extended to August. The capital maintenance requests include two items, electrical and HVAC, totaling about \$7.6 million. With disclosures, sometimes funding is available immediately and other times they are placeholders for when the funding does become available, he explained. There are 10 capital disclosures projects listed.

Trustee Latimer made a motion to approve the block of action items, which was seconded by Chairman Niswonger. The items passed after a unanimous roll call vote.

### **IX. President's Report**

Dr. Noland said he would frame his remarks within two words – cares and safe. We are an institution that cares deeply about its people and has already been reflected in the actions of the Board of Trustees to hold fees constant across all aspects of the University. He said higher education is often the subject of a great deal of criticism, but in the past few weeks, ETSU has shown that when tested, this campus can rise to any challenge, and that we have a can-do attitude that has emerged across campus the past seven weeks.

Several significant academic actions have transpired since the called Board of Trustees Meeting on March 23:

- We have taken steps to provide the option for faculty to suspend the tenure clock for those working through the tenure promotion process.
- Based upon the recommendations of the shared governance workgroup, we have implemented a plan to allow our undergraduate students a pass/fall option for the Spring 2020 semester.
- We have moved our commencement activities to a virtual ceremony. However, we will hold a standalone commencement ceremony for the graduates of the spring class in December.

Noteworthy announcements and achievements include:



- University school was ranked eighth in the state of Tennessee;
- The next class of presidential fellows were selected – Dr. Nicholas Hagemeyer, Dr. Jodi Polaha, and Dr. Megan Quinn;
- Gatton College of Pharmacy was ranked first in the state for its residency match rate and 12th in the nation;
- A MSW student was named the 2020 National Association of Student Social Workers Student of the Year;
- The College of Nursing was ranked the 11th online College of Nursing in the country and the only College of Nursing in the state of Tennessee to be listed in the top 20;
- A Quillen College of Medicine faculty was awarded a \$1.85 million grant from NIH to continue work around possible treatment for pneumococcal infection; and
- ETSU was designated yet again for the 10th year in a row as a military friendly institution, and this year received a top 10 national designation, the highest received to date.

Dr. Noland said ETSU is an institution that cares deeply about the region as seen through the following:

- We have made the residence hall available to employees of those working on the front lines and need a place to stay.
- We have been actively involved in testing and have assisted the Department of Health with testing on campus.
- Sodexo has been delivering meals across the campus.
- Clemmer College has launched a Homework Hotline to tutor and mentor K-12 students.
- Third year medical students have arranged drive-thru collections of supplies,
- The College of Pharmacy is producing hand sanitizer in compounding labs.

The CARES Act was passed by Congress a couple weeks ago. Dr. Noland said the University will submit its application to receive the stimulus funds and will then begin distributing to students. ETSU will receive more than \$11 million to support students. Dr. Noland anticipates \$500,000 to \$700,000 will be directed to an emergency crisis fund for students. An existing fund is already awarding grants to students in need. The Board will receive an update once plans for CARES Act funds are finalized.

ETSU is actively engaged in efforts to ensure that we are positioned to launch classes on campus this fall, Dr. Noland said. As it relates to enrollment, we continue to ensure that our current students are successful in the classroom and return in the fall and prospective students who want to come to ETSU feel that this is the right choice for them, he added. Based on conversations with colleagues from across the country, he said most institutions such as ETSU anticipate potential reductions of 10% in their overall enrollment for the fall. To date, ETSU has experienced more than \$10 million in direct losses as a result of the COVID-19 outbreak, not including losses to clinical practice revenue. The University has faced budget challenges in the past, and Dr. Noland said he is confident that if values remain at the forefront, we will be able to navigate whatever uncertainties we face.

Since the March 23 called Board of Trustees Meeting, the endowment has rebounded and has gained more than \$10 million since it bottomed last month. University Advancement has also been engaged in the Bucs Help Bucs campaign to help with crisis relief efforts.

Next week, Dr. Noland said he would announce the formation of a workgroup that will advise the Office of the President on the process, protocols, and alternatives through which we will consider the opening of campus in the fall.

**X. Resolution of Appreciation for Mr. Cristopher Santana**

Dr. Noland read the Resolution of Appreciation for Student Trustee Mr. Cristopher Santana, thanking him for his service to the Board of Trustees.

**XI. Other Business**

No other business was brought before the ETSU Board of Trustees.

**XII. Adjournment**

Trustee Ramsey made a motion to adjourn the meeting

EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

ACTION ITEM

DATE: July 17, 2020  
ITEM: Student Trustee Selection  
RECOMMENDED ACTION: Approve  
PRESENTED BY: Brian Noland  
President

Mr. Austin Ramsey has been nominated by the President to serve as Student Trustee, following the policy for Student Trustee Selection.

Mr. Ramsey, a graduate of Sullivan Central High School, is a Roan Scholar (Class of 2021) and an entrepreneur who has been creating businesses since middle school. His most recent endeavor is Pointech, a thriving technology consulting business. During the past few months, as the COVID-19 pandemic required businesses to make rapid adjustments to their operations, Mr. Ramsey and Pointech have guided many businesses through that process. Mr. Ramsey is also involved with the National 4-H GIS Leadership Team, was selected to speak at IDEAcademy in 2018, and in the past two years, has been recognized as an honoree of both the Appalachian Highlands Twenty Under 20 and The Business Journal of Tri-Cities Tennessee/Virginia 40 Under Forty.

**MOTION: I move to accept the President’s nomination of Mr. Austin Ramsey to the position of Student Trustee.**

**RESOLVED: Upon the recommendation of President Noland, the Board of Trustees appoints Mr. Austin Ramsey to the role of Student Trustee to East Tennessee State University’s Board of Trustees.**

EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

ACTION ITEM

DATE: July 17, 2020

ITEM: Approval of Revised Academic Calendar – Fall 2020

RECOMMENDED ACTION: Approve

PRESENTED BY: Wilsie Bishop  
Senior Vice President for Academics and Interim Provost

The fall 2020 academic calendar has been adjusted as a result of the COVID-19 pandemic and the institution's continued efforts to safeguard the health of ETSU students, faculty, staff and visitors. These changes are consistent with recommendations from the Future Operations Workgroup as well as national best practices. Changes for the fall 2020 semester calendar include:

- Fall semester classes will begin Aug. 24 with courses being taught in-person and online.
- The University will be open and classes will be held on Labor Day (September 7) and Veterans Day (November 11)
- Fall Break is rescheduled to Thanksgiving week
- Last day of in-person classes will be November 20 (Nov. 21 for Saturday classes)
- The University will be closed for the Fall/Thanksgiving Break from November 23 – 27
- Remote instruction for all classes will take place November 30 – December 4, with final exams December 5-10
- Gatton College of Pharmacy will alter its start date but will follow the University schedule beginning in September.
- Quillen College of Medicine will maintain its regular schedule.
- Commencement is scheduled for Saturday, Dec. 12, and more information regarding format will be provided later.

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

**RESOLVED: Upon the recommendation of the University Council, the Senior Vice President for Academics, and the President, the Board of Trustees approves the alterations to the academic calendar for the Fall 2020 semester as outlined in the meeting materials.**

EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

ACTION ITEM

DATE: July 17, 2020

ITEM: Emergency Rule – Title IX

RECOMMENDED ACTION: Approve

PRESENTED BY: Mark Fulks  
University Counsel

On November 16, 2018, the U.S. Department of Education proposed changes to the current Title IX regulations on sex discrimination and sexual harassment. After completion of the review and comment period, on May 6, 2020, the Department published its final regulations and established an implementation deadline of August 14, 2020. The new regulations require changes to the processes and procedures that we use to address sex-based discrimination and sexual harassment. ETSU must file an emergency rule with the Secretary of State in order to comply with the new regulations by August 14, 2020. If adopted by the Board, this emergency rule will become effective upon filing with the Secretary of State. It will remain effective for 180 days. During that time, we are required to hold a rulemaking hearing for adoption of a permanent rule. The Emergency Rule before you will bring us into compliance with the new regulations until we adopt a permanent rule.

Major changes emerging from the US Department of Education to Title IX that are addressed in the emergency rule include:

- Colleges may adopt a “clear and convincing evidence” standard rather than the preponderance of the evidence standard that was previously required.
- Colleges are no longer required to designate most employees as mandatory reporters.
- Colleges can no longer use the common single-investigator model, in which an investigator writes a report and recommends a finding, but no hearing takes place.
- The regulations include a narrower definition of harassment that explicitly covers domestic violence, dating violence, and stalking.
- Colleges must investigate off-campus sexual misconduct that occurs in educational activities, such as college-owned buildings and college-sponsored trips, but not in off-campus apartments or during study abroad.

- In hearings, students cannot cross-examine each other personally. Colleges must ensure that both parties have an adviser who will pose questions on their behalf. The adviser does not have to be a lawyer.
- Institutions may hold Title IX hearings via videoconference.

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

**RESOLVED: The Board of Trustees adopts the Title IX Emergency Rule advancing the rule in the emergency rulemaking process.**

**Department of State  
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Rule ID(s): \_\_\_\_\_  
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# Emergency Rule Filing Form

*Emergency rules are effective from date of filing, unless otherwise stated in the rule, for a period of up to 180 days.*

<b>Agency/Board/Commission:</b>	East Tennessee State University
<b>Division:</b>	
<b>Contact Person:</b>	Dr. Mark Fulks, University Counsel
<b>Address:</b>	
<b>Zip:</b>	
<b>Phone:</b>	
<b>Email:</b>	

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

**Statement of Necessity:**

It is necessary for East Tennessee State University to file this emergency rule in order to comply with Title IX of the Education Amendments of 1972 final regulations before the implementation deadline of August 14, 2020.

**Rule(s) Revised (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
0240-09-08	Title IX Compliance
Rule Number	Rule Title
0240-09-08-.01	Definitions
0240-09-08-.02	Statement of Nondiscrimination on the Basis of Sex
0240-09-08-.03	Notification and Publication Requirements
0240-09-08-.04	General Provisions Related to Reporting Title IX Complaints
0240-09-08-.05	ETSU's Response to Complaints of Sex Discrimination
0240-09-08-.06	ETSU's Response to Complaints of Sexual Harassment
0240-09-08-.07	Confidentiality
0240-09-09-.08	Written Notice to the Parties Upon ETSU's Receipt of a Formal Complaint
0240-09-09-.09	Investigations of Formal Complaints
0240-09-09-.10	Grievance Process for Formal Complaints—General Provisions
0240-09-09-.11	Specific Provisions Related to Conducting a Hearing of Formal Complaints
0240-09-09-.12	Determination Regarding Responsibility
0240-09-09-.13	Appeal of Determination of Responsibility or Dismissal of Formal Complaint
0240-09-09-.14	Informal Resolution Process
0240-09-09-.15	Retaliation
0240-09-09-.16	Training Related to Sexual Harassment Issues
0240-09-09-.17	Effect of Other Requirements
0240-09-09-.18	Record Retention and Disposition
0240-09-09-.19	Severability

Rules of  
East Tennessee State University

Chapter 0240-09-08  
Title IX Compliance

New Chapter

Table of Contents is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08.01 Definitions  
0240-09-08.02 Statement of Nondiscrimination on the Basis of Sex  
0240-09-08.03 Notification and Publication Requirements General Provisions  
0240-09-08.04 General Provisions Related to Reporting Title IX Complaints  
0240-09-08.05 ETSU's Response to Complaints of Sex Discrimination  
0240-09-08.06 ETSU's Response to Complaints of Sexual Harassment  
0240-09-08.07 Confidentiality  
0240-09-08.08 Written Notice to the Parties Upon ETSU's Receipt of a Formal Complaint  
0240-09-08.09 Investigations of Formal Complaints  
0240-09-08.10 Grievance Process for Formal Complaints—General Provisions  
0240-09-08.11 Specific Provisions Related to Conducting a Hearing of Formal Complaints  
0240-09-08.12 Determination Regarding Responsibility  
0240-09-08.13 Appeal of Determination of Responsibility or Dismissal of Formal Complaint  
0240-09-08.14 Informal Resolution Process  
0240-09-08.15 Retaliation  
0240-09-08.16 Training Related to Sexual Harassment Issues  
0240-09-08.17 Effect of Other Requirements  
0240-09-08.18 Record Retention and Disposition  
0240-09-08.19 Severability

0240-09-08.01 Definitions is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.01 Definitions

- (1) Actual knowledge: notice of sexual harassment or allegations of sexual harassment to ETSU's Title IX Coordinator or any ETSU official who has authority to institute corrective measures on behalf of ETSU or to any employee of an elementary or secondary school. Imputation of knowledge based solely on vicarious liability or constructive notice is insufficient to constitute actual knowledge. This definition is not met when the only ETSU official with actual knowledge is also the respondent.
- (2) Complainant: an individual who is alleged to be the victim of conduct that could constitute sexual harassment. References in this rule to the singular "complainant" include the plural, as applicable.
- (3) Deliberately indifferent: a response that is clearly unreasonable considering the known circumstances.
- (4) Education program or activity: locations, events, or circumstances where ETSU exercised substantial control over both the respondent and the context in which the sexual harassment occurs, including any building owned or controlled by a student organization that is officially recognized by ETSU.
- (5) Elementary and secondary school: The term "elementary school and secondary school" means University School.
- (6) Formal complaint: a document filed by a complainant or signed by the Title IX Coordinator alleging sexual harassment against a respondent and requesting ETSU investigate the allegation of sexual harassment. As used in this definition, the phrase "document filed by a complainant" means a document or electronic submission that contains the complainant's physical or digital signature, or otherwise indicates that the complainant is the person filing the formal complaint.
- (7) Hearing officer: the person who is the decision-maker with respect to the determination of responsibility



after a live hearing. Hearing officer may also mean a committee that is the decision-maker with respect to the determination of responsibility after a live hearing. A hearing officer cannot be the same person(s) as the Title IX Coordinator or the investigator(s). A hearing officer may be an Administrative Law Judge or other person specially trained to conduct live hearings of sexual harassment complaints.

- (8) Live Hearing: a face-to-face proceeding before a hearing officer during which the parties may present evidence and cross-examine witnesses. Live Hearing includes a hearing conducted via a live videoconferencing system. Live hearings may be conducted with all parties physically present in the same geographic location or, at ETSU's discretion, any or all parties, witnesses, and other participants may appear at the live hearing virtually, with technology enabling participants simultaneously to see and hear each other.
- (9) Notice: the provision of information by United States Mail, courier service, or e-mail. When notice is sent by United States mail or courier service, the notice is effective on the date that the notice is mailed or delivered to the courier service. When notice is hand delivered to the parties from the institution, notice is effective on the date that the notice is delivered to the parties. When notice is sent by email, the notice is effective on the date that the email is sent to the parties' institution-provided email account.
- (10)
- (11) Party: either complainant or respondent. References in this rule to the plural "parties" includes complainant and respondent.
- (12) Respondent: an individual who has been reported to be the perpetrator of conduct that could constitute sexual harassment. References in this rule to the singular "respondent" include the plural, as applicable.
- (13) Sexual harassment: conduct because of sex that satisfies one (1) or more of the following:
  - (a) An ETSU employee conditioning the provision of an aid, benefit, or service of ETSU on an individual's participation in unwelcome sexual conduct;
  - (b) Unwelcome conduct determined by a reasonable person to be so severe, pervasive, and objectively offensive that it effectively denies a person equal access to ETSU's education program or activity; or
  - (c) Sexual assault as defined by federal law, "dating violence" as defined by federal law, "domestic violence" as defined by federal or state law, or "stalking" as defined by federal law, as follows:
  - (d) Sexual assault means any nonconsensual sexual act proscribed by state or Federal law, including when the victim lacks capacity to consent.
  - (e) Dating violence means violence committed by a person who is or has been in a social relationship of a romantic or intimate nature with the victim, a determined by the length of the relationship, the type of relationship, and the frequency of interaction between the persons involved in the relationship.
  - (f) Domestic violence means violence committed by a current or former spouse or intimate partner of the victim, by a person with whom the victim share a child in common, by a person who is cohabitating with or has cohabitated with the victim as a spouse or intimate partner, or by a person similarly situated to a spouse of the victim under the domestic- or family- violence laws of the state of Tennessee.
  - (g) Stalking means engaging in a course of conduct directed at a specific person that would cause a reasonable person to – (A) fear for his or her safety or the safety of others or (B) suffer substantial emotional distress.
- (14) Supportive measures: non-disciplinary, non-punitive individualized services offered as appropriate, as reasonably available, and without fee or charge to the complainant or the respondent before or after the filing of a formal complaint or where no formal complaint has been filed. Such measures are designed to restore or preserve equal access to ETSU's education program or activity without unreasonably burdening the other party, including measures designed to protect the safety of all parties or ETSU's educational environment, or deter sexual harassment. Supportive measures may include but are not limited to counseling, extensions of deadlines or other course-related adjustments, modifications of work or class schedules, campus escort services, mutual restrictions on contact between the parties, changes in work or housing locations, leaves of absence, increased security and monitoring of certain areas of the campus, and other similar measures.
- (15) Title IX Coordinator: the person designated and authorized by ETSU to coordinate its efforts to comply with its Title IX responsibilities.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.02 Statement of Nondiscrimination on the Basis of Sex is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.02 Statement of Nondiscrimination on the Basis of Sex

- (1) As required by law, no student, employee, or applicant for admission or employment will be excluded, on the basis of sex, from participation in, be denied the benefit of, or be subjected to discrimination under any ETSU education program or activity.
- (2) If ETSU has actual knowledge of sexual harassment in an education program or activity against a person, ETSU will respond promptly in a manner that is not deliberately indifferent.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.03 Notification and Publication Requirements is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.03 Notification and Publication Requirements

- (1) ETSU will notify applicants for admission and employment, students, employees, and legal guardians of elementary and secondary school students that it does not discriminate on the basis of sex in its education programs or activities and will provide the name, title, office address, electronic mail address, and telephone number of the Title IX Coordinator in that notification.
- (2) ETSU will notify applicants for admission and employment, students, and employees that inquiries about the application of Title IX may be referred to the Title IX Coordinator, to the Department of Education, or both.
- (3) ETSU will provide applicants for admission and employment, students, and employees notice of its grievance process, including how to report or file a complaint of sex discrimination, how to report or file a formal complaint of sexual harassment, and how ETSU will respond.
- (4) ETSU will prominently display the contact information for the Title IX Coordinator, its Title IX policies and procedures, and training materials as required by Title IX on its website and in each handbook or catalog that it makes available to applicants for admission and employment, students, and employees.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.04 General Provisions Related to Reporting Title IX Complaints is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.04 General Provisions Related to Reporting Title IX Complaints

- (1) Any person may report sex discrimination, including sexual harassment (whether or not the person reporting is the person alleged to be the victim of conduct that could constitute sex discrimination or sexual harassment), in person, by mail, by telephone, or by electronic mail, using the contact information listed for the Title IX Coordinator, or by any other means that results in the Title IX Coordinator receiving the person's verbal or written report.
- (2) Such a report may be made at any time (including during non-business hours) by using the telephone number or electronic mail address, or by mail to the office address listed for the Title IX Coordinator.
- (3) A complainant may file a formal complaint with the Title IX Coordinator in person, by mail, or by electronic mail, using the contact information listed for the Title IX Coordinator or by any additional method ETSU designates. At the time of filing a formal complaint, a complainant must be participating in or attempting to participate in a ETSU education program or activity.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.05 ETSU's Response to Complaints of Sex Discrimination is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.05 ETSU's Response to Complaints of Sex Discrimination

- (1) When a person reports sex discrimination committed against a person while in the United States, ETSU will follow its rules, procedures and processes used for Title VII sex discrimination allegations, which provide for the prompt and equitable resolution of complaints alleging sex discrimination.
- (2) Where a person alleges both sex discrimination and sexual harassment committed against a person while in the United States, ETSU will follow its rules, procedures and processes for responding to a formal complaint of sexual harassment. If the formal complaint is dismissed at any point in the process, ETSU will follow its rules, procedures and processes used for Title VII sex discrimination allegations.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.06 ETSU's Response to Complaints of Sexual Harassment is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.06 ETSU's Response to Complaints of Sexual Harassment

- (1) If ETSU has actual knowledge of sexual harassment in an education program or activity committed against a person while in the United States, ETSU will respond promptly in a manner that is not deliberately indifferent and follow its grievance process.
- (2) ETSU will treat complainants and respondents equitably by offering supportive measures to a complainant, and in cases where a formal complaint is filed, will follow its grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- (3) The Title IX Coordinator will promptly contact the complainant to discuss the availability of supportive measures, consider the complainant's wishes with respect to supportive measures, inform the complainant of the availability of supportive measures with or without the filing of a formal complaint, and explain to the complainant the process for filing a formal complaint.
- (4) The Title IX Coordinator is responsible for coordinating the effective implementation of supportive measures.
- (5) ETSU may remove a respondent from an education program or activity on an emergency basis only after undertaking an individualized safety and risk analysis, determining that an immediate threat to the physical health or safety of any student or other individual arising from the allegations of sexual harassment justifies removal, and providing the respondent with notice and an opportunity to challenge the decision immediately following the removal.
- (6) ETSU may place a non-student employee respondent on administrative leave during the pendency of a grievance process.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.07 Confidentiality is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.07 Confidentiality

- (1) ETSU will keep confidential the identity of any individual who has made a report or complaint of sex discrimination, including any individual who has made a report or filed a formal complaint, any complainant, any individual who has been reported to be the perpetrator of sex discrimination, any respondent, and any witness, except as may be permitted or required by federal or state law, or to carry out the purposes of this rule and attendant policies, including the conduct of any investigation, hearing, or judicial proceeding arising thereunder.

- (2) ETSU will maintain as confidential any supportive measures provided to the complainant or respondent, to the extent that maintaining such confidentiality does not impair ETSU's ability to provide the supportive measures.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.08 Written Notice to the Parties Upon ETSU's Receipt of a Formal Complaint is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.08 Written Notice to the Parties Upon ETSU's Receipt of a Formal Complaint

- (1) When a formal complaint is filed, ETSU will provide parties with a written notice of its grievance process, including any informal resolution process(es).
- (2) ETSU will provide written notice of the allegations potentially constituting sexual harassment, including sufficient details known at the time and with sufficient time to prepare a response before any initial interview. Sufficient details include the identities of the parties involved in the incident, if known, the conduct allegedly constituting sexual harassment, and the date and location of the alleged incident, if known.
- (3) ETSU's written notice will include a statement that:
  - (a) The respondent is presumed not responsible for the alleged conduct and that a determination regarding responsibility is made at the conclusion of the grievance process;
  - (b) The parties may have an advisor of their choice, who may be, but is not required to be, an attorney;
  - (c) The parties may inspect and review evidence; and
  - (d) Identifies any provision in its codes of conduct that prohibits knowingly making false statements or knowingly submitting false information during the grievance process.
- (4) If, in the course of an investigation, ETSU decides to investigate allegations about the complainant or respondent that are not included in the initial written notice, ETSU will provide notice of the additional allegations to the parties whose identities are known.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.09 Investigations of Formal Complaints is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.09 Investigations of Formal Complaints

- (1) ETSU will investigate, to the extent necessary or possible, the allegations in a formal complaint.
- (2) If the conduct alleged in a formal complaint would not constitute sexual harassment even if proved, did not occur in ETSU's education program or activity, or did not occur against a person while in the United States, ETSU will dismiss the formal complaint with regard to that conduct for purposes of sexual harassment under Title IX; such a dismissal does not, however, preclude action under another provision of ETSU's codes of conduct or other policies.
- (3) ETSU may dismiss a formal complaint or any allegations therein, if at any time during the investigation a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by ETSU; or specific circumstances prevent ETSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- (4) If ETSU dismisses a formal complaint during the investigation phase, ETSU will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

- (5) ETSU may consolidate formal complaints as to allegations of sexual harassment against more than one (1) respondent, or by more than one (1) complainant against one (1) or more respondents, or by one (1) party against the other party, where the allegations of sexual harassment arise out of the same facts or circumstances.
- (6) The burden of proof and the burden of gathering evidence sufficient to reach a determination regarding responsibility rest on ETSU and not on the parties.
- (7) ETSU will not access, consider, disclose, or otherwise use a party's records that are made or maintained by a physician, psychiatrist, psychologist, or other recognized professional or paraprofessional acting in the professional's or paraprofessional's capacity, or assisting in that capacity, and are made and maintained in connection with the provision of treatment to the party, unless ETSU obtains that party's voluntary, written consent to do so for a grievance process.
- (8) ETSU will provide an equal opportunity for the parties to present witnesses, including fact and expert witnesses, and other inculpatory and exculpatory evidence.
- (9) ETSU will not restrict the ability of either party to discuss the allegations under investigation or to gather and present relevant evidence.
- (10) ETSU will provide the parties with the same opportunities to have others present during any interview or investigative process, including the opportunity to be accompanied to any related investigation meeting by the advisor of their choice, who may be, but is not required to be, an attorney.
- (11) ETSU will not limit the choice or presence of an advisor for either the complainant or respondent in any investigative meeting; however, ETSU may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- (12) ETSU will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all investigative interviews, or other meetings with a party, with sufficient time for the party to prepare to participate.
- (13) ETSU will provide both parties an equal opportunity to inspect and review any evidence obtained as part of the investigation that is directly related to the allegations raised in a formal complaint, including the evidence upon which ETSU does not intend to rely in reaching a determination regarding responsibility and inculpatory or exculpatory evidence whether obtained from a party or other source, so that each party can meaningfully respond to the evidence prior to conclusion of the investigation.
- (14) Prior to completion of the investigative report, ETSU will send to each party and the party's advisor, if any, the evidence subject to inspection and review in an electronic format or a hard copy.
- (15) ETSU will allow the parties ten (10) business days to submit a written response, which the investigator will consider prior to completion of the investigative report.
- (16) ETSU will create an investigative report that fairly summarizes relevant evidence.
- (17) At least ten (10) business days prior to a hearing or other time of determination regarding responsibility, ETSU will send the investigative report in electronic format or a hard copy to each party and the party's advisor, if any, for their review and written response to the investigative report.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.10 Grievance Process for Formal Complaints—General Provisions is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.10 Grievance Process for Formal Complaints—General Provisions

- (1) ETSU will apply its grievance procedures and requirements equally to both parties.

- (2) During the course of the grievance process, ETSU will treat complainants and respondents equitably by providing remedies to a complainant where a determination of responsibility for sexual harassment has been made against the respondent, and by following its grievance process before the imposition of any disciplinary sanctions or other actions that are not supportive measures against a respondent.
- (3) ETSU will design remedies to restore or preserve equal access to ETSU's education program or activity. Such remedies may include supportive measures; however, remedies need not be non-disciplinary or non-punitive and need not avoid burdening the respondent.
- (4) ETSU will ensure that the Title IX Coordinator, investigator, hearing officer, or decision-maker does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The intent of this provision is to provide protections analogous to, and no less protective than, the conflict of interest provisions of T.C.A. § 4-5-303.
- (5) ETSU will require an objective evaluation of all relevant evidence – including both inculpatory and exculpatory evidence – and prohibit credibility determinations based on a person's status as a complainant, respondent, or witness.
- (6) ETSU will presume that the respondent is not responsible for the alleged conduct until a determination regarding responsibility is made at the conclusion of the grievance process.
- (7) ETSU will apply a clear and convincing evidence standard for all formal complaints.
- (8) ETSU will require the grievance process, including the appeal process, to conclude within a reasonably prompt time frame.
- (9) ETSU will provide the range of possible disciplinary sanctions and remedies or list the possible disciplinary sanctions and remedies that ETSU may implement following any determination of responsibility.
- (10) ETSU will describe the range of supportive measures available to complainants and respondents.
- (11) ETSU will provide the parties with the same opportunities to have others present during any grievance proceeding, including the opportunity to be accompanied to any related meeting or proceeding by the advisor of their choice, who may be, but is not required to be, an attorney.
- (12) ETSU will not limit the choice or presence of advisor for either the complainant or respondent in any grievance proceeding; however, ETSU may establish restrictions regarding the extent to which the advisor may participate in the proceedings, as long as the restrictions apply equally to both parties.
- (13) ETSU will provide to a party whose participation is invited or expected, written notice of the date, time, location, participants, and purpose of all proceedings or hearings, or other meetings with a party, with sufficient time for the party to prepare to participate.
- (14) ETSU will appoint a hearing officer that meets the training requirements set forth in T.C.A. § 4-5-324.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.11 Specific Provisions Related to Conducting a Hearing of Formal Complaints is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.11 Specific Provisions Related to Conducting a Hearing of Formal Complaints

- (1) ETSU will conduct a live hearing of formal complaints not dismissed pursuant to this rule.
- (2) At the request of either party, ETSU will provide for the live hearing to occur with the parties located in separate rooms with technology enabling the hearing officer and parties to simultaneously see and hear the party or the witness answering questions.
- (3) Live hearings may be conducted with all parties physically present in the same geographic location or, at ETSU's discretion, any or all parties, witnesses, and other participants may appear at the live hearing



virtually, with technology enabling participants simultaneously to see and hear each other.

- (4) At least seven days before a live hearing, ETSU will provide both parties with written notice of the following:
  - (a) The time, place, date of the hearing, and electronic access information, if applicable;
  - (b) The name of each witness ETSU expects to present at the hearing and those ETSU may present if the need arises;
  - (c) The right to request a copy of the investigative file;
  - (d) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence that ETSU has in its possession, custody, or control and may use to support claims or defenses.
- (5) When notice is sent by United States mail or courier service, the notice is effective on the date that the notice is mailed or delivered to the courier service. When notice is hand delivered to the parties from the institution, notice is effective on the date that the notice is delivered to the parties. When notice is sent by email, the notice is effective on the date that the email is sent to the parties' institution-provided email account.
- (6) The hearing officer may allow a temporary delay of the grievance process or the limited extension of time frames for good cause with written notice to the complainant and the respondent of the delay or extension and the reasons for the action. Good cause may include but is not limited to considerations such as the absence of a party, a party's advisor, or a witness, concurrent law enforcement activity, or the need for language assistance or accommodation of disabilities.
- (7) In cases that involve more than one (1) respondent, the hearing officer may, consistent with the requirements of Title IX, consider whether separate proceedings are necessary to avoid undue prejudice to the respondents.
- (8) During the hearing, the hearing officer will make evidence subject to review and inspection during the investigation phase available to give each party equal opportunity to refer to that evidence, including for purposes of cross-examination.
- (9) Questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant, unless such questions and evidence about the complainant's prior sexual behavior are offered to prove that someone other than the respondent committed the conduct alleged by the complainant, or if the questions and evidence concern specific incidents of the complainant's prior sexual behavior with respect to the respondent and are offered to prove consent.
- (10) Only relevant cross examination and other questions may be asked of a party or witness. Before a complainant, respondent, or witness answers a cross-examination or other question, the hearing officer will first determine whether the question is relevant and explain any decision to exclude a question as not relevant.
- (11) The hearing officer will not require, allow, rely upon, or otherwise use questions or evidence that constitute, or seek disclosure of, information protected under a legally recognized privilege, unless the person holding such privilege has waived the privilege.
- (12) Notwithstanding any limitations to the contrary that ETSU has placed on the advisor's participation in the hearing, the hearing officer will permit each party's advisor to ask the other party and any witnesses all relevant questions and follow-up questions, including that challenging credibility. Such cross-examination at the live hearing will be conducted directly, orally, and in real time by the party's advisor of choice and never by a party personally.
- (13) If a party does not have an advisor at the live hearing, ETSU will provide without fee or charge to that party an advisor of ETSU's choice, who may be, but is not required to be, an attorney, to conduct cross-examination on behalf of that party.

- (14) If a party or witness does not submit to cross-examination at the live hearing, the hearing officer will not rely on any statement of that party or witness in reaching a determination regarding responsibility; provided, however, that the hearing officer cannot draw an inference about the determination regarding responsibility based solely on a party's or witness's absence from the live hearing or refusal to answer cross-examination or other questions.
- (15) ETSU will create an audio or audiovisual recording, or transcript, of any live hearing and make it available to the parties for inspection and review.
- (16) The hearing officer may dismiss the formal complaint or any allegations therein, if at any time during the hearing a complainant notifies the Title IX Coordinator in writing that the complainant would like to withdraw the formal complaint or any allegations therein, the respondent is no longer enrolled or employed by ETSU, or specific circumstances prevent ETSU from gathering evidence sufficient to reach a determination as to the formal complaint or allegations therein.
- (17) If the hearing officer dismisses the formal complaint during the grievance process, the hearing officer will promptly notify the Title IX Coordinator who will promptly send written notice of the dismissal and reason(s) therefor simultaneously to the parties.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.12 Determination Regarding Responsibility is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

#### 0240-09-08-.12 Determination Regarding Responsibility

- (1) The hearing officer will issue a written determination simultaneously to the complainant and respondent regarding responsibility, using a preponderance of evidence to reach a determination.
- (2) The written determination must include:
  - (a) Identification of allegations potentially constituting sexual harassment;
  - (b) A description of the procedural steps taken from the receipt of the formal complaint through the determination, including any notifications to the parties, interviews with parties and witnesses, site visits, methods used to gather other evidence, and hearings held;
  - (c) Findings of fact supporting the determination;
  - (d) Conclusions regarding the application of ETSU's rule, policy, and, if applicable, code of conduct to the facts;
  - (e) A statement of, and rationale for, the result as to each allegation, including a determination regarding responsibility, any disciplinary sanctions ETSU imposes on the respondent, and whether remedies designed to restore or preserve equal access to ETSU's education program or activity will be provided to the complainant; and
  - (f) ETSU's procedures and permissible bases for the complainant and/or respondent to appeal.
- (3) Either party may submit a written statement in support of the outcome to the Title IX Coordinator within ten (10) business days of the date of the determination or dismissal.
- (4) The Title IX Coordinator will be responsible for effective implementation of any remedies.
- (5) The determination regarding responsibility becomes final either on the date that ETSU provides the parties with the written appeal decision, if an appeal is filed, or if an appeal is not filed, the date on which an appeal would no longer be considered timely.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).



0240-09-08.13 Appeal of Determination of Responsibility or Dismissal of Formal Complaint is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.13 Appeal of Determination of Responsibility or Dismissal of Formal Complaint

- (1) ETSU will provide both parties with the opportunity to appeal a determination regarding responsibility or the dismissal of a formal complaint or any allegations therein, only on the following bases:
  - (a) Procedural irregularity that affected the outcome of the matter;
  - (b) New evidence that was not reasonably available at the time the determination regarding responsibility or dismissal was made and that could affect the outcome of the matter; and
  - (c) The Title IX Coordinator, investigator(s), or hearing officer had a conflict of interest or bias for or against complainants or respondents generally or the individual complainant or respondent that affected the outcome of the matter.
- (2) A party wishing to appeal a determination regarding responsibility or the dismissal of a formal complaint or any allegations therein must file a written appeal with the Title IX Coordinator within ten (10) business days of the date of the determination or the dismissal. The written appeal must identify the basis or bases for the appeal and explain with specificity the facts supporting the basis or bases of the appeal.
- (3) As to all appeals, the Title IX Coordinator will
  - (a) Notify the other party in writing when an appeal is filed and implement appeal procedures equally for both parties;
  - (b) Ensure that the decision-maker(s) for the appeal is not the same person as any investigator(s) or the hearing officer that reached the determination regarding responsibility or dismissal, the investigator(s), or the Title IX Coordinator;
  - (c) Ensure that the decision-maker(s) for the appeal complies with the standards set forth in Rule 0240-09-08-.10 (4).
- (4) Within a reasonable time, the decision-maker(s) will issue a written appeal decision describing the result of the appeal and the rationale for the result.
- (5) The Title IX Coordinator will provide the written appeal decision simultaneously to both parties.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.14 Informal Resolution Process is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.14 Informal Resolution Process

- (1) ETSU will not require as a condition of enrollment or continuing enrollment, or employment or continuing employment, or enjoyment of any other right, waiver of the right to an investigation and adjudication of formal complaints of sexual harassment.
- (2) ETSU will not require the parties to participate in an informal resolution process and may not offer an informal resolution process unless a formal complaint is filed. However, at any time prior to reaching a determination regarding responsibility, ETSU may facilitate an informal resolution process, such as mediation, that does not involve a full investigation and adjudication, but only if ETSU
  - (a) Provides to the parties a written notice disclosing the allegations, the requirements of the informal resolution process including the circumstances under which it precludes the parties from resuming a formal complaint arising from the same allegations;
  - (b) Any consequences resulting from participating in the informal resolution process, including the records that will be maintained or could be shared;

- (c) Obtains the parties' voluntary, written consent to the informal resolution process; and
  - (d) Does not offer or facilitate an informal resolution process to resolve allegations that an employee sexually harassed a student.
- (3) At any time prior to agreeing to a resolution, any party has the right to withdraw from the informal resolution process and resume the grievance process with respect to the formal complaint.
- (4) ETSU will ensure that an individual designated to facilitate an informal resolution process does not have a conflict of interest or bias for or against complainants or respondents generally or an individual complainant or respondent. The intent of this provision is to provide protections analogous to, and no less protective than, the conflict of interest provisions of T.C.A. § 4-5-303.
- (5) ETSU will require an informal resolution process to conclude within a reasonably prompt time frame.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.15 Retaliation is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.15 Retaliation

- (1) Intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve sex discrimination or sexual harassment, but arise out of the same facts or circumstances as a report or complaint of sex discrimination, or a report or formal complaint of sexual harassment, for the purpose of interfering with any right or privilege secured by Title IX or this rule, constitutes retaliation.
- (2) The exercise of rights protected under the First Amendment does not constitute retaliation.
- (3) Charging an individual with a code of conduct violation for making a materially false statement in bad faith in the course of a grievance process does not constitute retaliation, provided, however, that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.
- (4) Complaints alleging retaliation may be filed with the Title IX Coordinator who will follow the procedures and processes used for Title VII retaliation allegations.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.16 Training Related to Sexual Harassment is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.16 Training Related to Sexual Harassment Issues

- (1) ETSU will ensure that its Title IX Coordinator, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process receive training on this rule's definition of sexual harassment, the scope of ETSU's education program or activity, how to conduct an investigation and grievance process including hearings, appeals, and informal resolution processes, as applicable, and how to serve impartially, including by avoiding prejudgment of the facts at issue, conflicts of interest, and bias.
- (2) Such training will satisfy the requirements of Title IX and be developed or conducted consistent with the requirements of state law, including but not limited to T.C.A. § 4-5-324.
- (3) ETSU will ensure that hearing officers receive training on any technology to be used at a live hearing.
- (4) ETSU will ensure that hearing officers receive training on issues of relevance of questions and evidence, including when questions and evidence about the complainant's sexual predisposition or prior sexual behavior are not relevant.

(5) ETSU will ensure that investigators receive training on issues of relevance to create an investigative report that fairly summarizes relevant evidence.

(6) ETSU will ensure that any materials used to train Title IX Coordinators, investigators, hearing officers, decision-makers, and any person who facilitates an informal resolution process promote impartial investigations and adjudications of formal complaints and do not rely on sex stereotypes.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.17 Effect of Other Requirements is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.17 Effect of Other Requirements

(1) ETSU will not restrict any rights protected from government action by the First Amendment of the U.S. Constitution, deprive a person of any rights that would otherwise be protected from government action under the Due Process Clauses of the Fifth and Fourteenth Amendments of the U.S. Constitution, or restrict any other rights guaranteed against government action by the U.S. Constitution or State of Tennessee Constitution.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.18 Record Retention and Disposition is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.18 Record Retention and Disposition

(1) ETSU will retain and dispose of records related to Title IX matters as required by federal and state laws and regulations.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

0240-09-08.19 Severability is added to Chapter 0240-09-08 Title IX Compliance and shall read as follows:

0240-09-08-.19 Severability

(1) If any provision of this rule or its application to any person, act, or practice is held invalid, the remainder of the rule or the application of its provisions to any person, act, or practice shall not be affected thereby.

(2) If any provision of the Title IX regulations on which this rule is based is enjoined or held invalid or the Title IX regulations' application to any person, act, or practice is enjoined or held invalid, the remainder of this rule or the application of its provisions to any person, act, or practice shall not be affected thereby.

Authority: T.C.A. §§ 49-8-101(a)(2)(A) and 49-8-203(a)(1)(D) & 49-8-203(a)(4).

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

<b>Board Member</b>	<b>Aye</b>	<b>No</b>	<b>Abstain</b>	<b>Absent</b>	<b>Signature (if required)</b>
Janet Ayers					
Steven DeCarlo					
Virginia Foley					
Dorothy Grisham					
Linda Latimer					
Scott Niswonger					
Ron Ramsey					
Kelly Wolfe					

I certify that this is an accurate and complete copy of an emergency rule(s), lawfully promulgated and adopted.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: \_\_\_\_\_

Title of Officer: \_\_\_\_\_

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Agency/Board/Commission: ETSU

Rule Chapter Number(s): 0240-09-08

All emergency 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 for: \_\_\_\_\_ \*days

Effective through: \_\_\_\_\_

*\* Emergency rule(s) may be effective for up to 180 days from the date of filing.*

\_\_\_\_\_  
Tre Hargett  
Secretary of State

## **Impact on Local Governments**

This 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;

This rule describes ETSU's obligations in responding to allegations of Title IX sex discrimination or sexual harassment by persons who apply for or are engaged in ETSU education activity or program and provides specific details concerning the grievance process required for formal complaints of sexual harassment.

- (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;

34 C.F.R. § 106

- (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 ETSU Board of Trustees urges adoption of this rule. Students of ETSU and University School and employees of both are most directly affected by this rule. ETSU will hold a rulemaking hearing within **180 days** to determine whether any of those groups urge adoption or rejection of this rule.

- (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;

ETSU is not aware of an Attorney General opinion or judicial ruling directly related to this rule.

- (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;

Dr. Mark A. Fulks, J.D., Ph.D., University Counsel

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

Dr. Mark A. Fulks, J.D., Ph.D., University Counsel

- (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

Dr. Mark A. Fulks, J.D., Ph.D.  
University Counsel  
East Tennessee State University  
1276 Gilbreath Drive, Suite 306'  
Johnson City, Tennessee 37614  
423-439-8551  
fulksm@etsu.edu

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

N/A

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EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

INFORMATION ITEM

DATE: July 17, 2020

ITEM: Opening Strategy Update

PRESENTED BY: Brian Noland  
President

President Noland will provide an update to the Board on the university's opening strategy as it relates to the report provided by the Future Operations Workgroup. The Workgroup was established by President Noland on April 27, 2020, to develop recommendations and a plan for the university leadership on how best to transition from the remote operational state of the university imposed during the 2020 spring semester due to the COVID-19 pandemic.

The following guiding principles were used to inform the workgroup's deliberations and guide the campus's actions for fall 2020:

- Create options and scenarios that prioritize the safety of faculty, staff, students, and visitors.
- Provide flexibility for employees and students who may need to continue working and learning from a remote environment.
- Maintain focus on the university's mission to ensure the continuity of academic instruction, research, and service while safeguarding students' continued progression in their courses of study.
- Develop ideas and solutions that are easily implemented and do not unnecessarily complicate processes.
- Promote principles that highlight individual responsibility for the health of the campus and community.
- Provide departments and units with the flexibility to innovate and implement plans that complement the workgroup's recommendations.

In addition to the Future Operations Workgroup final report, the agenda materials include a summary overview of the actions taken by each respective division of the campus to sequence institutional opening strategies for the 2020-21 academic year.

# Recommendations from the Future Operations Workgroup

June 1, 2020

## Background

The Future Operations Workgroup was established by President Noland to develop recommendations and a plan for the university leadership on how best to transition from the remote operational state of the university imposed during the 2020 spring semester due to the COVID-19 pandemic.

## Membership

David Linville, executive vice provost for academics and health (workgroup chair)

Joe Bidwell, chair of the Department of Biology

Tom Donohoe, registrar

Kim Edwards, space management coordinator

Stephen Hendrix, president of the Faculty Senate

Betsy Kearney, director of budget development and business process improvement

Sam Mayhew, assistant vice president for student life and enrollment

Matt McGahey, senior associate athletic director

Shivam Patel, president of the Student Government Association

Randy Wykoff, dean of the College of Public Health

President Noland provided the workgroup with the following charge at its first meeting held on April 29, 2020:

*“Develop recommendations and a plan to return to appropriate academic operations, campus operations, and business operations.”*

Drs. Bishop and Green joined President Noland for the meeting’s discussion, providing background from the senior leadership team and the deliberations involved to date. The workgroup understood the importance of employing the same principles of being nimble and flexible used during the necessary physical distancing measures imposed during the spring semester in its consideration of options to safely resume campus operations for faculty, staff, students and visitors.

## Guiding Principles

The workgroup believes the university’s plan for future operations should be easily adapted to meet the needs of the changing COVID-19 environment. This provides the university with the ability to loosen or restrict physical distancing and other safety measures in response to public health outcomes. The workgroup approached its task using guidance provided in publications from the federal government including the Centers for Disease Control and Prevention, the State of Tennessee, and local health departments. Additionally, plans shared by other universities and

reports from professional and trade associations provided further insight into the changes being implemented across higher education.

The following guiding principles were used to inform the workgroup's deliberations:

- Create options and scenarios that prioritize the safety of faculty, staff, students, and visitors.
- Provide flexibility for employees and students who may need to continue working and learning from a remote environment.
- Maintain focus on the university's mission to ensure the continuity of academic instruction, research, and service while safeguarding students' continued progression in their courses of study.
- Develop ideas and solutions that are easily implemented and do not unnecessarily complicate processes.
- Promote principles that highlight individual responsibility for the health of the campus and community.
- Provide departments and units with the flexibility to innovate and implement plans which complement the workgroup's recommendations.

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## Recommendations

The workgroup recommends the university use a framework of stages to guide its plans for operations. We submit this document with significant detail for each stage, recognizing the need to provide departments and units on campus with some guidance while balancing the prescriptive nature of guidelines with flexibility for innovation and creativity at the unit level. We recommend the senior leadership use this document as a baseline plan, making necessary changes and introducing new parameters as needed to ensure the continued operation of the university in a safe manner. The plans outlined in this document should not remain static.

These recommendations would apply to all faculty, staff, students, and visitors. They apply to all university operations on and off campus including instructional sites in Kingsport, Bristol, Elizabethton, Sevierville, Abingdon, and Asheville. We recognize that select modifications may need to be considered for situations that may arise at distant sites and for students who are working at external sites for required clinical or experiential exposure.

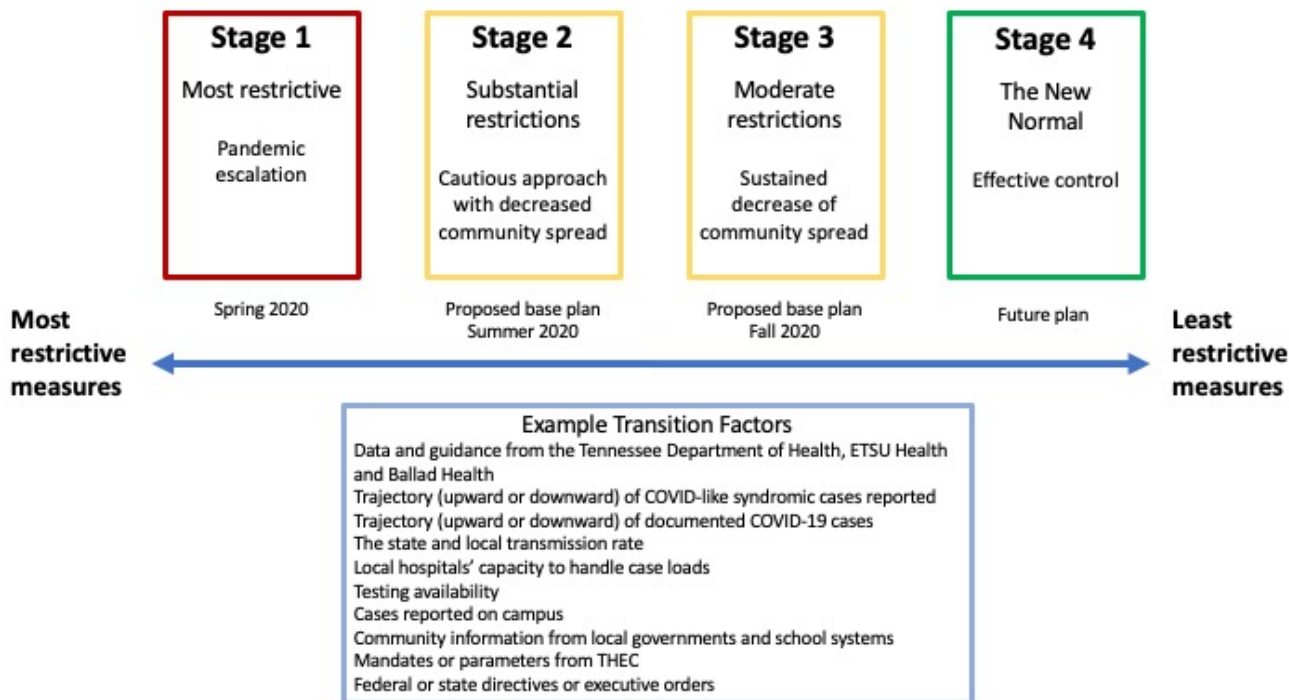
Central to successfully implementing a plan, the workgroup recommends a robust communication plan for sharing decisions about university operations, and an on-going education plan for faculty, staff and students. The education plan should have a required individual training component. Critical in the messaging is the need to highlight individual responsibility for the collective health and safety of the campus. Serious consideration should be taken for including a by-stander campaign as one strategy to encourage individuals to constructively address behaviors and situations that fall short of the expectations for promoting health and safety.

The workgroup recommends senior leadership adopt Stage 2 as the operating plan for summer 2020. Should pandemic conditions continue improving, the workgroup envisions Stage 3 as the operating plan for starting the fall 2020 semester. In light of a potential resurgence of COVID-19 cases in late fall and early winter, the workgroup strongly recommends the senior leadership consider modifying the fall 2020 semester calendar to complete all face-to-face activities prior to the Thanksgiving break. By using select holidays and fall break as instruction days, all instruction could be completed before Thanksgiving with online exams occurring after the break. These schedule changes would limit the potential spread of the virus in the campus community following Thanksgiving, should a seasonal resurgence occur. In order to implement Stage 3 and potentially an altered fall calendar, the workgroup recommends that a decision be made in early summer to provide faculty, staff, and students the opportunity to prepare.

## Framework

The workgroup recommends the following operating stages to be used on a continuum for resuming campus activities during the summer and starting the 2020 fall semester. The stages are designed to facilitate sliding back and forth to address the need for loosening or restricting physical distancing measures because of the pandemic. Such flexibility allows the ability to swiftly implement more stringent measures should they become necessary.

### Stage Overview



## Summary of Stages

### Stage 1 – Most Restrictive Measures (similar to 2020 spring semester status)

#### Pandemic escalation

- All campus instruction provided remotely using D2L and Zoom.
- Experiential learning in the community suspended.
- Residence halls minimally occupied.
- Employees working remotely.
- Research and service activities suspended with few exceptions.
- Limited campus access.
- University events canceled or postponed.
- Travel suspended.
- All Study Abroad and other international programs suspended.
- Athletic practice and competition suspended.

### Stage 2 – Substantial Restrictions (proposed base plan for 2020 summer term)

#### Cautious approach with decreased community spread of virus

- All campus instruction provided remotely using D2L and Zoom with few possible exceptions to allow on campus instruction in select courses requiring specialized equipment, clinical rotations, or other face-to-face learning.
- Experiential learning in the community is possible on a case by case basis in partnership with community sites (*e.g.*, clinical rotations, internships, externships, service learning) provided the host organization abides by appropriate safety standards.
- Residence halls minimally occupied.
- Employees working both remotely where possible, with some on campus, including options for staffing rotations within offices.
- Research and service activities permitted with physical distancing and other safety measures.
- No meetings or gatherings with more than 10 individuals.
- All individuals must use face coverings when on campus.
- Crowd control and waiting line measures in place to promote physical distancing (plexiglass at select service windows, spaced marks on floors).
- Enhanced cleaning of public spaces.
- Large university events canceled or postponed.
- Festivals, camps, and conferences canceled or postponed.
- Non-essential travel suspended.
- All Study Abroad and other international programs for ETSU students suspended.
- Athletic competition possible without spectators, limited practices or meetings based on guidance from the NCAA and Southern Conference.

### **Stage 3 – Moderate Restrictions (proposed base plan for 2020 fall semester)**

#### **Effective responses with sustained decrease of community spread of virus**

- Faculty will identify courses, competencies, or experiences that can only be acquired in a face-to-face setting. These courses, competencies and experiences will be the first priority for using classrooms, teaching labs and other on-ground resources.
- All other academic material will be offered in a hybrid format, to assure all students have an opportunity for both on-line and on-ground learning. Achieving a direct faculty-to-student interface, wherever possible, should be a priority, even if this can not happen at every regularly scheduled class session.
- Laboratory and on campus experiential courses permitted with physical distancing and other safety measures.
- Experiential learning in the community with select limitations.
- Online instructional resources are used to address limitations with face-to-face instruction.
- Residence halls occupied with significant efforts to limit face-to-face exposure.
- Employees working on campus with remote work option available for those who identify an elevated risk of COVID-19 exposure to themselves or others in their household.
- Research and service activities permitted with physical distancing and other safety measures.
- All Individuals must use face coverings when on campus.
- Crowd control and waiting line measures in place to promote physical distancing (plexiglass at select service windows, spaced marks on floors).
- Enhanced cleaning of public spaces.
- Select large university events possible with safety plans in place.
- Outgoing university-related domestic travel is suspended with limited exceptions.
- Outgoing university-related international travel is suspended.
- Study Abroad and other international programs for ETSU students suspended.
- Athletic competition possible based on guidance from the NCAA and Southern Conference.

### **Stage 4 – The New Normal (future plan)**

#### **Effective control**

- On campus face-to-face instruction, limited physical distancing expectations.
- Laboratory and on campus experiential courses permitted.
- Experiential learning in the community with few limitations.
- Residence halls occupied.
- Employees working on campus with remote work option available with approval.
- Research and service activities continue with appropriate physical distancing measures.
- Large university events permitted.
- Domestic and international travel permitted.
- Athletic competition permitted.

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## Individual Responsibility

Individuals are expected to follow guidelines and principles that promote the health of the campus and community at large. These measures help protect one another and slow the spread of the virus. Because medical experts believe the continued spread of the virus is partially due to contagious people who have no symptoms, all faculty, staff, students, and visitors are asked to adhere to the following guidelines:

- Stay home when feeling ill, when exposed to COVID-19 (*e.g.*, positive household member case), or if diagnosed with a confirmed case of COVID-19. To reinforce individual responsibility, faculty must demonstrate flexibility with students who are absent from class due to illness or quarantine. Likewise, supervisors must be flexible with employees who are absent due to illness or quarantine.
- Employees or students who are particularly vulnerable to COVID-19 according to the CDC are encouraged to work with their supervisors or course faculty to identify possible alternatives for work and academic instruction.
- Employees and students who are diagnosed with a confirmed case of COVID-19 should notify the university.
- Wash hands more frequently, avoid touching face, practice good respiratory etiquette.
- Wear an appropriate face covering to help protect against the spread of the virus.
- Practice recommended physical distancing to the greatest extent possible.
- Adhere to notices and instructions posted around campus related to COVID-19 mitigation.
- Abide by specific safety and health parameters that are outlined in this document and in future directives provided by the university.

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## Detailed Operating Stages

### Stage 1 – Most Restrictive

#### Parameters, Considerations, and Needed Actions

(Similar to operating state at the end of 2020 spring semester)

#### Stage 1 Parameters

##### Employees and Offices

- Employees working remotely.
- Clinical faculty and staff are working in ETSU Health locations that remain open to provide patient care. Decisions about opening or closing ETSU Health clinical locations should be made in conjunction with the Vice President for Clinical Affairs.

- Offices closed with department or unit level plans for limited, occasional access to offices for business continuity (*e.g.*, paper dependent processes, bank deposits).
- Select employees permitted on campus for maintaining facilities and certain operations.
- Centralized staff pool identified and available to work remotely. Due to disruption of needing to work remotely, a centralized staff pool provides employees the opportunity to shift to a different area with unmet needs.
- Student APS workers, Federal Work Study (FWS) workers, and Regular Work Study (RWS) recipients not reporting to work.

#### Travel

- All outgoing university-related domestic travel is suspended.
- All outgoing university-related international travel is suspended.
- All Study Abroad and other international programs for ETSU students are suspended.
- Recommendation for personal travel and international students traveling to ETSU is to follow the most current guidelines from the Centers for Disease Control and Prevention and other appropriate authorities.

#### Academic Instruction

- All campus instruction provided remotely using D2L and Zoom.
- Experiential learning on campus and in the community is suspended.
- The Testing Center in the Sherrod Library is closed and unable to provide exam services.
- University School provides remote instruction.

#### Research

- Non-critical, on-campus research activities and field research suspended with few exceptions.
- Minimal access permitted to laboratories for critical activities (maintenance of animals, unique reagents, and essential equipment and materials).
- Approval for exceptions and access to maintain critical research activities is provided by the Vice Provost for Research in discussion with the college dean.
- Research procedures involving person-to-person interaction with participants that do not involve administration of a drug, medical device, or stabilization of a high-risk condition as a therapeutic benefit are temporarily paused or modified to allow for remote study visits.
- All studies should have a contingency plan in place that details how the study is being conducted during the pandemic.
- Other research and scholarship activities that can occur remotely continues (*e.g.*, analyzing data, writing and reviewing manuscripts, preparing presentations, developing new grant proposals, convening online discussions with students and lab staff, *etc.*).
- ORSPA accepting electronic approvals for documents such as proposals, contracts, and other agreements. Specific guidelines and detailed information about research activities, operations, awards, and IRB are provided on the ORSPA website.



#### Athletics

- All athletics-related activities are suspended, including competition, championships, organized practices and meetings.

#### Residence Halls and Dining Services

- Residence halls minimally occupied and limited to students granted an exception to live on campus.
- Grab and go meal services only.
- Isolation plans in place for students who test positive or are in quarantine because of exposure.
- Residence halls may provide accommodations for select outside organizations according to its operations plan (*e.g.*, Ballad Health to house health care workers).

#### Student Life and Campus Services

- Student support services continue providing assistance via remote connection including tutoring, Disability Services, academic advising, Financial Aid, and the Counseling Center.
- Virtual orientation is provided for new students.
- Post Office window services open.
- Sherrod Library building is closed; services and collections available online.
- Culp Center closed.
- Basler Center for Physical Activity/CPA closed. Intramural activities and Club Sports suspended.
- Wi-Fi accessible for individuals in personal vehicles at the following parking locations: Carillon/Bell Tower parking areas between Gilbreath Hall and Burgin Dossett, parking lot at 902 Maple Street, and southwest corner of the Parking Garage.
- ETSU Bookstore closed, online orders only.
- Bucky's Food Pantry available to assist students.
- Child Study Center closed.
- Little Bucs closed.

#### Visitors to Campus

- University events canceled or postponed.
- Festivals, camps, and conferences canceled or postponed.
- Campus tours suspended with options available for online, virtual visits for prospective students.

#### Safety, Health, and Security

- All individuals must use appropriate face coverings on campus when around others.
- University Health Center open with reduced hours, telehealth appointments available.
- Select employees permitted on campus operate under physical distancing protocols and use of appropriate face coverings.
- Clinical faculty and staff working with patients should follow protocols and procedures provided by ETSU Health clinical leadership.

### **Stage 1 Considerations**

- Students will expect higher quality online instruction in the future since there is ample time to prepare if this stage is reimplemented at some point (compared expectations after the quick shift to remote instruction that occurred in spring 2020).
- Availability of at home technology access for students and faculty.
- Some practical laboratory or other face-to-face experiences may not be possible and require modifications of course learning outcomes.
- Departments and units should be mindful of the need for planning for continuity of services should faculty or staff become ill.

### **Stage 1 Needed Actions**

- Permission requested or notice sent to regulatory agencies, SACSCOC, and program accreditors (as required) in order to provide remote instruction to students.
- Review and possibly modify select academic policies (Pass/Fail grading option, suspending academic dismissals).
- Human Resources should review employment policies and procedures to provide flexibility related to working remotely.
- Human Resources should update centralized staffing pool available to work remotely.

## **Stage 2 – Substantial Restrictions**

### **Parameters, Considerations, and Needed Actions**

(Proposed base operating plan for the 2020 summer term)

#### **Stage 2 Parameters**

##### Employees and Offices

- Employees working both remotely and on campus with options in place for staffing rotations in offices to maintain physical distancing expectations. For example, certain employees could work on campus on select days while the remaining office staff work remotely. Offices should implement a plan to provide for this type of decreased staffing density.
- Flexibility is provided for employees who may need to work remotely (*e.g.*, individuals who identify themselves or immediate family members to be at high risk as defined by the CDC). Supervisors should work with employees to explore options.
- Clinical faculty and staff are working in ETSU Health locations that remain open to provide patient care. Decisions about opening or closing ETSU Health clinical locations should be made in conjunction with the Vice President for Clinical Affairs.
- Offices open with options for extended hours to provide flexibility for service and staffing rotations.
- Centralized staff pool identified and available to have employees work in a different area. Due to disruption of services normally provided on campus, a centralized staff pool provides employees the opportunity to shift to a different area on campus with unmet needs.

- Academic classrooms on campus might temporarily be used to provide flexible space to promote physical distancing of employees.
- Student APS workers, Federal Work Study (FWS) workers, and Regular Work Study (RWS) recipients not physically reporting to work. There remains the potential for select student workers or temporarily employed (contracted) students to work remotely.

#### Travel

- Outgoing university-related domestic travel is suspended including travel for participation in conferences, symposia, and other events. Travel by vehicle within the region (typically covered by blanket travel authorizations) for reaching ETSU sites is permitted. Other regional travel, which may include local visits to donors by advancement staff or university officials required to attend state meetings in Nashville or other locations, is permitted with prior authorization by the appropriate vice president. Limited exceptions for other domestic travel may be authorized by the appropriate vice president.
- All outgoing university-related international travel is suspended.
- All Study Abroad and other international programs for ETSU students are suspended.
- Recommendation for personal travel and international students traveling to ETSU is to follow the most current guidelines from the Centers for Disease Control and Prevention and other appropriate federal agencies.

#### Academic Instruction

- All campus instruction provided remotely using D2L and Zoom with few possible exceptions to allow on campus instruction in select courses requiring specialized equipment, clinical rotations, or other face-to-face learning. These activities would be limited to students residing locally or those granted exceptions to remain in residence halls. Permission for such on-campus instructional activities must be granted by the college dean.
- Experiential learning in the community possible on program by program basis in partnership with community sites with approval by the college dean.
- The Testing Center in the Sherrod Library is closed and unable to provide exam services.
- University School must operate within the guidelines of its pandemic operations plan.

#### Research

- Laboratory and field research activities permitted within appropriate safety parameters.
- Graduate students are permitted to participate in research activities that are required for their academic course of study.
- Undergraduate students supported by NIH R15 grants or NSF grants are permitted to participate in research activities. Additionally, Honors-in-Discipline students and University Honors Scholars students are permitted to participate in research activities that are required for their academic course of study.

- Student or faculty research projects requiring access to community sites including local schools, health facilities or other comparable sites may face additional restrictions, including a limit on the number of ETSU personnel allowed to enter the campus or clinic. The department or college may need to prioritize projects that require such access.
- All lab personnel should wear appropriate personal protective equipment (PPE), including masks (need not be medical masks, any appropriate face covering (double-ply) would suffice), reusable eye protection and gloves while working in the labs. Individuals working at off-campus field sites should wear PPE appropriate for working conditions and practice physical distancing.
- Physical distancing should be practiced as much as possible; hand washing and other hygienic practices implemented as appropriate.
- It is recommended that research lab meetings be conducted via Zoom to limit interactions.
- COVID-19 research studies are permitted to proceed with requirements for PPE use by investigator and subjects.
- Other research procedures involving person-to-person interaction are permitted with the requirement of appropriate PPE use by the investigators and subjects.
- Specific guidelines and detailed information about research activities, operations, awards, and IRB are provided on the ORSPA website.

#### Athletics

- As detailed in the Department of Athletics' operations plan, team activities including meetings, strength and conditioning sessions, and practices may occur on a modified schedule in accordance with guidelines issued by the NCAA and Southern Conference.
- Competition, if permitted by NCAA and Southern Conference, occurs without spectators.

#### Residence Halls and Dining Services

- Residence halls minimally occupied and limited to students granted an exception to live on campus.
- Grab and go meal services only.
- Isolation plans in place for residence hall students who test positive or are in quarantine because of exposure.
- Residence halls may provide accommodations for select outside organizations according to its operations plan (*e.g.*, Ballard Health to house health care workers).

#### Student Life and Campus Services

- Student support services continue providing assistance via remote connection including tutoring, Disability Services, academic advising, Financial Aid, and the Counseling Center.
- Virtual orientation is provided for new students.
- Select services available to students in Burgin Dossett Hall operating on potentially modified schedules including Admissions, Bursar's Office service windows, Financial Aid, Registrar's Office, Records, and Graduation Office.

- Post Office window services open.
- Sherrod Library offices open to employees only with the building closed; services and collections available online. Testing Center services suspended.
- Culp Center offices open to employees only with the building closed. Limited access is provided to the Post Office and dining hall.
- ETSU Bookstore closed, online orders only.
- Basler Center for Physical Activity/CPA closed. Intramural activities and Club Sports suspended.
- Wi-Fi accessible for individuals in personal vehicles at the following parking locations: Carillon/Bell Tower parking areas between Gilbreath Hall and Burgin Dossett, parking lot at 902 Maple Street, and southwest corner of the Parking Garage.
- Bucky's Food Pantry available to assist students.
- Child Study Center closed.
- Little Bucs closed.

#### Visitors to Campus

- University events both on and off campus canceled or postponed.
- Festivals, camps, and conferences canceled or postponed.
- Campus tours possible with small numbers of individuals; options available for online, virtual visits for prospective students.

#### Safety, Health, and Security

- All individuals must use appropriate face coverings on campus when around others.
- No meetings or gatherings with more than 10 individuals.
- Use Zoom to facilitate meetings and remote services with employees and students.
- Crowd control and waiting line measures in place to promote physical distancing (plexiglass at select service windows, spaced marks on floors to show 6 feet of physical distancing).
- University Health Center open with reduced hours, telehealth appointments available.
- Clinical faculty and staff working with patients should follow specific protocols and procedures provided by ETSU Health clinical leadership.
- Heightened cleaning of public spaces.

#### **Stage 2 Considerations**

- Complete transitioning from Stage 1 to Stage 2 should occur as quickly as possible, but with sufficient time to ensure each of the Stage 2 Needed Actions listed below can be accomplished.
- Departments and units should be mindful of the need for planning for continuity of services should faculty or staff become ill.

#### **Stage 2 Needed Actions**

- Permission is requested or notice sent to SACSCOC and program accreditors (as required) in order to provide remote instruction to students.

- Review and possibly modify select academic policies (Pass/Fail grading option, suspending academic dismissals).
- Human Resources should review employment policies and procedures to provide flexibility related to working remotely.
- Human Resources should update centralized staffing pool available to work in different areas with unmet needs.
- Each department and unit office creates a plan to provide for decreased staffing density in order to accommodate physical distancing expectations.
- Facilities Management creates a plan to assist departments and units with service-oriented spaces in Burgin Dossett Hall and select other campus locations in evaluating and installing plastic or plexiglass shields at select service windows or desks.
- Facilities Management creates a plan for enhanced custodial cleaning services in public spaces.
- Department of Athletics creates an operations plan with guidelines and procedures for team activities and student athlete expectations consistent with the university's operating stage in the context of NCAA and Southern Conference directives.
- Department of Housing and Residence Life updates its process for reviewing and granting individual students an exception for remaining on campus in residence halls.
- Department of Housing and Residence Life reviews and updates its existing pandemic operating guidelines including isolation and quarantine plans.
- Dining Services creates or updates existing plans for grab and go services and support for students isolated or quarantined in residence halls.
- The University School updates its pandemic operations plan.
- The Registrar creates guidelines or a protocol on temporary use of academic space on campus for employee flexible workspace to promote physical distancing or potentially for use by University School.
- A central reporting system should be created for employees and students to report they have been diagnosed with COVID-19. It is important to capture this information to ensure that any additional cleaning or safety measures are taken into consideration. It also provides needed information about cases on campus that can be used in making decisions about campus operations.
- A communication plan is coordinated through University Relations on how the university is transitioning to this stage.

### **Stage 3 – Moderate Restrictions**

#### **Parameters, Considerations, and Needed Actions**

(Proposed base operating plan for the 2020 fall semester)

#### **Stage 3 Parameters**

##### Employees and Offices

- Employees working both remotely and on campus, options in place for staffing rotations in offices to maintain physical distancing expectations.

- Flexibility is provided for employees who may need to work remotely (*e.g.*, individuals who identify themselves or immediate family members to be at high risk as defined by the CDC). Supervisors should work with employees to explore options to allow them to work remotely.
- Clinical faculty and staff are working in ETSU Health locations that remain open to provide patient care. Decisions about opening or closing ETSU Health clinical locations should be made in conjunction with the Vice President for Clinical Affairs.
- Offices open with options for extended hours to provide flexibility for service and optional staffing rotations.
- Student APS workers, Federal Work Study (FWS) workers, and Regular Work Study (RWS) recipients working.

#### Travel

- Outgoing university-related domestic travel is suspended including travel for participation in conferences, symposia, and other events. Travel by vehicle within the region (typically covered by blanket travel authorizations) for reaching ETSU sites is permitted. Other regional travel, which may include local visits to donors by advancement staff or university officials required to attend state meetings in Nashville or other locations, is permitted with prior authorization by the appropriate vice president. Limited exceptions for other domestic travel may be authorized by the appropriate vice president.
- All outgoing university-related international travel is suspended.
- All Study Abroad and other international programs for ETSU students are suspended.
- Recommendation for personal travel and international students traveling to ETSU is to follow the most current guidelines from the Centers for Disease Control and Prevention and other appropriate federal agencies.

#### Academic Instruction

- Faculty will identify courses, competencies, or experiences that can only be acquired in a face-to-face setting. These courses, competencies and experiences will be the first priority for using classroom, teaching labs and other on-ground resources. Special physical distancing measures and occupancy limits must be used for these courses, competencies and experiences to minimize the spread of droplets.
- Faculty should consider adopting discipline specific guidelines provided by professional organizations, colleagues, or other experts that are relevant to the particular instructional setting.
- All other academic material will be offered in a hybrid format, to assure all students have an opportunity for both on-line and on-ground learning. Achieving a direct faculty-to-student interface, wherever possible, should be a priority, even if this cannot happen at every regularly scheduled class session.
- Every classroom will have limited physical occupancy in order to adhere to physical distancing requirements. Students must not be seated closer than six feet from another student. Attendance in class sessions must be adjusted to permit this physical distancing.

- Faculty should be flexible in their approach to using the limited classroom space in a way that works best for the specific course. For example, one approach is to provide all course lectures via D2L with classroom sessions reserved for in-depth discussion of material for smaller groups of students.
- Because of the occupancy limits, not all students may be able to attend every course session. Each course should have a plan for an equitable rotation schedule for students desiring to attend face-to-face sessions.
- Many classrooms do not have the ability to provide high-quality, real-time broadcast of live classroom activities to students in remote settings using Zoom. Thus, each course should plan for providing students not in class with materials asynchronously. For example, lecture capture recordings of the class session can be posted to D2L.
- Classroom exit strategies are employed for all classrooms with faculty dismissing sections of the classroom in phases during the last 5 minutes of scheduled class period.
- Classroom entrance strategies include students wiping down their desk as they enter the classroom with provided sanitizing wipe.
- Laboratory and on campus experiential courses are permitted with physical distancing and other sanitation measures.
- Department Chairs and College Deans should work with faculty to set common expectations across the department and college to address the limitations imposed by physical distancing and remote instruction.
- Experiential learning in the community possible on a program by program basis in partnership with community sites with approval by the college dean (clinical rotations, internships, externships, service learning).
- The Testing Center in the Sherrod Library is open and able to provide exam services with physical distancing parameters.
- University School must operate within the guidelines of its pandemic operations plan.

#### Research

- Laboratory and field research activities permitted.
- Graduate and undergraduate students are permitted to participate in research activities.
- Student or faculty research projects requiring access to community sites including local schools, health facilities or other comparable sites may face additional restrictions, including a limit on the number of ETSU personnel allowed to enter the campus or clinic. The department or college may need to prioritize projects that require such access.
- All lab personnel should wear appropriate personal protective equipment (PPE), including masks (need not be medical masks, any face covering (double-ply) would suffice), reusable eye protection and gloves while working in the labs. Individuals working at off-campus field sites should wear PPE appropriate for working conditions and practice physical distancing.



- Physical distancing should be practiced as much as possible; hand washing and other hygienic practices implemented as appropriate.
- It is recommended that research lab meetings be conducted with physical distancing measures in place, preferably via zoom, to limit interactions.
- COVID-19 research studies are permitted proceed with requirements for PPE use by investigators and subjects.
- Other research procedures involving person-to-person interaction are permitted with the requirement of appropriate PPE use by the investigator and subjects.
- Specific guidelines and detailed information about research activities, operations, awards, and IRB are provided on the ORSPA website.

#### Athletics

- As detailed in the Department of Athletics' operations plan, team activities including meetings, strength and conditioning sessions, and practices may occur on a modified schedule in accordance with guidelines issued by the NCAA and Southern Conference.
- Any event that would include spectators requires an event safety plan approved prior to the event.

#### Residence Halls and Dining Services

- Residence halls occupied with significant efforts to limit face-to-face exposure according to the Residence Life operations plan.
- Safety plan is used for move-in period to facilitate physical distancing.
- Dining hall open with other expanded dining areas available in the Culp Center to permit maintenance of social distancing.
- Dining hall limits self-serve options for patrons.
- Grab and go meal options are available.
- Isolation plans in place for students who test positive or are in quarantine because of exposure.

#### Student Life and Campus Services

- Student support services are encouraged to be provided via remote connection, to the extent possible, including tutoring, Disability Services, academic advising, Financial Aid, and the Counseling Center.
- Sherrod Library is open to faculty, staff, and students with physical distancing measures in place. All individuals are encouraged to use services and collections available online.
- Culp Center open with physical distancing measures in place.
- Basler Center for Physical Activity/CPA open with limited operations and physical distancing and enhanced sanitation measures in place.
- Intramural Activities and Club Sports offering modified programs with physical distancing measures in place.
- Farmer's Market operating with physical distancing measures in place.
- BucShot operating with reduced riding capacity and physical distancing measures in place.

- Affiliated student organizations must adhere to stage 3 parameters for both on and off campus functions.
- Student organization tents may be allowed on campus with physical distancing measures in place.
- Childcare facilities operating on a limited basis to adhere to physical distancing and other safety measures.

#### Visitors to Campus

- Large university events with more than 50 people would require an event safety plan with prior approval needed.
- Festivals, camps, and conferences operate on a limited basis providing for physical distancing and limited enrollment. Organizers must present a safety plan for approval.

#### Safety, Health, and Security

- All individuals must use appropriate face coverings on campus when around others.
- Heightened cleaning of academic spaces and other public spaces.
- Avoid holding large meetings or social gatherings. While university events with greater than 50 people may be held with approved event safety plans, individuals should refrain from routinely holding large meetings or social gatherings up to that limit if such activities can be facilitated using Zoom or other technology.
- Use Zoom to facilitate meetings and remote services employees and students.
- Crowd control and waiting line measures in place to promote physical distancing (plexiglass at select service windows, spaced marks on floors).
- University Health Center open with telehealth appointments available.
- Clinical faculty and staff working with patients should follow specific protocols and procedures provided by ETSU Health clinical leadership.

### **Stage 3 Considerations**

- Transitioning from Stage 2 to Stage 3 would presumably coincide with the start of an academic term. This decision would need to be announced many weeks prior to the start of the academic term.
- Departments and units should be mindful of the need for planning for continuity of services should faculty or staff become ill.
- Limitations on travel and other demands imposed with instruction changes will likely impact faculty members' progression for promotion and/or tenure. Special consideration may be needed for how to address these issues.
- Availability of technology in classrooms to accommodate Zoom or Tegrity recording (or Tegrity replacement).
- Departments and faculty should consider how to best support faculty in the hybrid face-to-face and remote instruction environment.
- Consider graduate assistant availability to accommodate more lab sections with fewer students and/or tutorial sections.
- Altered trash collection may be needed on campus, especially in areas that may collect trash from the dining hall.

### **Stage 3 Needed Actions**

- The appropriate department chairs and deans must collaboratively develop the plans for the special physical distancing and other sanitation measures and occupancy limits that must be used in instructional spaces.
- Each department and unit office updates its plan to provide for decreased staffing density in order to accommodate physical distancing expectations.
- CPA staff develops operation guidelines addressing physical distancing and enhanced sanitation.
- Facilities Management creates a plan to assist departments and units with service-oriented spaces in the Sherrod Library, Culp Center, and select other campus locations in evaluating and installing plastic or plexiglass shields at select service windows or desks.
- Facilities Management creates a plan for increased custodial cleaning services in public spaces.
- Department of Athletics updates its operations plan with guidelines and procedures for team activities and student athlete expectations consistent with the university's operating stage in the context of NCAA and Southern Conference directives.
- Sherrod Library updates operating guidelines.
- Culp Center updates operating guidelines.
- Residence Life updates housing policies and contracts as necessary.
- Residence Life updates operating guidelines including isolation and quarantine plans.
- Residence Life creates or updates its resident move in plan to ensure physical distancing.
- Dining Services updates its operating guidelines.
- The event safety plan protocol must be updated to consider physical distancing requirements in review of plans for campus and athletic events.
- The Testing Center should develop operating guidelines to provide for physical distancing.
- The University School updates its pandemic operations plan.
- A communication plan is coordinated through University Relations on how the university is transitioning to this stage.

### **Stage 4 – The New Normal**

#### **Parameters, Considerations, and Needed Actions**

(Future plan)

#### **Stage 4 Parameters**

##### Employees and Offices

- Employees working on campus, to the extent appropriate.
- Flexibility is provided for employees who need to remotely work (at risk individuals).
- Clinical faculty and staff are working in ETSU Health locations that remain open to provide patient care.

- Offices open.
- Student APS workers, Federal Work Study (FWS) workers, and Regular Work Study (RWS) recipients working.

#### Travel

- Outgoing university-related domestic travel is permitted.
- Outgoing university-related international travel is permitted.
- Study Abroad and other international programs for ETSU students are permitted.
- Recommendation for personal travel and international students traveling to ETSU is to follow the most current guidelines from the Centers for Disease Control and Prevention and other appropriate authorities.

#### Academic Instruction

- On campus face to face instruction with select physical distancing parameters possible.
- Laboratory and on campus experiential courses permitted.
- Specific limitations for theater, chorale, music, and voice instruction courses.
- Laboratory and on campus experiential courses permitted.
- Experiential learning permitted in the community with select limitations that may be imposed at the college level.
- Significant reconsideration of the “absentee” policy needs to be undertaken to assure that students can miss class, and still obtain the needed course content, during times of documentable illness.
- University School permitted to open within the guidelines of their pandemic operations plan.

#### Research

- Laboratory and field research activities permitted.
- Graduate and undergraduate students are permitted to participate in research activities.
- Student or faculty research projects requiring access to community sites including local schools, health facilities or other comparable sites may face additional restrictions, including a limit on the number of ETSU personnel allowed to enter the campus or clinic. The department or college may need to prioritize projects that require such access.
- Other research procedures involving person-to-person interaction are permitted with the requirement of PPE use by the investigator and subjects.
- Specific guidelines and detailed information about research activities, operations, awards, and IRB are provided on the ORSPA website.

#### Athletics

- As detailed in the Department of Athletics’ operations plan, team activities including meetings and practices may occur on a modified schedule in accordance with guidelines issued by the NCAA and Southern Conference.
- Any event that would include spectators would require an event safety plan with prior approval needed.

#### Residence Halls and Dining Services

- Residence halls occupied.
- Dining hall open.
- Dining hall limits self-serve options for patrons.

#### Student Life and Campus Services

- Student support services are encouraged to be available via remote connection including tutoring, Disability Services, academic advising, Financial Aid, and the Counseling Center.
- Sherrod Library open with physical distancing measures in place. Patrons encouraged to use services and collections available online.
- Culp Center open with physical distancing measures in place.
- Basler Center for Physical Activity/CPA open with appropriate physical distancing
- Intramural activities permitted; some limitations possible.
- Child Study Center open.
- Little Bucs open.

#### Visitors to Campus

- Large university events permitted with potential for select physical distancing measures.
- Festivals, camps, and conferences operating.

#### Safety, Health, and Security

- Potential for modified crowd control and waiting line measures in place to promote physical distancing (plexiglass at select service windows, spaced marks on floors)
- University Health Center open with telehealth appointments available.
- Clinical faculty and staff working with patients should follow specific protocols and procedures provided by ETSU Health clinical leadership.

### **Stage 4 Considerations**

- Use experiences from Stage 2 and Stage 3 operations to guide any necessary adjustments for Stage 4.

### **Stage 4 Needed Actions**

- Guidelines should be developed for vetting and approving select Study Abroad and other international programs for ETSU students.
- Create any needed physical distancing parameters for academic instruction based on experiences from Stage 3 (large classes, laboratories, performance).
- Modify physical distancing parameters for service areas.

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## Transitioning Between Stages

University leadership should make decisions to move “forward” or “backward” between operating stages based on available outcomes and public health data. Decisions should be made in collaboration with THEC, the Health Department, Ballad Health, and local city and county officials. Factors used to inform these decisions include:

- Data and guidance from the Tennessee Department of Health
- Data and guidance from experts with ETSU Health and the region
- Trajectory (upward or downward) of COVID-like syndromic cases reported
- Trajectory (upward or downward) of documented COVID-19 cases
- Changes in the severity of SARS CoV-2-related disease
- The state and local transmission rate
- Local hospitals’ capacity to handle case loads
- Testing availability
- Cases reported on campus
- Community information from local governments and school systems
- Mandates or parameters from THEC and other appropriate authorities
- Federal or state directives, guidelines, or executive orders
- Availability of cleaning supplies and PPE for use on campus.

There are caveats for shifting from one stage to another, mainly related to providing an appropriate amount of time to plan for the transition. Shifting to a lower numbered stage from a higher numbered stage could likely occur more quickly. However, planning to shift from Stage 2 to Stage 3, for example, requires a much longer advanced notice as Stage 3 includes occupancy of residence halls. Timing the implementation of that transition would likely fall at the start of a semester or term.

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## Safety and Health Measures

The university will continue to promote the safety and health measures outlined by the CDC, Tennessee Department of Health, and other appropriate authorities. As part its demonstrated advocacy for campus health and safety, the university must communicate broadly about the importance of individuals’ health and safety, emphasizing the critical services and resources available to employees and students that promote and support physical and mental health.

### Physical Distancing and Face Coverings

Central to ensuring health and safety is the requirement that individuals wear appropriate face coverings on campus, adhere to physical distancing measures, and engage in appropriate sanitation activities. Based on national recommendations, the current standard of 6 feet of distancing between individuals should be maintained as much as possible. Physical distancing is

especially important for times when individuals are sitting or standing in an area for longer periods of time. Thus, staffing plans for work areas should take this distance measure into account. Additionally, the classroom physical distancing guidelines outlined in Stage 3 parameters are based on the 6 feet distance. All faculty, staff, students, and visitors should wear an appropriate face covering on campus at all times unless physically isolated (*e.g.*, inside an individual office or residence hall room). Physical distancing alone without face coverings is not sufficient. Individuals will be expected to provide their own face covering, although the university may be able to provide some masks based on availability. The Health Department is providing an appropriate face covering to an individual at each of its locations.

### **Testing and Contact Tracing**

According to local public health officials, it is anticipated that COVID-19 testing for symptomatic individuals remain widely available. Individuals who have questions about testing or believe they need to be tested should contact the University Health Center. The Health Department is responsible for providing contact tracing for every person who tests positive for COVID-19. The university may be asked to provide information to help Health Department officials as they conduct contact tracing (*e.g.*, providing class enrollment information), however it is anticipated that the university will not otherwise be responsible for contact tracing and notification. As noted in the Individual Responsibility section of this document, employees and students who are diagnosed with a confirmed case of COVID-19 should notify the university through a specified process. This is to ensure that any additional cleaning or safety measures are taken into consideration. It also provides needed information about cases on campus that can be used in making decisions about campus operations.

As testing resources allow, the potential exists for expanded testing of all members of the ETSU campus community, including those without symptoms. Widespread testing of individuals would provide better surveillance capability to more quickly isolate positive cases and quarantine those exposed to positive cases. For example, the university should consider testing all students as they move into the residence halls. The ability to respond swiftly to positive cases provides the best opportunity to limit spread of the virus. Expanded testing could occur at other times on the recommendation of health care leaders.

### **Health Care Services**

The university will continue to provide robust health care services through its clinical operations of ETSU Health including the University Health Center serving students, faculty and staff from its Nicks Hall location on campus. The University Health Center provides options for both in-person care and telehealth visits. Additionally, the area's full complement of ETSU Health practice locations are also available.

When a vaccine becomes available, the University Health Center in partnership with the Health Department, ETSU Health, and Ballard Health will create plans for providing vaccinations to the ETSU community.

## **Safety Actions**

The university will continue to promote healthy hygiene practices, including frequent reminders about hand washing, covering coughs and sneezes, and using appropriate face coverings. Individuals should maintain physical distancing practices. Employees and students should stay home if they are sick or if they have been exposed to a documented or highly suspected case of COVID-19. Signs promoting these everyday protective measures should be widely distributed across campus. Central to promoting these practices should be an emphasis on each individual's responsibility for the health of the campus and community. The University should re-evaluate practices and policies that might discourage a faculty, staff or student from self-isolating when they feel they may have a communicable disease. As stages provide for more employees on campus and for academic instruction on campus, offices and units should work collaboratively to meet physical distancing expectations. Unit or department level plans should complement the university plans outlined in this document. Specific service units may choose to have plans that involve daily self-assessments and temperature checks, but it is not anticipated this will be a widely adopted procedure. Example service units include Public Safety and ETSU Health faculty and staff in a clinical environment.

The university should provide resources that promotes personal hygiene and appropriate sanitation. In the context of a situation of scarce resources, the university should explore how best to procure and provide items like masks, tissues, alcohol-based hand rubs containing at least 60 percent alcohol, disinfectants, and disposable towels for individuals to clean their work surfaces or desks in classrooms. Employees should be discouraged from using other workers' phones, desks, offices, or other work tools and equipment, when possible. Public spaces with chairs and other seating should be rearranged or altered, to the extent possible, to discourage gathering of individuals. Plexiglass shields or guards should be considered for service window or service desk locations. In select locations crowd control and waiting line measures should be installed to promote physical distancing (signs, barriers, spaced marks on floors to show 6 feet of physical distancing). Facilities should maintain regular housekeeping practices of public spaces, including routine cleaning and disinfecting of surfaces, equipment, and other elements of the campus environment. Facilities should coordinate PPE use for certain facilities employees for use in their jobs. Using the CDC guidelines, additional plans should be formulated for cleaning spaces on campus identified after an individual tests positive for COVID-19.

## **People at Higher Risk for Severe Illness**

The university should provide flexibility for employees and students who may need to continue working and learning from a remote environment because of being at higher risk for severe illness. A review and update of employment and attendance policies should occur to provide a standard approach to offering flexibility in the work and classroom environments while ensuring continued compliance with relevant ADA, ADEA, and other regulations. Currently the CDC notes the following individuals are at high risk for severe illness with COVID-19:

- People 65 years and older
- People who live in a nursing home or long-term care facility
- People of all ages with underlying medical conditions, particularly if not well controlled, including:



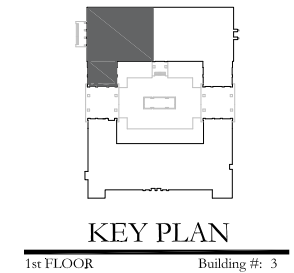
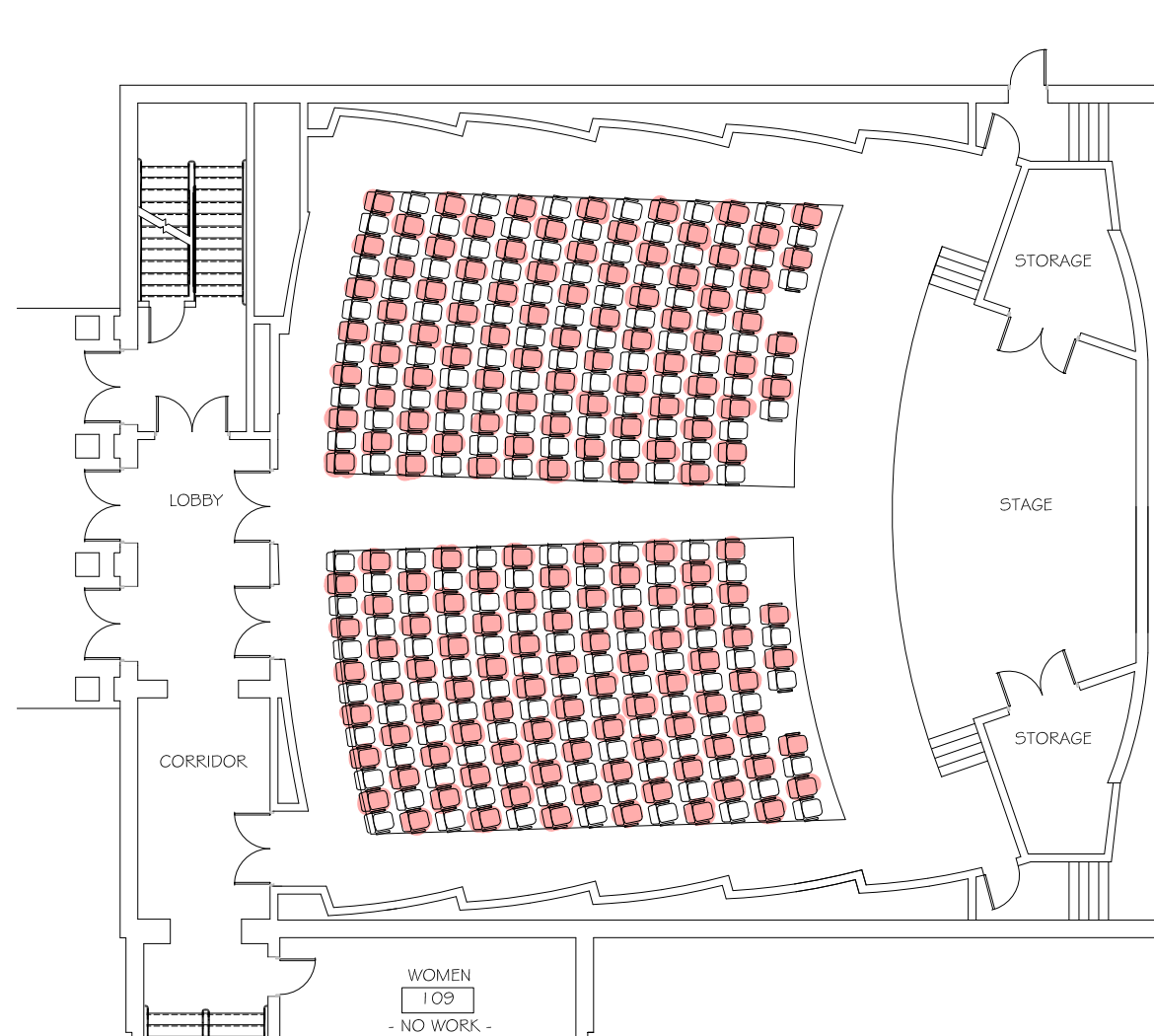
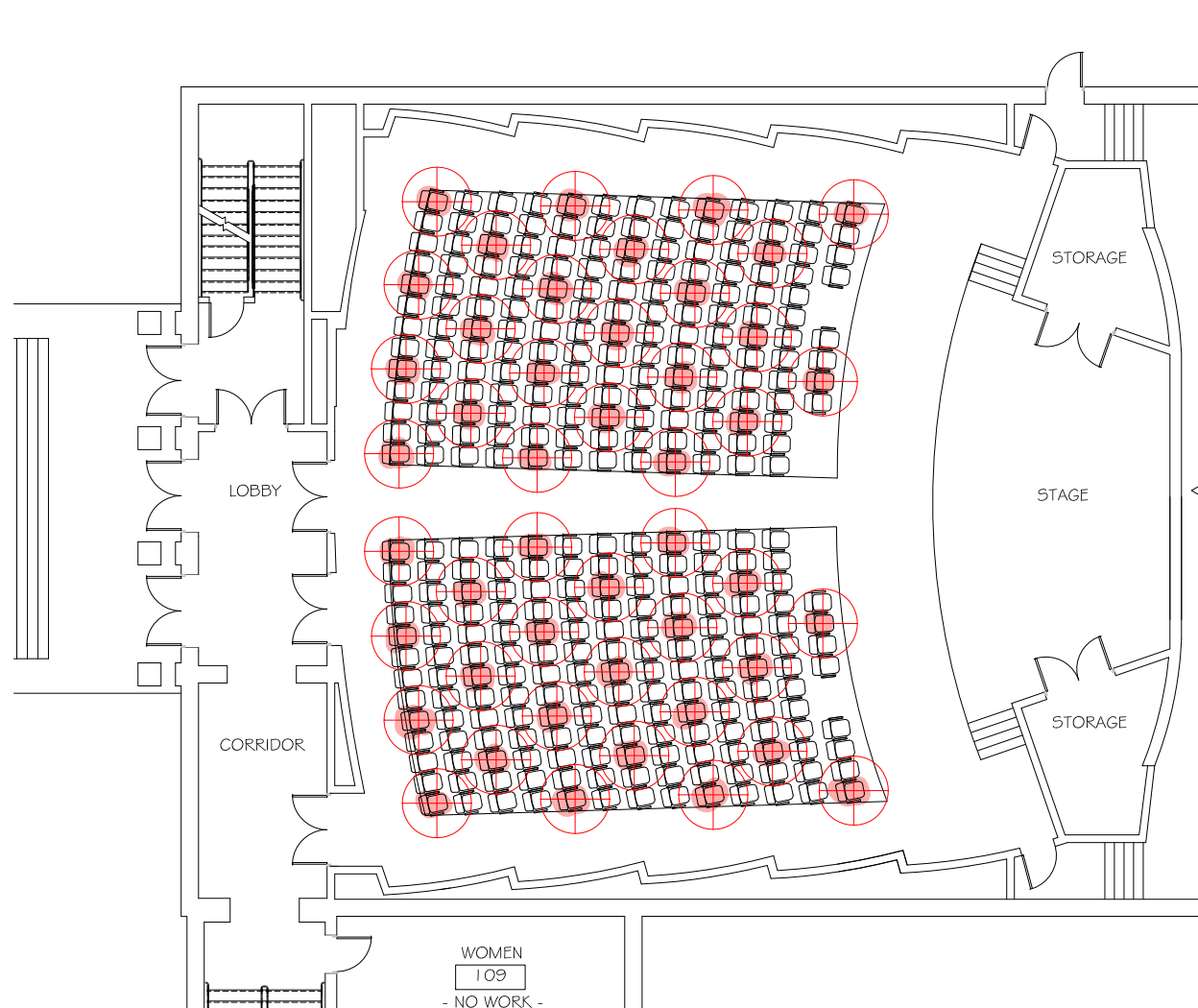
- People with chronic lung disease or moderate to severe asthma
- People who have serious heart conditions
- People who are immunocompromised (Many conditions can cause a person to be immunocompromised, including cancer treatment, smoking, bone marrow or organ transplantation, immune deficiencies, poorly controlled HIV or AIDS, and prolonged use of corticosteroids and other immune weakening medications)
- People with severe obesity (body mass index [BMI] of 40 or higher)
- People with diabetes
- People with chronic kidney disease undergoing dialysis
- People with liver disease.

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## **Appendix**

Diagrams of example campus instructional space showing physical distancing.

- TOTAL SEAT COUNT: 328 SEATS
- TOTAL APPROXIMATE SQUARE FOOTAGE: 3,500 SF
- REDUCED SEAT COUNT IMPLEMENTING SOCIAL DISTANCING: 46 SEATS
- OCCUPANCY REDUCED TO: 14% OF TOTAL ENFORCING THE STRICTEST INTERPRETATION OF THE CDC GUIDELINES OF 6' SOCIAL DISTANCING
- 50% OCCUPANCY MAY NOT MEET THE CDC GUIDELINES IN SOME CASES



**BROWN HALL 112 : STRICTEST INTERPRETATION PLAN**  
SCALE: 1/16" = 1'-0"

**BROWN HALL 112 : 50% OCCUPANCY**  
SCALE: 1/16" = 1'-0"

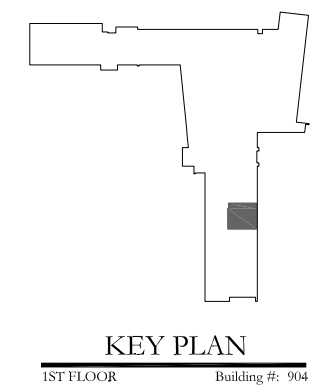
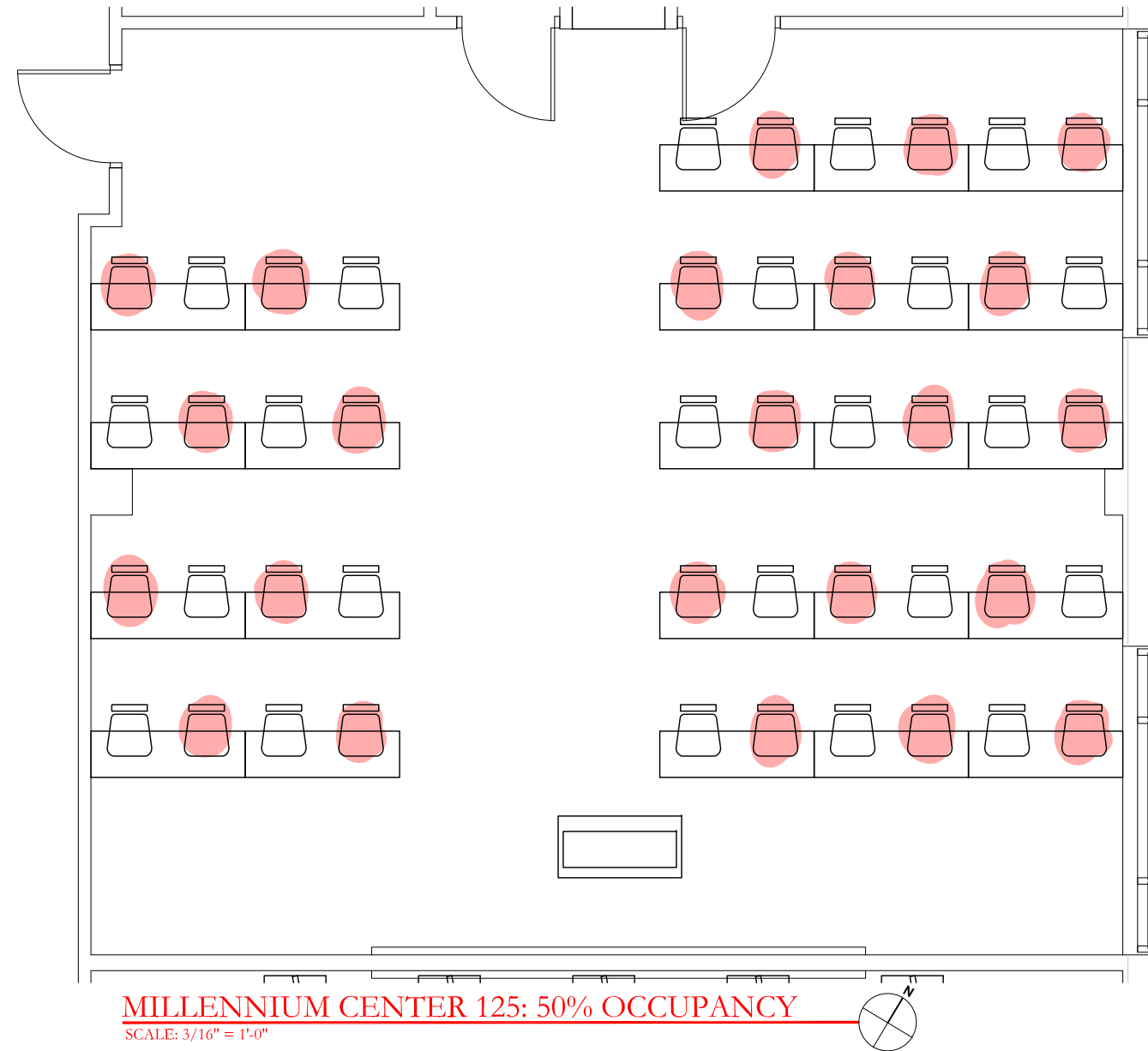
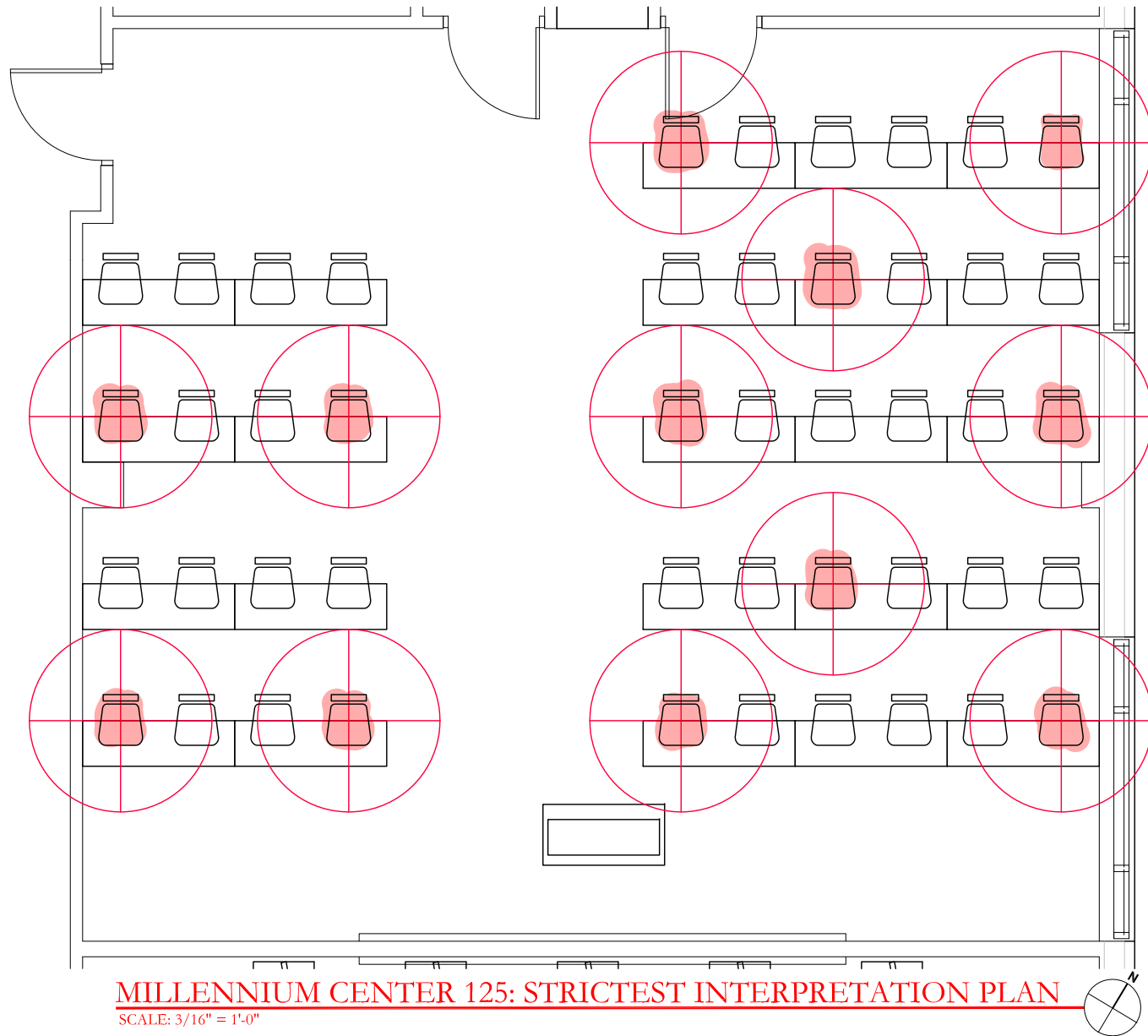
911 Address: 173 SHERROD DR
Total BUILDING Square Footage: 160,468
Total FLOOR Square Footage: 32,117

DATE: 05/14/20	REVISIONS:
DRAWN BY: H. RAYMOND	DATE DESCRIPTION
SCALE: As Shown	
APPROVED BY (DEPT):	

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

- TOTAL SEAT COUNT: 23 SEATS
- TOTAL APPROXIMATE SQUARE FOOTAGE: 994 SF
- REDUCED SEAT COUNT IMPLEMENTING SOCIAL DISTANCING: 12 SEATS
- OCCUPANCY REDUCED TO: 52% OF TOTAL ENFORCING THE STRICTEST INTERPRETATION OF THE CDC GUIDELINES OF 6' SOCIAL DISTANCING
- 50% OCCUPANCY MAY NOT MEET THE CDC GUIDELINES IN SOME CASES

PLEASE NOTE: MOVING TABLES AND CHAIRS COULD INCREASE SEATING COUNT WHILE IMPLEMENTING SOCIAL DISTANCING



PRELIMINARY DRAWING NOT FOR CONSTRUCTION

**MILLENNIUM CENTER 125: STRICTEST INTERPRETATION PLAN**  
SCALE: 3/16" = 1'-0"

**MILLENNIUM CENTER 125: 50% OCCUPANCY**  
SCALE: 3/16" = 1'-0"

911 Address: 2001 MILLENNIUM PL
Total BUILDING Square Footage: 75,137
Total FLOOR Square Footage: 37,555



**EAST TENNESSEE STATE UNIVERSITY**  
Department of Facilities  
Office of Planning, Design and Construction

DATE: 05/14/20	REVISIONS:
DRAWN BY: H. RAYMOND	DATE DESCRIPTION
SCALE: As Shown	---
APPROVED BY (DEPT):	---
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**CLASSROOM WITH TABLES AND CHAIRS**  
Board of Trustees - Special Called Meeting  
JUN 11 2020  
MILLENNIUM CENTER ROOM 125

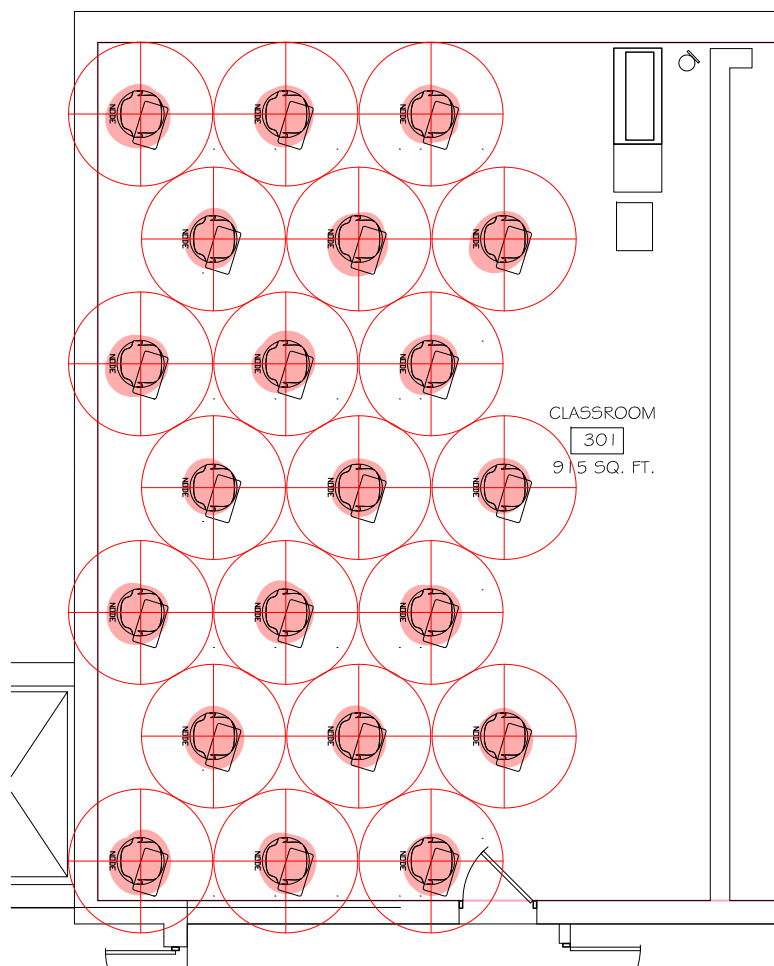
RENOVATION FOR  
**N/A**

PROJECT #:  
N/A

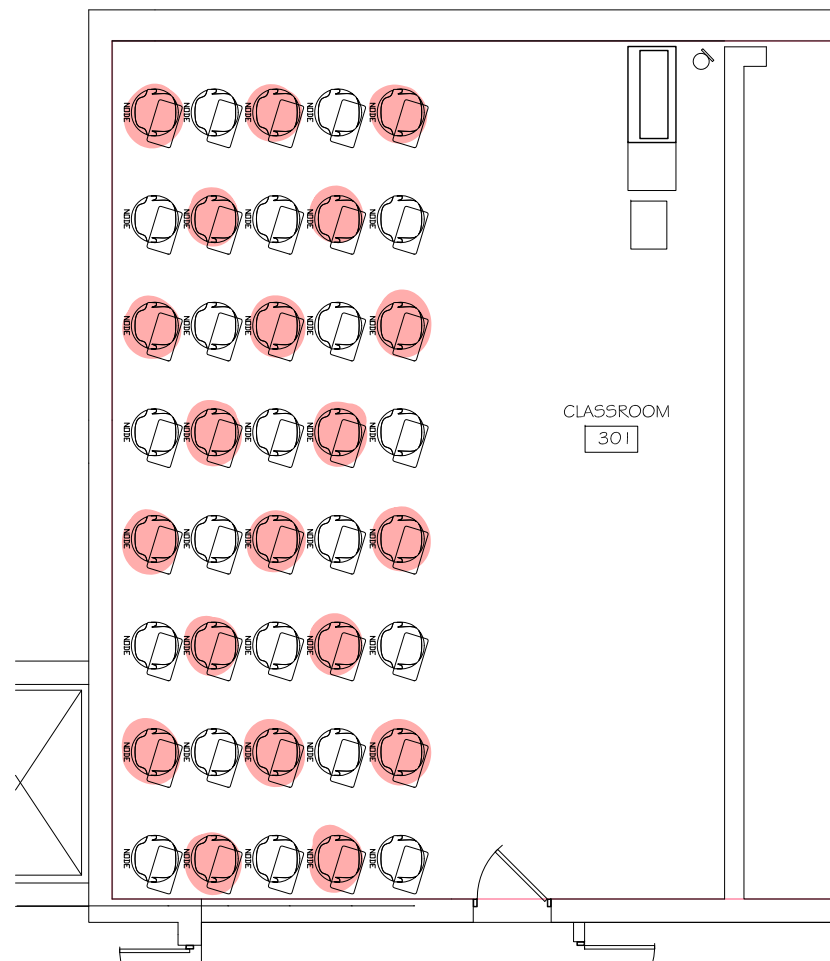
SHEET:  
**A101**  
SHEET: 2 of 4

- TOTAL SEAT COUNT: 40 SEATS
- TOTAL APPROXIMATE SQUARE FOOTAGE: 915 SF
- REDUCED SEAT COUNT IMPLEMENTING SOCIAL DISTANCING: 21 SEATS
- OCCUPANCY REDUCED TO: 52% OF TOTAL ENFORCING THE STRICTEST INTERPRETATION OF THE CDC GUIDELINES OF 6' SOCIAL DISTANCING
- 50% OCCUPANCY MAY NOT MEET THE CDC GUIDELINES IN SOME CASES

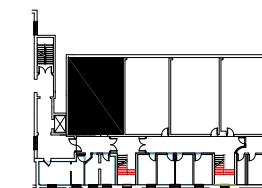
PLEASE NOTES: THE INDIVIDUAL DESKS WOULD NEED TO BE ARRANGED IN THE RECOMMENDED LAYOUT IN ORDER TO MEET THE 6' GUIDELINE. THERE COULD BE A POTNTIAL ISSUE OF KEEPING THE DESKS IN THE EXACT LOCATION ONCE PLACED.



**BURLESON 301: STRICTEST INTERPRETATION PLAN**  
SCALE: 1/8" = 1'-0"



**BURLESON 301: 50% OCCUPANCY**  
SCALE: 1/8" = 1'-0"



KEY PLAN  
3RD FLOOR Building #: 14

911 Address: 194 SHERROD DR
Total BUILDING Square Footage: 24,296 SF
Total FLOOR Square Footage: 6,135 SF

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

DATE: 05/14/20	REVISIONS:
DRAWN BY: H. RAYMOND	DATE DESCRIPTION
SCALE: As Shown	---
APPROVED BY (DEPT):	---
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- TOTAL SEAT COUNT: 47 SEATS
- TOTAL APPROXIMATE SQUARE FOOTAGE: 1,178 SF
- REDUCED SEAT COUNT IMPLEMENTING SOCIAL DISTANCING: 13 SEATS
- OCCUPANCY REDUCED TO: 27% OF TOTAL ENFORCING THE STRICTEST INTERPRETATION OF THE CDC GUIDELINES OF 6' SOCIAL DISTANCING
- 50% OCCUPANCY MAY NOT MEET THE CDC GUIDELINES IN SOME CASES

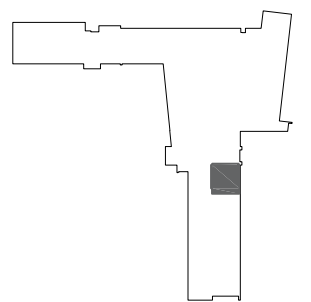
PLEASE NOTE: MOVING TABLES AND CHAIRS COULD INCREASE SEATING COUNT WHILE IMPLEMENTING SOCIAL DISTANCING



**MILLENNIUM CENTER 130: STRICTEST INTERPRETATION PLAN**  
SCALE: 3/16" = 1'-0"



**MILLENNIUM CENTER 130: 50% OCCUPANCY**  
SCALE: 3/16" = 1'-0"



**KEY PLAN**  
1ST FLOOR Building #: 904

PRELIMINARY DRAWING NOT FOR CONSTRUCTION

911 Address: 2001 MILLENNIUM PL
Total BUILDING Square Footage: 75,137
Total FLOOR Square Footage: 37,555



**EAST TENNESSEE STATE UNIVERSITY**  
Department of Facilities  
Office of Planning, Design and Construction

DATE: 05/14/20	<b>REVISIONS:</b>	
DRAWN BY: H. RAYMOND	DATE	DESCRIPTION
SCALE: As Shown	---	---
APPROVED BY (DEPT):	---	---
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**COMPUTER LAB**  
Board of Trustees - Special Called Meeting  
JUN 11 2020  
MILLENNIUM CENTER ROOM 130

RENOVATION FOR  
**N/A**

PROJECT #:  
N/A

SHEET:  
**A103**  
SHEET: 4 of 4

## Summary of ETSU Actions and Strategies in Response to the Future Operations Workgroup Report as of 7.13.20

<b>University</b>	
<b>Actions Required</b>	<b>Description/Notes</b>
Identify COVID-19 response coordination team and a medical response team.	<p>Response coordination team members:</p> <ul style="list-style-type: none"> <li>• Bill Rasnick</li> <li>• Laura Bailey</li> <li>• Mark Jee</li> </ul> <p>Medical response team members:</p> <ul style="list-style-type: none"> <li>• Dr. Bill Block</li> <li>• Dr. Beth Fox</li> <li>• Dr. Sheri Holmes</li> <li>• Dr. David Linville</li> <li>• Dr. Rosalyn Robinson</li> <li>• Dr. Randy Wykoff</li> </ul>
Determine testing protocols	<p>Testing is being coordinated by ETSU Health when appropriate.</p> <ul style="list-style-type: none"> <li>• At this time, testing mandatory for student athletes only.</li> <li>• Testing will be available to any students, staff, and faculty who elects to be tested.</li> <li>• Testing protocols may change based upon Federal, State, and ETSU Health Recommendations.</li> <li>• If students have health questions, they may call the University Health Center at 423-439-4225 (Monday-Friday, 8 a.m.-4:30 p.m.) or after-hours at 1-888-915-7299.</li> </ul>
Conduct table top exercises	Conducted table top exercises in collaboration with THEC and TEMA.
Promote a healthy and safe campus	<p>Faculty, staff, students, and campus visitors are expected to commit to safety guidelines including:</p> <ul style="list-style-type: none"> <li>• Physical distancing</li> <li>• Frequent hand-washing and hand sanitization</li> <li>• Wearing appropriate face coverings</li> <li>• Clean and disinfect frequently touched surfaces</li> <li>• Encouraged to stay home if not feeling well</li> <li>• <a href="#">Signage</a> has been developed and posted across campus</li> <li>• A COVID Safety Training video will be provided to disseminate safe practices that prevent the spread of Covid-19.</li> </ul>
Establish contact tracing protocols	<ul style="list-style-type: none"> <li>• At this time, contract tracing is being handled by the Washington County Health Department.</li> <li>• The ETSU COVID-19 response coordination team and the COVID-19 medical team are working with the Health Department.</li> </ul>



Extend remote working options for faculty and staff when appropriate	<ul style="list-style-type: none"> <li>• Remote work flexibility should continue.</li> <li>• Rotational coverage of offices and units is expected; however, a 100% physical staff presence is not required.</li> <li>• Employees should work with their supervisors to develop an appropriate schedule that addresses workspace safety, health concerns, childcare responsibilities and other needs.</li> <li>• Offices are accessible for in-person assistance during normal business hours; however, remote access to campus services will continue.</li> </ul>
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Determine travel restrictions if appropriate	<p>Domestic Travel</p> <ul style="list-style-type: none"> <li>• Travel is suspended until further notice. College deans will continue to approve travel requests within their respective colleges, but any travel approved must have justification that it supports accreditation, tenure activities, or essential program delivery.</li> <li>• Local travel associated with everyday operations of the university, including blanket travel, will continue.</li> <li>• Vehicular travel outside a 50-mile radius, with the exception of other ETSU campuses, requires supervisor approval and should be limited to activities that are absolutely necessary and cannot be rescheduled or conducted remotely.</li> <li>• Guidelines may change based upon Federal, State, and ETSU Health Recommendations.</li> </ul>
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**Academics and Course Delivery**

<b>Actions Required</b>	<b>Description/Notes</b>
Modify academic calendar for on-campus instruction	<p>A shortened on-campus semester does not mean reduced instructional time; course objectives remain the same.</p> <ul style="list-style-type: none"> <li>• Classes will be held on Labor Day, Veteran’s Day</li> <li>• Fall Break will be rescheduled to Thanksgiving week</li> <li>• Last Day of in-person classes November 20</li> <li>• Thanksgiving Break/Fall Break November 23-27</li> <li>• Students will not return to campus following Thanksgiving</li> <li>• Remote instruction for all classes November 30 - December 4</li> <li>• Final Exams December 5-10.</li> <li>• Quillen College of Medicine will maintain its regular schedule</li> <li>• Gatton College of Pharmacy will alter its start but follow the University schedule beginning in September</li> </ul>



<p>Determine best practices for physical distancing in classrooms</p>	<p>In addition to requiring face coverings in classrooms, seating arrangements must disperse students throughout the classroom by either:</p> <ul style="list-style-type: none"> <li>• Leaving empty desks between students</li> <li>• Physically moving desks farther apart, and/or</li> <li>• Reducing the number of students seated at a single table</li> </ul> <p>If the classroom/lab is not conducive to employing this strategy, faculty, in consultation with department chairs, should consider developing a hybrid or flipped approach to teaching the class or relocation tactics, or providing appropriate PPE or other strategies.</p> <p>The Center for Teaching Excellence will be providing sessions this summer to assist faculty develop effective hybrid classes.</p>
<p>When appropriate, transition large classes to online or remote instruction</p>	<ul style="list-style-type: none"> <li>• If these courses are transitioned to online or remote instruction, then campus congestion is decreased, and larger classrooms can be used for physical distancing of smaller classes.</li> <li>• Department Chairs are working with faculty teaching those courses to determine the feasibility of transitioning the class to remote modality.</li> <li>• If a course cannot be transitioned, then department chairs should work with the Registrar's Office to relocate the class to a room/lecture hall where distancing between students can be increased and alternative attendance strategies may be utilized.</li> <li>• Students should be notified of any scheduled classes have been transitioned by mid-to-late-July.</li> <li>• If required, all courses can be moved to online.</li> </ul>
<p>Prioritize clinical, laboratory, studio, and experiential courses</p>	<ul style="list-style-type: none"> <li>• Experiential courses should be prioritized for in-person delivery. Course section sizes may need to be decreased to allow physical distancing, or a system of alternating attendance employed.</li> <li>• When physical distancing cannot be maintained, strict adherence to CDC guidelines and use of PPE will be expected.</li> <li>• There may be some courses that cannot provide a virtual/distance option to meet course objectives. When noted, students should speak with their advisor.</li> <li>• Instead of fixed lab section times, labs could be open for extended and/or alternate periods with students signing up to attend an appropriate time block.</li> <li>• Clinical experiences will utilize simulation as possible. On-site clinical experiences will be scheduled upon availability of clinical sites and may be offered during extended times, including evenings and weekends. Departments should</li> </ul>

	communicate with students regarding altered clinical schedules as soon as possible.
Create hybrid course delivery when appropriate	<p>When classroom capacity is not available to accommodate physical distancing, remote access and other strategies should be considered. Department chairs should consult faculty and collect plans from each instructor to maintain appropriate distance between students. Adjustment plans may include one or more of the following:</p> <ul style="list-style-type: none"> <li>• Move the course to a larger space available in any campus building, including locations not traditionally reserved for academic use.</li> <li>• Reduce the number of students attending class at each appointed meeting time and for those not in the classroom <ul style="list-style-type: none"> <li>○ Provide livestream access to in-person delivery to provide a synchronous experience for students engaging remotely</li> <li>○ Record synchronous course sessions and allow asynchronous participants to submit questions during an appointed live-chat period or via an asynchronous method such as D2L, threaded discussion boards, or email.</li> <li>○ Employ other methods as deemed appropriate to maximize opportunities for engagement of all students.</li> </ul> </li> </ul>

**Student Life and Enrollment**

<b>Unit/Program</b>	<b>Description/Notes</b>
Admissions/Welcome Center	<p>Guidelines for campus tours, group size, tour guides and face coverings/physical distancing have been established.</p> <ul style="list-style-type: none"> <li>• Campus tours have resumed with added safety measures.</li> <li>• Parties are limited to no more than 3 (student and 2 guests) and each tour will cap registration at no more than 9 total.</li> <li>• All guests asked to wear a face covering</li> <li>• Presentation room will have physically distanced seating.</li> <li>• Recruitment events will follow safety protocols for events.</li> </ul>
Testing Center	<p>Physical distancing expectations and seating plans have been established.</p> <ul style="list-style-type: none"> <li>• Appointments will be scheduled online</li> <li>• Capacity reduced by 50%</li> </ul>
Housing and Residence Life	<p>Housing and Residence Life has developed a detailed reopening/move-in plan and schedule that is being communicated with students. Critical highlights include:</p> <ul style="list-style-type: none"> <li>• No contact one-stop-shop process for move-in</li> </ul>

	<ul style="list-style-type: none"> <li>• Staggered and expanded check-in dates with assigned time slots are being defined.</li> <li>• Furniture in public spaces are being reconfigured to encourage physical distancing.</li> <li>• Space for isolation/quarantine has been identified.</li> <li>• Capacity of public spaces and signage needs have been established.</li> <li>• RA Training and program/activity plans have been established that utilize physical distancing, technology, and face covering expectations unless in one’s private room.</li> <li>• All on-campus housing contracts have been amended to include health and safety measures and expectations.</li> </ul>
D.P. Culp Center	<p>The Culp Center reopened on July 1.</p> <ul style="list-style-type: none"> <li>• All rooms and public spaces have been reconfigured to encourage physical distancing, furniture/seating has been removed and reduced</li> <li>• Dining Services plans have been established in partnership with SODEXO.</li> <li>• Offices are open and accessible with physical distancing and face covering expectations in place.</li> <li>• Reservations of more than 10 are not available until after Summer Bridge Program begins July 27</li> <li>• Any program requests for over 50 people would also need to submit a safety plan explaining how the event will be held safely utilizing face covering and physical distancing guidelines. The event can only proceed once a safety plan specific to the event and space is submitted and approved by the Safety Committee.</li> </ul>
Dining Services	<p>SLE and SODEXO staff have developed a plan for:</p> <ul style="list-style-type: none"> <li>• Capacity in the dining hall will be reduced to allow for physical distancing by table/group with a maximum number of 8 in any given area.</li> <li>• Starbucks, Rogers BucMart/Deli and Chick-Fil-A will be open on the first floor of the Culp, as will Subway and the Market at the Parking Garage, the Centennial Bucmart, Einstein’s in the Library, and the Café at Building 60.</li> <li>• Meal Equivalency (for meal plan/block plan holders) with pre-packaged grab-and-go options (hot and cold) to reduce lines and speed up process will be available at four locations – <ul style="list-style-type: none"> <li>○ Steak’n Shake food truck</li> <li>○ Additional food truck near Centennial Hall</li> <li>○ Treehouse, and</li> <li>○ Simply To Go (location TBD)</li> </ul> </li> <li>• Face coverings will be expected except while seated and eating.</li> </ul>

	<ul style="list-style-type: none"> <li>• Dining hall capacity reduced from 750 to 420 (indoors). This allows for peak times (250 Per hour) during lunch to absorb the numbers in a socially distanced manner.</li> <li>• Most seating areas are 4 person, some 6, and none more than 8</li> <li>• No self-serve in the dining hall, all items will be handed directly to the customer including drinks.</li> <li>• It is proposed that dining hall access be limited to those with a meal plan or a block plan which reduces the need to take other cards/cash and means all those eating would be able to be tracked using ID Card data if needed for contact tracing</li> <li>• Contingency planning for further reduction of density in dining areas based on state, local, and campus medical guidance</li> </ul>
<p>Campus Recreation – Basler Center for Physical Activity (CPA)</p>	<ul style="list-style-type: none"> <li>• ID Card scan is required for entry and exit meaning that data would be available for contract tracing if needed.</li> <li>• Face covering guidelines will be in effect except while exercising in a socially distanced manner.</li> <li>• Activities such as group fitness will be held virtually or in larger spaces while some no contact intramural activities that can be held out of doors may return (Softball, Kickball)</li> <li>• Equipment will move behind checkout counters.</li> <li>• Casual Care (childcare) will remain closed.</li> </ul>

<p>QUEST for Success Program, Summer Bridge Plus Program, and Preview Program</p>	<ul style="list-style-type: none"> <li>• QUEST for Success is a college transition program that is designed to help nearly 200 underrepresented students become acclimated to campus life while building a network of friends, faculty, and staff to assist them through their college journey. Most activities will occur in small groups of no more than 20.</li> <li>• The Summer Bridge Plus Program is designed to give 75 entering first-time freshman students a solid foundation before they start their Freshman Year. Students will jump start their college career starting with the 3- week Summer Bridge Program. Most activities occurring in small groups of no more than 10</li> <li>• Preview is designed to bring all new students to campus before classes begin. Students will get to know one another, meet faculty and staff members, and acclimate themselves to campus. Group activities will not exceed 50 participants. This program is being extended by one day to accommodate staggered move-in to residence halls.</li> <li>• Staff from these three programs will submit a safety plan for review and approval should activities with more than 50 attendees be planned. Face covering and physical distance guidelines will be followed.</li> </ul>
<p>Welcome Week</p>	<p>Welcome events are being extended over a two-week time period, utilizing a hybrid of both in-person and online events.</p> <ul style="list-style-type: none"> <li>• Will follow all face covering and socially distancing guidelines</li> <li>• Activities spread over a two-week time period</li> <li>• Staff will submit a safety plan for review and approval should any Welcome Week activities with more than 50 attendees be planned.</li> </ul>
<p><b>Facilities</b></p>	
<p><b>Actions Required</b></p>	<p><b>Description/Notes</b></p>
<p>Enhance cleaning protocols</p>	<p>Enhanced cleaning will include the use of the most current disinfecting technology (electrostatic disinfecting sprayer/fogger equipment)</p> <ul style="list-style-type: none"> <li>• Electrostatic disinfecting equipment creates a positive electrostatic charge on the disinfecting agent when released from the sprayer. The positive charged mist seeks out negative charges (present on all fixed surfaces), which increases coverage efficacy.</li> </ul> <p>Refocus efforts to deep clean (using only EPA registered disinfectants) all common spaces.</p>

	<ul style="list-style-type: none"> <li>• Classrooms, computer labs, restrooms, conference rooms, etc. <ul style="list-style-type: none"> <li>○ Classrooms and computer labs will be deep cleaned every evening, which will include electrostatic disinfecting of all high touch surfaces.</li> <li>○ Prior to beginning the fall semester, classrooms will be disinfected and treated with a long-lasting antimicrobial agent that kills viruses, bacteria, and other microbes on contact. The agent is FDA &amp; EPA certified and is fully eco-friendly.</li> </ul> </li> <li>• High touch surfaces (doorknobs, handrails, furniture in common areas, elevator buttons, etc.)</li> <li>• Restrooms will be deep cleaned every evening, which will include electrostatic disinfecting of all high touch surfaces. In addition to the deep cleaning every evening, common restrooms will be closed throughout the day for additional electrostatic disinfecting.</li> <li>• In order to focus our enhanced cleaning efforts of common areas, some custodial resources will be shifted away from faculty/staff personal spaces (i.e. personal offices). This also keeps staff out of personal space without their awareness</li> <li>• A disinfectant wipes bucket will be provided in every classroom for students to clean their area. Additionally, disposable face coverings will be made available to any student who reports to class without a cloth face covering.</li> </ul>
<p>Establish a policy for in-person classes/gatherings/events and provide a health safety plan template</p>	<p>At time, it is recommended that no indoor events with over 50 participants be hosted this fall.</p> <ul style="list-style-type: none"> <li>• Exceptions may be made for the following spaces: Dome, Green Stadium, Brooks Gym, Culp Auditorium, Martin Center Main Hall, Select outdoor spaces</li> <li>• To apply for an exception, faculty/staff must complete a health safety plan for review. A policy, called <i>Covid-19 Safeguards for Classes, Gatherings, and Events</i> has been developed and provides a template for completing the health safety plan</li> <li>• Space Use committee will review and approve the health safety plans</li> </ul>
<p>Create a plan to assist departments and units with service-oriented spaces in the Sherrod Library, Culp Center, and select other campus</p>	<ul style="list-style-type: none"> <li>• A plan to assist with plexiglass shields is in place and the evaluation process is ongoing.</li> <li>• Facilities is providing plexiglass shields for service counters/points of contact in high traffic areas. Additional shields can be requested</li> </ul>

locations in evaluating and recommending safety signage and equipment such as plastic or plexiglass shields at service windows or desks.	through Facilities with departmental funding. Physical distancing signage is being installed with each shield installation. Facilities is also providing safety signage on all exterior doors, elevators, hand sanitizer dispensers and public restrooms.
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**Athletics**

<b>Actions Required</b>	<b>Description/Notes</b>
Determine key dates	<ul style="list-style-type: none"> <li>• June 1 – athletic department staff return</li> <li>• June 15 – voluntary workouts begin</li> <li>• July 6 – football student-athletes to return to campus</li> <li>• July 7 – men’s &amp; women’s basketball student-athletes to return to campus</li> <li>• July 13 – football to begin organized workouts</li> <li>• July 20 – men’s and women’s basketball to begin organized workouts</li> </ul>
Establish COVID-19 Testing Protocols for student athletes	<ul style="list-style-type: none"> <li>• Testing will begin June 17, 2020</li> <li>• Testing will be mandatory for all student-athletes, coaches, and staff</li> <li>• As new students-athletes are tested, they must self-isolate until their results come back. Student-athletes will not be participating in any workouts until negative test results are received.</li> </ul>
Create a detailed COVID-19 Response webpage	<a href="#">ETSU Athletics COVID-19 informational webpage</a>

**University Relations**

<b>Unit/Program</b>	<b>Description/Notes</b>
A communication plan is coordinated through University Relations on how the university is transitioning to this stage.	<ul style="list-style-type: none"> <li>• <a href="#">Bucs are Back Website</a></li> <li>• ETSU News website</li> <li>• Videos – encouraging hand washing, physical distancing, face coverings</li> <li>• Social media messaging</li> <li>• Internal email messaging</li> <li>• Town Hall events</li> <li>• Press releases encouraging local media to share major announcements</li> </ul>

EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

INFORMATION ITEM

DATE: July 17, 2020  
ITEM: Budget Update  
PRESENTED BY: Brian Noland  
President

President Noland will provide an update to the Board on the Budget in light of the final report submitted by the Strategic Options Workgroup.

The Strategic Options Workgroup was established by President Noland on May 15, 2020, to provide the university leadership with projected budget scenarios for the 2021 Fiscal Year and make actionable recommendations and options in response to each identified scenario to ensure budget and strategic plan alignment. Additionally, the workgroup was charged with identifying long term strategies that may be considered for implementation into future university operations.

The Strategic Options Workgroup has identified the need to quickly implement a 4.3 percent budget reduction for academic units and a 5.3 percent budget reduction for administrative units to address shortfalls in revenue, to fund internal and external mandates, and to make technical adjustments to the budget for the College of Arts and Sciences that remedy issues inherent in the institution's decentralized budget model. The workgroup expects these reductions to be achieved without significantly altering the institution's teaching, research, and service mission.





**East Tennessee State University  
Campus Budget Update to the Board of Trustees  
July 17, 2020**



# ETSU's Core Values, Consistency in Mission

Purpose of the Normal School Law of 1909: 'For the education and professional training of teachers for the public schools of the state.' In a broader sense, the act focused squarely on improving living conditions in the regions of the three normal schools.

Four general principles recognized by our first president, Sidney Gilbreath:

1. Support goal of regional service
2. Scholarship
3. The study of education as a science, practice in teaching
4. A knowledge of the conditions and needs of the State.

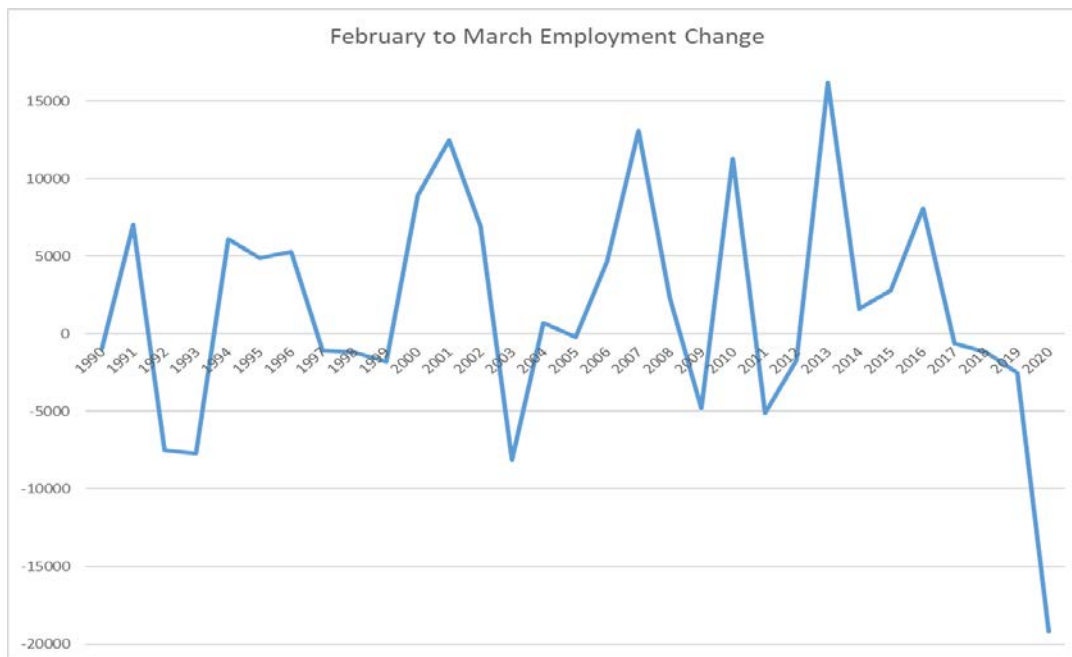


*Sidney Gilbreath*

# Impact of COVID-19 on Higher Education

An endless series of Chronicle articles such as *This Will Be One of the Worst Months in the History of Higher Education: Layoffs, declarations of financial exigency, and closures are imminent* (R. Kelchen, 7-7-20) project financial ruin for many institutions.

As recently noted in the Chronicle, furloughs, layoffs, the nonrenewal of contracts, and a permanent reduction of workplace has been spurred by the onset of COVID-19 (<https://www.chronicle.com/article/as-covid-19-pummels-budgets/248779>).



# Impact of COVID-19 on Higher Education

- Ohio University has terminated 140 union employees, 149 administrators, and 53 instructional faculty members for Fall 2020. All remaining employees will be furloughed (without pay) for up to 18 days and senior administrators will take a 10 to 15 percent salary reduction.
- The University of Alaska's Board of Regents eliminated 39 academic departments and reduced/merged another five programs.
- Stanford University recently cut 11 athletic programs from its portfolio.
- Central Washington University proclaimed a state of financial exigency.
- In Maryland, nearly half of the \$413 million in the first round of state budget cuts caused by COVID-19 will affect higher education. The \$186 million in cuts to higher education approved last week by the Maryland Board of Public Works “likely will cause faculty furloughs, pay cuts and reductions in student financial aid.” (Miller and Condon, Baltimore Sun, 7-7-20).
- Missouri Western State University will lay off roughly 70 administrative employees and 50 faculty members (20 with tenure) over the next two years. Furthermore, it will phase out approximately fifty academic majors.





# Enrollment Update and Projections for Fall 2020-21



# Fluid Enrollment Landscape

Enrollment Projections Fall 2020 as of 7/10/2020 Day-to-Day			
Date	Fall 2020	Fall 2019	Delta
4/10/2020 vs 4/12/2019	3,962	6,239	(2,277)
4/17/2020 vs 4/19/2019	5,888	6,736	(848)
4/24/2020 vs 4/26/2019	6,668	7,125	(457)
5/1/2020 vs 5/3/2019	7,209	7,788	(579)
5/8/2020 vs 5/10/2019	7,635	8,082	(447)
5/15/2020 vs 5/17/2019	8,114	8,283	(169)
5/22/2020 vs 5/24/2019	8,487	8,437	50
5/29/2020 vs 5/31/2019	8,785	8,582	203
6/5/2020 vs 6/7/2019	9,151	9,256	(105)
6/12/2020 vs 6/14/2019	9,529	9,400	129
6/19/2020 vs 6/21/2019	9,951	10,086	(135)
6/26/2020 vs 6/28/2019	10,279	10,298	(19)
7/3/2020 vs 7/5/2019	10,648	10,493	155
7/10/2020 vs 7/12/2019	11,026	11,374	(348)
<b>Projected/Actual</b>	<b>13,173</b>	<b>13,589</b>	<b>(416)</b>

Fall 2019 Projected/Actual represents the actual non-audit enrollment.

Fall 2020 Projected/Actual represents the projected non-audit enrollment base on a comparison to 2019 where on 7/12/2019 ETSU had enrolled 83.7% of students for fall 2019. Using the same ratio of enrollment captured as of 7/10/2020 this would yield a final undergraduate and graduate enrollment of down 416 students. These ratios exclude medicine and pharmacy.



# ETSU Enrollment – Projections for Fall 2020<sup>7</sup>

<b>Student Level</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018</b>	<b>2019</b>	<b>2020*</b>	<b>Delta</b>
Undergrad	11,392	11,065	11,323	11,268	11,151	10,735	-416
Graduate	2,335	2,354	2,441	2,457	2,437	2,437	0
Medicine	535	542	531	534	538	538	0
Pharmacy	325	324	313	315	315	315	0
<b>Total</b>	<b>14,587</b>	<b>14,285</b>	<b>14,608</b>	<b>14,574</b>	<b>14,441</b>	<b>14,025</b>	<b>-416</b>



# ETSU Freshmen – Projections for Fall 2020 8

## ETSU Fall First-Time Freshmen Characteristics

	Fall 2015	Fall 2016	Fall 2017	Fall 2018	Fall 2019	Fall 2020*	Delta 1-YR
<b>Headcount</b>	1,999	1,886	2,050	1,976	1,786	1,616	<b>-170</b>
<b>Average HS</b>	3.4	3.5	3.4	3.5	3.5	3.5	-
<b>Average ACT</b>	23	23	23	23	24	24	-
Scholarships							
<b>Faculty</b>	166	167	145	140	129	NA	<b>NA</b>
<b>Deans</b>	92	76	88	92	62	NA	<b>NA</b>
<b>Provost</b>	237	245	234	263	237	NA	<b>NA</b>
<b>Presidential</b>	80	82	78	89	95	NA	<b>NA</b>
<b>Total</b>	<b>575</b>	<b>570</b>	<b>545</b>	<b>584</b>	<b>523</b>	<b>NA</b>	<b>NA</b>





# Impact of COVID-19 on Enrollment

A recent survey by McKinsey & Company found significant enrollment uncertainty in the case of a remote fall semester.

- Nearly half of the students surveyed report being very likely to change their plans: 15 percent are very likely to defer by at least a semester, and up to 45 percent are very likely to look for a different institution. The most commonly cited reasons include doubts about the quality of remote learning, the lack of campus experience, and college costs, the latter of which may be seen as too high for an online experience.
- If institutions shift to remote learning in the fall, 32 percent of students report that they are most likely to look for schools with better online capabilities, 29 percent would look for lower cost of attendance, and 25 percent would look for greater job-placement resources.
- The vast majority of students (83 percent) expect a tuition discount in the case of a remote fall semester, which, combined with potentially lower enrollment, would significantly impact university revenues.

(<https://www.mckinsey.com/industries/social-sector/our-insights/covid-19-and-us-higher-education-enrollment-preparing-leaders-for-fall#>).



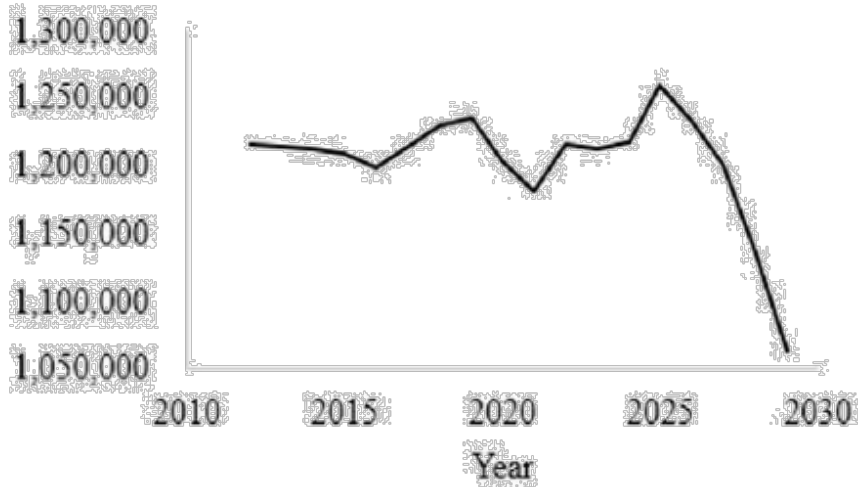
# Impact of COVID-19 on Enrollment

- ACE projects that international enrollment could drop by 25 percent if institutions shift to remote learning in the fall.
- The bond ratings agency Fitch anticipates that annual enrollment declines for Fall 2020 could range from 5 to 20% for many colleges and universities. Private colleges could experience more meaningful financial effects than public colleges, given a higher reliance on tuition and student fee revenues.
- A recent report by Eduventures indicates that adult students may not be enrolling in higher education in the COVID-19 recession. The report cites early evidence that FASFA applications by independent students aged 24 or older, were down by 9 percent for the initial months of 2020.
- SimpsonScarborough has predicted that four-year colleges may face a loss of up to 20% in fall enrollment based on surveys of more than 2,000 college-bound high school seniors and current college students in March, just after the coronavirus began spreading in the United States, and in April, after three weeks of record unemployment claims.

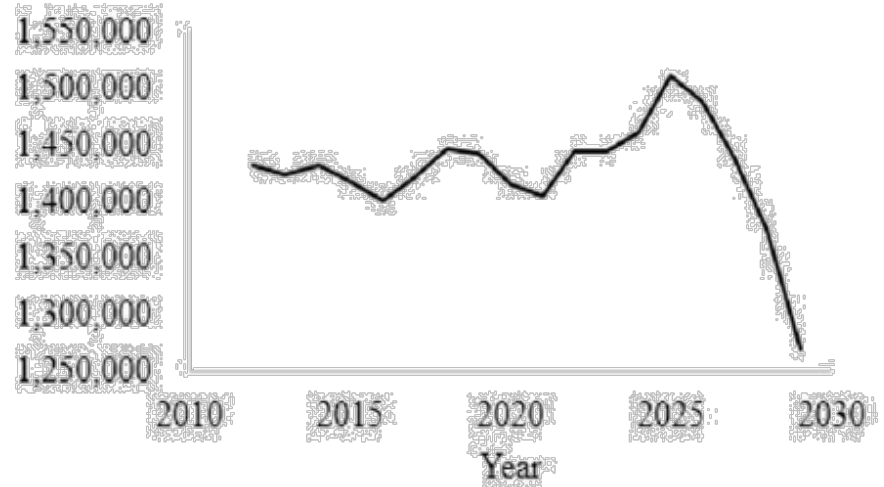


# Forecasted Number of Students Attending College <sup>11</sup>

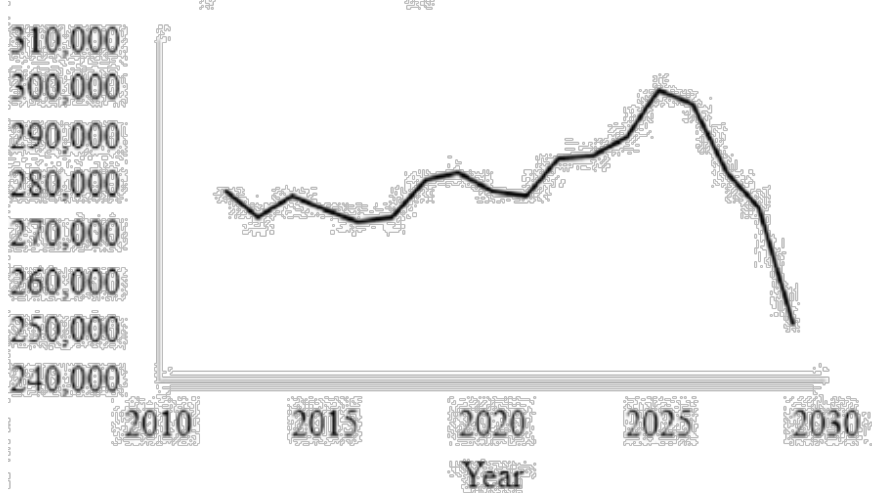
a) Two-year colleges



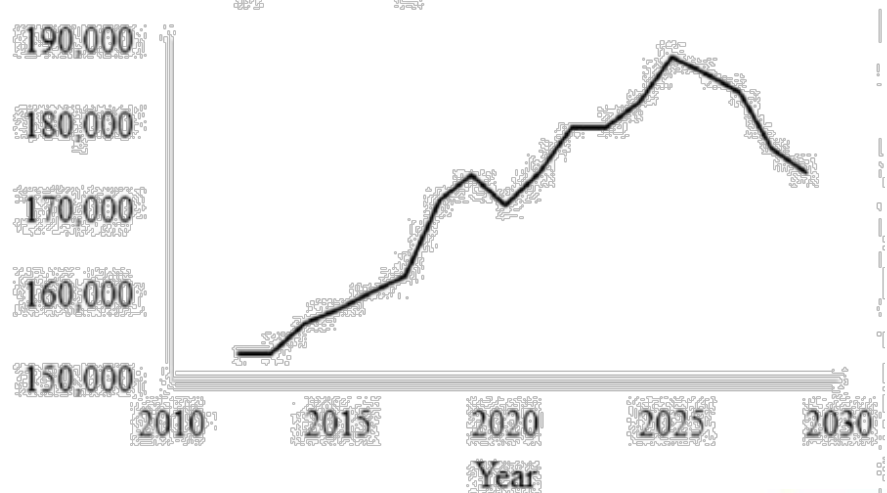
b) Regional colleges and universities



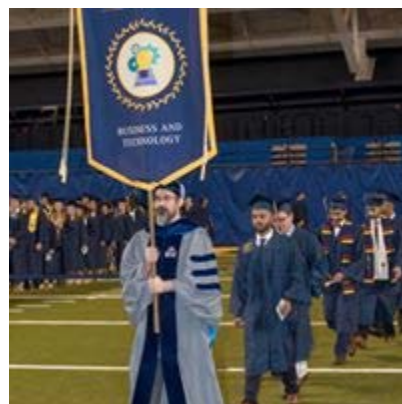
c) National colleges and universities



c) Elite colleges and universities



# Budget Overview



# THEC Outcomes-Based Formula Components

## Outcome

Student Progression: 30 Credit Hours

Student Progression: 60 Credit Hours

Student Progression: 90 Credit Hours

Bachelors Degrees

Masters Degrees

Doctoral/Law Degrees

Research/Grant Funding

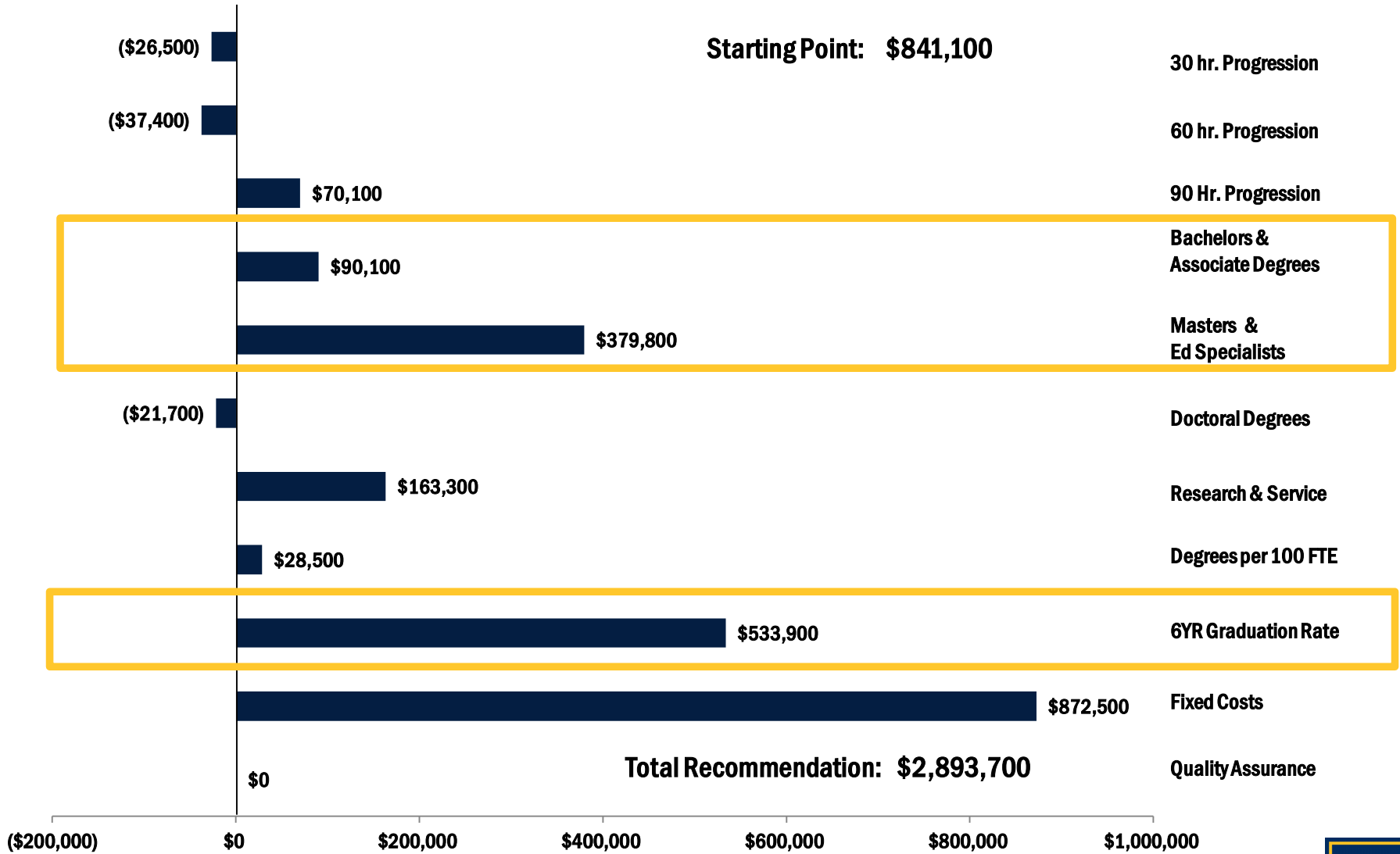
Degrees per 100 FTE

Graduation Rate





# Breakdown of Funding Formula Component Parts: ETSU



# THEC Outcomes-Based Funding - Original

Academic Formula Units	2019-20 Appropriation	2020-21 Formula Calculation	Breakdown of 2020-21 Changes		2020-21 Changes	2020-21 Recommendation	Percent Change	Percent Funded
			Outcomes Formula Adjustments	Share of New Funding				
<b>LGI Universities</b>								
Austin Peay	\$50,503,100	\$76,111,000	\$263,700	\$1,671,500	\$1,935,200	\$52,438,300	3.8%	68.9%
<b>East Tennessee State Univ.</b>	<b>\$69,479,000</b>	<b>\$105,044,500</b>	<b>\$586,800</b>	<b>\$2,306,900</b>	<b>\$2,893,700</b>	<b>\$72,372,700</b>	<b>4.2%</b>	<b>68.9%</b>
Middle Tennessee	\$107,399,400	\$158,590,000	-\$1,618,200	\$3,482,900	\$1,864,700	\$109,264,100	1.7%	68.9%
Tennessee State	\$41,795,200	\$61,600,800	-\$706,800	\$1,352,800	\$646,000	\$42,441,200	1.5%	68.9%
Tennessee Tech	\$56,597,500	\$85,458,500	\$404,200	\$1,876,800	\$2,281,000	\$58,878,500	4.0%	68.9%
University of Memphis	\$123,370,700	\$184,595,400	-\$243,600	\$4,054,000	\$3,810,400	\$127,181,100	3.1%	68.9%
<b>Subtotal</b>	<b>\$449,144,900</b>	<b>\$671,400,200</b>	<b>-\$1,313,900</b>	<b>\$14,744,900</b>	<b>\$13,431,000</b>	<b>\$462,575,900</b>	<b>3.0%</b>	<b>68.9%</b>
<b>Community Colleges</b>	<b>\$291,614,000</b>	<b>\$441,592,400</b>	<b>\$2,932,700</b>	<b>\$9,698,000</b>	<b>\$12,630,700</b>	<b>\$304,244,700</b>	<b>4.3%</b>	<b>68.9%</b>
<b>UT Universities</b>								
UT Chattanooga	\$58,905,900	\$88,588,800	\$183,800	\$1,945,500	\$2,129,300	\$61,035,200	3.6%	68.9%
UT Knoxville	\$244,059,300	\$365,012,200	-\$592,400	\$8,016,200	\$7,423,800	\$251,483,100	3.0%	68.9%
UT Martin	\$35,108,200	\$50,848,900	-\$1,191,500	\$1,116,700	-\$74,800	\$35,033,400	-0.2%	68.9%
<b>Subtotal</b>	<b>\$338,073,400</b>	<b>\$504,449,900</b>	<b>-\$1,600,100</b>	<b>\$11,078,400</b>	<b>\$9,478,300</b>	<b>\$347,551,700</b>	<b>2.8%</b>	<b>68.9%</b>
<b>Total Colleges and Universities</b>	<b>\$1,078,832,300</b>	<b>\$1,617,442,500</b>	<b>\$18,700</b>	<b>\$35,521,300</b>	<b>\$35,540,000</b>	<b>\$1,114,372,300</b>	<b>3.3%</b>	<b>68.9%</b>
TN Colleges of Applied Technology	\$75,301,400	\$112,865,900	-\$18,700	\$2,478,700	\$2,460,000	\$77,761,400	3.3%	68.9%
<b>Total Academic Formula Units</b>	<b>\$1,154,133,700</b>	<b>\$1,730,308,400</b>	<b>\$0</b>	<b>\$38,000,000</b>	<b>\$38,000,000</b>	<b>\$1,192,133,700</b>	<b>3.3%</b>	<b>68.9%</b>



# Shifting State Budget Landscape Post-COVID 19

MIKE KRAUSE  
Executive Director



STATE OF TENNESSEE  
HIGHER EDUCATION COMMISSION  
STUDENT ASSISTANCE CORPORATION  
312 ROSA PARKS BLVD, 9<sup>TH</sup> FLOOR  
NASHVILLE, TENNESSEE 37243-0830  
(615) 741-3605

## MEMORANDUM

**To:** Locally Governed Institutions Presidents  
University of Tennessee System President  
Tennessee Board of Regents Chancellor

**From:** Mike Krause

**Subject:** 2020-21 Budget Reduction Preparation Update

**Date:** May 28, 2020

As discussed in the State Funding Board meeting, Tennessee's GDP is expected to contract sharply in the second quarter of 2020. As such, yesterday, I was notified by Finance and Administration Commissioner Butch Eley that higher education needs to prepare a plan to meet a target reduction of 12 percent.

THEC will, of course, be modeling this plan utilizing the reduction methodology previously briefed in the Fall 2019 Commission Meeting materials. I encourage you to start convening your campus leaders to strategize how your institution(s) will respond to such a reduction.

As you are aware, the Commission delayed a vote on tuition and fee binding ranges earlier this month. It is our intent to convene a special called meeting to approve revised ranges as soon as the General Assembly adjourns *sine die*. THEC will initiate discussions around tuition needs with you and your fiscal officers as soon as we are able to model reduction scenarios for each institution.

BILL LEE  
Governor

- ETSU received a directive from THEC to reduce our state funded budget by 12% on 5/28/2020.
- The campus worked the entire month of June to develop strategies to meet this directive.
- On 6/26/2020, we were informed by THEC that our budget was held harmless by Gov. Lee.
- Overall budget was still reduced slightly due to state mandates and technical formula adjustments by THEC.



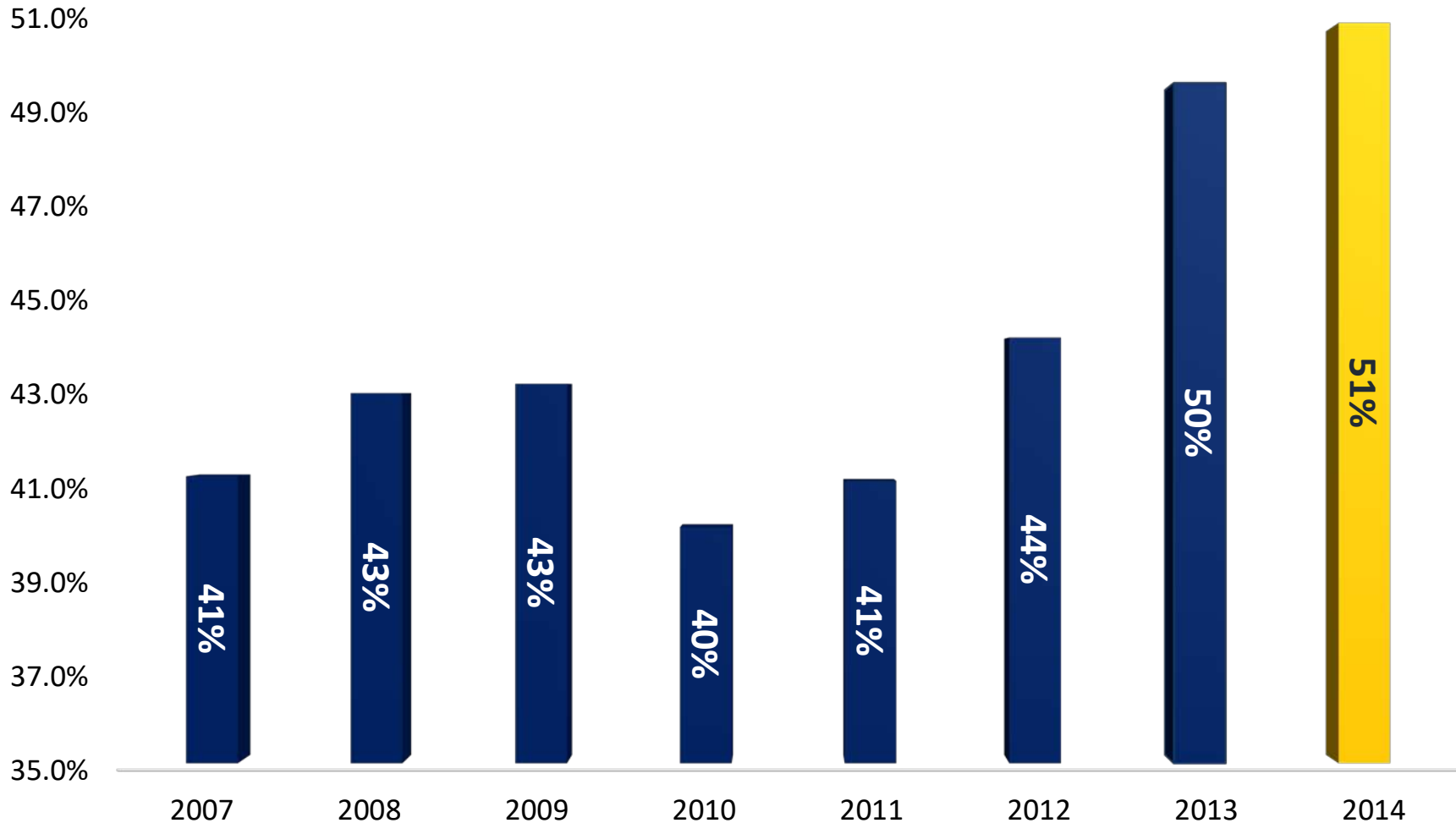


# THEC Outcomes-Based Funding - Revised

Academic Formula Units	2019-20 Appropriation <sup>1</sup>	Breakdown of 2020-21 Changes		2020-21 Changes	2020-21 Recommendation	Percent Change
		Outcomes Formula Adjustments	Share of New Funding			
<b>LGI Universities</b>						
Austin Peay	\$50,503,100	\$263,700	\$0	\$263,700	\$50,766,800	0.5%
<b>East Tennessee<sup>2</sup></b>	<b>69,479,000</b>	<b>586,800</b>	<b>-</b>	<b>586,800</b>	<b>70,065,800</b>	<b>0.8%</b>
Middle Tennessee	107,399,400	(1,618,200)	-	(1,618,200)	105,781,200	-1.5%
Tennessee State	41,795,200	(706,800)	-	(706,800)	41,088,400	-1.7%
Tennessee Tech <sup>2</sup>	56,597,500	404,200	-	404,200	57,001,700	0.7%
University of Memphis	123,370,700	(243,700)	-	(243,700)	123,127,000	-0.2%
<b>Subtotal</b>	<b>\$449,144,900</b>	<b>(\$1,314,000)</b>	<b>\$0</b>	<b>(\$1,314,000)</b>	<b>\$447,830,900</b>	<b>-0.3%</b>
<b>Community College Subtotal</b>	<b>\$291,613,800</b>	<b>\$2,932,900</b>	<b>\$0</b>	<b>\$2,932,900</b>	<b>\$294,546,700</b>	<b>1.0%</b>
<b>UT Universities</b>						
UT Chattanooga	\$58,905,900	\$183,700	\$0	\$183,700	\$59,089,600	0.3%
UT Knoxville <sup>2</sup>	244,059,300	(592,400)	-	(592,400)	243,466,900	-0.2%
UT Martin <sup>2</sup>	35,108,200	(1,191,500)	-	(1,191,500)	33,916,700	-3.4%
<b>Subtotal</b>	<b>\$338,073,400</b>	<b>(\$1,600,200)</b>	<b>\$0</b>	<b>(\$1,600,200)</b>	<b>\$336,473,200</b>	<b>-0.5%</b>
<b>Total Colleges and Universities</b>	<b>\$1,078,832,100</b>	<b>\$18,700</b>	<b>\$0</b>	<b>\$18,700</b>	<b>\$1,078,850,800</b>	<b>0.0%</b>
TN Colleges of Applied Technology <sup>2</sup>	\$75,301,400	(\$18,700)	\$0	(\$18,700)	\$75,282,700	0.0%
<b>Total Academic Formula Units</b>	<b>\$1,154,133,500</b>	<b>\$0</b>	<b>\$0</b>	<b>\$0</b>	<b>\$1,154,133,500</b>	<b>0.0%</b>



# ETSU Six-Year Cohort Graduation Rate (2007 – 2014)



- Graduation rate measured utilizing ETSU-only data and institutional completion
- The 2014 cohort details information for those students who began as FTFT freshman in 2014 and graduated by 2020\* (projected data)

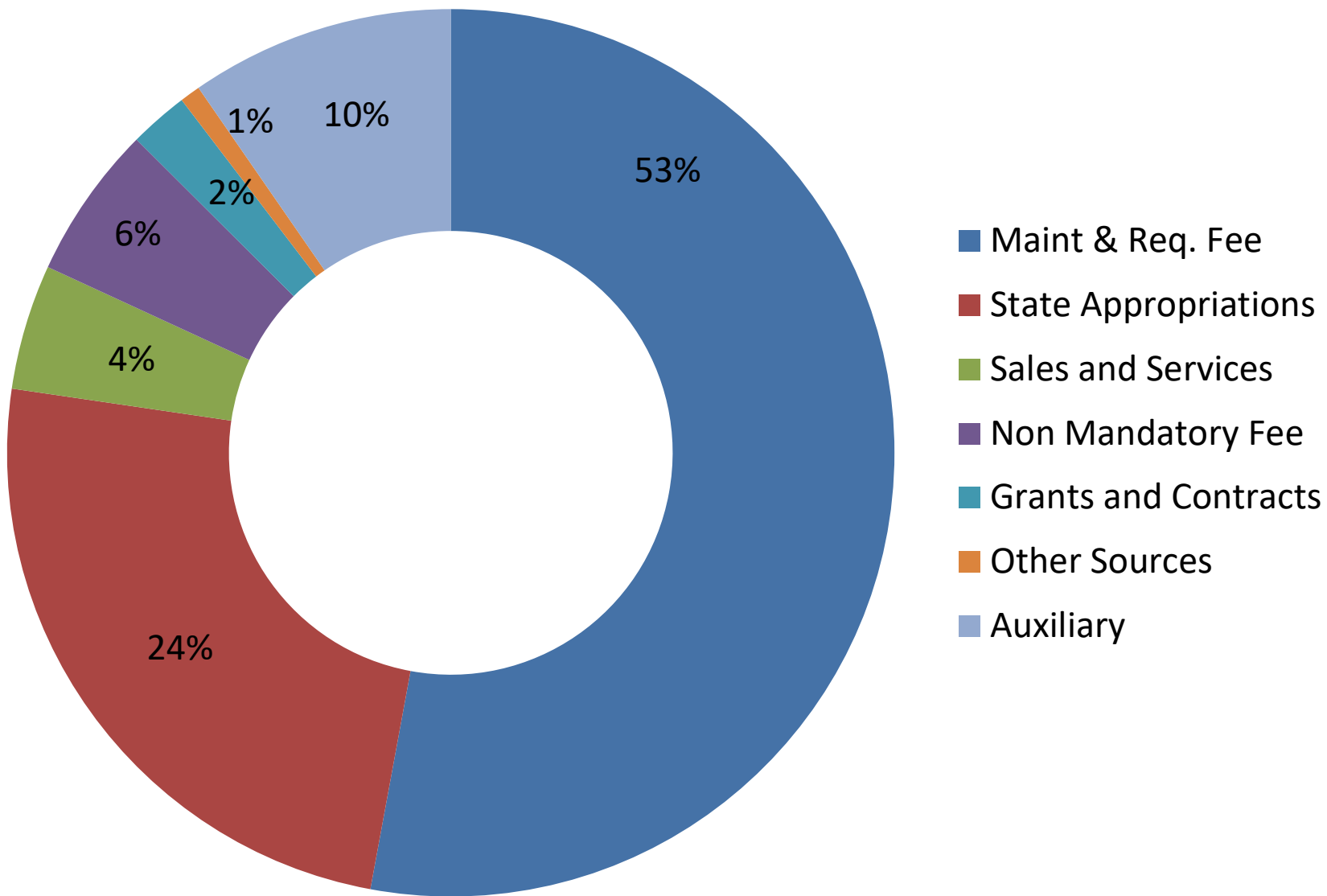


# ETSU Budget Landscape

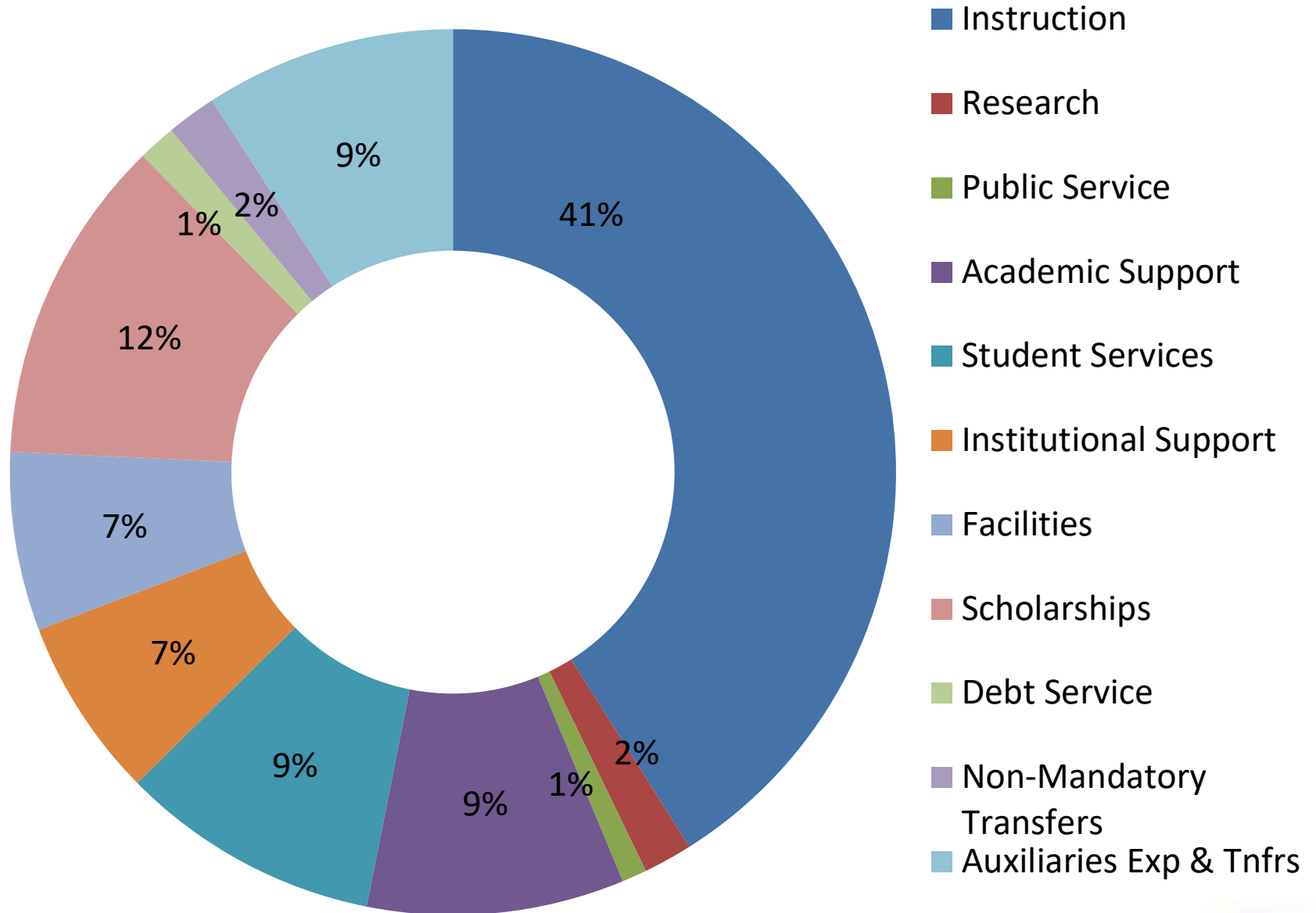
- ETSU utilizes a decentralized budget process that enhances shared governance and aligns with our 2016-26 strategic plan. However, technical aspects of the implementation process, coupled with changes in the state policy landscape, had a disproportionate impact on the College of Arts and Sciences.
- The 2020-21 budget for ETSU was approved by our Board of Trustees in April. This budget included a zero percent fee increase for all aspects of the institution. At the time of the BOT meeting, the budget was balanced, investments were slated to be made in reserves (\$1m), and salary enhancements were envisioned for the eighth time in nine years.
- The campus budget landscape has been significantly impacted by the COVID-19 outbreak and the subsequent uncertainty around enrollment, CARES funding, future state funding cycles, and a host of other variables.



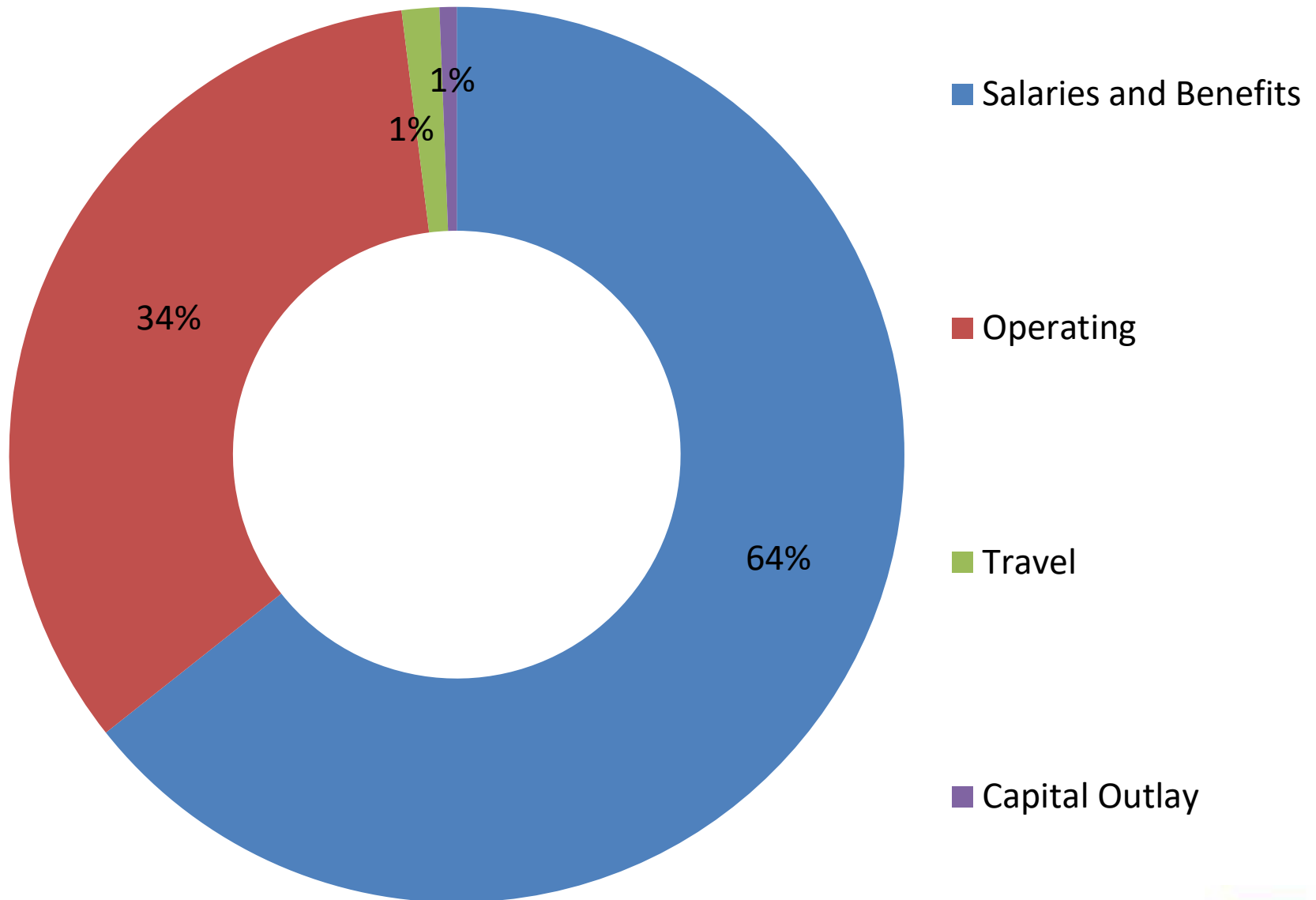
# FY 2019-20 Revenue Budget – Revenue by Source



# FY 19-20 Expenditure Budget By Function



# FY 19-20 Expenditure Budget by Category



# Strategic Options Workgroup





# Workgroup Charge

- In response to Governor Lee and THEC's charge to reduce the state portion of the ETSU budget by 12%, coupled with projected revenue loss from enrollment and other factors as a result of the COVID-19 outbreak, a shared governance workgroup was created to provide budget options for ETSU. The charge to this committee was as follows:
  - *“The workgroup will provide to the president projected budget scenarios for the 2020-21 fiscal year and make actionable recommendations and options in response to each identified scenario to ensure budget and strategic plan alignment. Additionally, this group will be responsible for identifying long term strategies that may be considered for implementation into future university operations.”*





# Workgroup Timeline

Date	Topic	Date	Topic
5/20/2020	Committee charged, budget targets established	6/24/2020	Discuss Implementation Impact
5/27/2020	Review potential tactics and national strategies to reduce expenditures	6/29/2020	Discuss THEC budget update and revised 2020-21 state budget
6/3/2020	Request to budget units for reduction plans	7/1/2020	Set new target with Dr. Noland
6/10/2020	Discuss Voluntary Retirement Incentive Program	7/7/2020	Prioritize budget strategies and tactics
6/18/2020	Review unit level worksheets	7/10/2020	Final Report



# Workgroup Assumptions

- As a commitment to protect the academic core of the university, adjustment targets will be higher for all administrative units (5.3% admin 4.3% academic).
- TAF funding should not be included in the reduction scenarios for such funds are restricted in nature and committed to purposes that do afford reduction beyond corresponding enrollment impacts.
- No recommendations or actions should be taken that increase student costs for the 2020-21 academic year. Given the Board of Trustees' charge to hold costs constant, budget losses will not be offset by student fees or ancillary cost increases.
- The workgroup was charged with providing detailed information for multiple budget scenarios in 2020-21 and aligning tactics in an attempt to balance expenditures and revenues.
  - Those scenarios are contained in Appendix I and Appendix II of their report.
  - The tactics are contained in Appendix III of their report.
- The Colleges of Medicine and Pharmacy, each with independent budgets, will implement their own reduction strategies to meet the demands of their unique instructional and clinical budgets.



# Factors Impacting the 2020-21 Budget

The university is expected to have a revenue shortfall from enrollment and has fixed costs that must be addressed immediately. The total impact of the following items is **\$8,294,676**:

- Enrollment is projected to be down 500 FTE for Fall 2020 and the annualized financial impact will be **\$4,229,000**.
- ETSU is responsible for Other Post-Employment Benefits (OPEB) contributions in the amount of **\$512,000**.
- The centralized cost of Tenure and Promotion adjustments for the 2020-21 year is **\$325,380**.
- College of Arts and Sciences base budget has an estimated **\$1,525,356** structural budget deficit that must be addressed to prevent harmful impacts to the general education core and overall college instruction for the upcoming academic year.
- The removal of the salary enhancement pool approved by the Board of Trustees for 2020-21 results in a **\$1,202,940** reduction to the base budget.
- Implementation of the phased reopening plans outlined by the Future Operations Workgroup is currently underfunded. The workgroup feels strongly there should be a fund of **\$500,000** established to support those plans.



# Budget Adjustment Scenarios

Date: 7.12.2020

Estimates Only

	Scenario 1 Base	Scenario 2 (500) Student		Scenario 3 (750) Students		Scenario 4 (1000) Students	
		Admin Reduction	Academic Reduction	Admin Reduction	Academic Reduction	Admin Reduction	Academic Reduction
	Approved July 20-21 Budget	-5.3%	-4.3%	-7.3%	-6.3%	-9.3%	-8.3%
	Enrollment down 100	Reduction	Budget	Reduction	Budget	Reduction	Budget
Administrative Unit Reduction							
<b>Administration</b>	13,469,230.00	(713,869.19)	12,755,360.81	(983,253.79)	12,485,976.21	(1,252,638.39)	12,216,591.61
<b>Advancement</b>	2,092,350.00	(110,894.55)	1,981,455.45	(152,741.55)	1,939,608.45	(194,588.55)	1,897,761.45
<b>Business &amp; Finance</b>	3,196,270.00	(169,402.31)	3,026,867.69	(233,327.71)	2,962,942.29	(297,253.11)	2,899,016.89
<b>IT</b>	8,376,090.00	(443,932.77)	7,932,157.23	(611,454.57)	7,764,635.43	(778,976.37)	7,597,113.63
<b>TAF</b>	3,798,680.00	0.00	3,798,680.00	0.00	3,798,680.00	0.00	3,798,680.00
<b>President</b>	3,963,850.00	(210,084.05)	3,753,765.95	(289,361.05)	3,674,488.95	(368,638.05)	3,595,211.95
<b>Athletics</b>	16,025,460.00	(849,349.38)	15,176,110.62	(1,169,858.58)	14,855,601.42	(1,490,367.78)	14,535,092.22
<b>Student Life and Enrollment</b>	7,987,060.00	(423,314.18)	7,563,745.82	(583,055.38)	7,404,004.62	(742,796.58)	7,244,263.42
<b>Student Activities</b>	3,082,400.00	(163,367.20)	2,919,032.80	(225,015.20)	2,857,384.80	(286,663.20)	2,795,736.80
<b>Subtotal Administrative Units</b>	<b>61,991,390.00</b>	<b>(3,084,213.63)</b>	58,907,176.37	<b>(4,248,067.83)</b>	57,743,322.17	<b>(5,411,922.03)</b>	56,579,467.97
Academic Unit Reduction							
<b>Provost &amp; Health Affairs</b>	94,334,810.00	(4,056,396.83)	(98,391,206.83)	(5,943,093.03)	88,391,716.97	(7,829,789.23)	86,505,020.77
<b>Subtotal Academic Unit</b>	<b>94,334,810.00</b>	<b>(4,056,396.83)</b>	<b>(98,391,206.83)</b>	<b>(5,943,093.03)</b>	<b>88,391,716.97</b>	<b>(7,829,789.23)</b>	<b>86,505,020.77</b>
Expense and Revenue Offset Due to Salary Freeze for 2020/21 Fiscal Year							
<b>Salary Enhancement Pool*</b>	1,202,940.00	(1,202,940.00)	0.00	(1,202,940.00)	0.00	(1,202,940.00)	0.00
<b>Total Reduction</b>	<b>157,529,140.00</b>	<b>(8,343,550.46)</b>		<b>(11,394,100.86)</b>		<b>(14,444,651.26)</b>	

\*The salary enhancement pool was originally approved by the ETSU Board of Trustees on April 1, 2020. The workgroup is recommending no salary enhancements for fiscal year 2020/21 so it is included as a reduction in scenario 2-4.



# College Budget Adjustments

	Scenario 1 Base	Scenario 2 (500) Students		Scenario 3 (750) Students		Scenario 4 (1,000) Students	
	July 20-21 Budget	4.3%		6.3%		8.3%	
	Enrollment down 100	Reduction	Budget	Reduction	Budget	Reduction	Budget
College							
Academic Affairs	6,788,710.00	(291,914.53)	6,496,795.47	(427,688.73)	6,361,021.27	(563,462.93)	6,225,247.07
Arts & Sciences	25,414,460.00	(1,092,821.78)	24,321,638.22	(1,601,110.98)	23,813,349.02	(2,109,400.18)	23,305,059.82
Business & Technology	14,743,870.00	(633,986.41)	14,109,883.59	(928,863.81)	13,815,006.19	(1,223,741.21)	13,520,128.79
Continuing Studies	2,885,740.00	(124,086.82)	2,761,653.18	(181,801.62)	2,703,938.38	(239,516.42)	2,646,223.58
Education	12,505,180.00	(537,722.74)	11,967,457.26	(787,826.34)	11,717,353.66	(1,037,929.94)	11,467,250.06
Graduate School	1,843,170.00	(79,256.31)	1,763,913.69	(116,119.71)	1,727,050.29	(152,983.11)	1,690,186.89
Honors	967,380.00	(41,597.34)	925,782.66	(60,944.94)	906,435.06	(80,292.54)	887,087.46
CCHRS	8,865,130.00	(381,200.59)	8,483,929.41	(558,503.19)	8,306,626.81	(735,805.79)	8,129,324.21
Heath Affairs	1,326,590.00	(57,043.37)	1,269,546.63	(83,575.17)	1,243,014.83	(110,106.97)	1,216,483.03
Nursing	12,464,030.00	(535,953.29)	11,928,076.71	(785,233.89)	11,678,796.11	(1,034,514.49)	11,429,515.51
Public Health	6,530,550.00	(280,813.65)	6,249,736.35	(411,424.65)	6,119,125.35	(542,035.65)	5,988,514.35
<b>TOTAL</b>	<b>94,334,810.00</b>	<b>(4,056,396.83)</b>	<b>90,278,413.17</b>	<b>(5,943,093.03)</b>	<b>88,391,716.97</b>	<b>(7,829,789.23)</b>	<b>86,505,020.77</b>
variance to base			(4,056,396.83)		(5,943,093.03)		(7,829,789.23)

*It should be noted the AS net reduction will be less than what is represented here – their original reduction was \$1.5 million dollars more (total \$2.6 Million) as a result of the carryforward deficit being addressed in this proposal*



# Budget Implementation

- Vacant positions and associated salaries have been highly restricted for the 2020-21 fiscal year.
  - This action was initiated in response to the original budget charge from Governor Lee.
- Purchasing restrictions, travel limitations, operating and utilities maximization, restrictions on new locally funded renovation and maintenance projects, limitations on central temporary and contract hires, etc.
- Voluntary Retirement Incentive Program presented to both faculty and staff.
  - Staff application period has launched and will end on August 14, 2020
    - Current estimates project we will meet the target of 75
  - Faculty application period will begin on August 15, 2020.



# Budget Implementation

- Implement budget adjustments of 5.3% for administrative units and 4.3% for academic units for the 2020-21 academic year and establish a central COVID-19 contingency fund.
  - New revenues will not be distributed through the budget model unless Fall 2020 enrollment surpasses Fall 2019. Any revenue generated from enrollment above the -500 figure will be placed into a central COVID-19 contingency fund.
  - FY 2020 fallout will be distributed according to the budget model. A recommendation on FY 2021 fall-out will be developed in consultation with the colleges.
- Continue the following central cost containment measures:
  - Delay new locally funded capital and deferred maintenance projects
  - Reduce heating, cooling, and airflow in unoccupied buildings
  - Turn off non-emergency lights, equipment, and appliances and close lab hoods in unoccupied buildings
  - Eliminate/minimize the purchase of discretionary goods and services.



# Budget Implementation

- At the college level, it is recommended that the following remain highly restrictive, with exceptions being provided at the Dean's discretion except for areas that would traditionally require the approval of the Vice-President or President:

- Hiring for the 2020-21 budget year, except those hires that are necessary for accreditation requirements and/or essential program delivery. There is an expectation that open positions will not be refilled unless there is justification that the functions/tasks of the position cannot be transferred to current full-time employees.
- Carefully manage travel funds, except that which is required by accreditation, tenure activities, or essential program delivery. Any travel expenditures should prioritize tenure-track faculty and research.
- All new stipend requests. Exceptions will require review of justifications and approval from Deans. When at all possible, review all existing stipends to reallocate or eliminate functions and tasks to prevent future stipends.
- Without causing large scale losses of instructional support, where possible, restrict temporary faculty/staff hiring for 2020-21. Exceptions may be granted for accreditation or essential program delivery.





# Proposed Strategic Planning and Visioning

- ETSU will launch a strategic planning/visioning process that will seek to align mission, operations, and budget.
- The expectation is that planning will be consistent with the process proposed to the University Council in February 2020 and would be an extension of the work of the Committee for 125.
- As part of this process, the institution will review the work of the Committee for 125, examine emerging opportunities, and explore avenues to promote efficiency and effectiveness.
- This process would frame and articulate a vision for ETSU post COVID-19 that would affirm our teaching, research, and service missions.



# Questions and Discussion

“ETSU being a great university is not just important for the university and the students and the faculty. It’s important for this whole region in a way that few other institutions are. When you look at this part of the state, ETSU is **the** dominant institution – I’m not talking about just education. The health and welfare of this region, I think, depend more on ETSU than anything else.”

Tennessee Gov. Bill Haslam  
March 24, 2017



EAST TENNESSEE STATE UNIVERSITY  
BOARD OF TRUSTEES

MINUTES

July 17, 2020  
Johnson City, Tennessee

A special called meeting of the East Tennessee State University Board of Trustees was held at 1 p.m. on Friday, July 17 via teleconference call due to extraordinary circumstances surrounding the COVID-19 outbreak. The meeting was livestreamed to allow individuals to attend remotely.

**I. Call to Order**

Chair Scott Niswonger called the meeting to order at 1 p.m.

In his opening remarks, Chair Niswonger applauded the virtual Commencement Ceremony held May 9. A global pandemic has not prevented ETSU from continuing its teaching, research, and public service initiatives. He highlighted several major announcements since the last meeting:

- The launching of the Strong BRAIN Institute;
- A national education ranking of online nurse practitioner and radiologic sciences programs;
- Through the Department of Media and Communication, ETSU became the first university in the nation to earn accreditation from the Digital Marketing Institute; and
- Dr. Michael Meit was selected to lead research and programming for the Center for Rural Health Research.

Chair Niwsonger expressed pride for the way ETSU has been responsive to the tensions across the nation regarding racial injustice. He concluded his remarks by thanking Vice Chairman David Golden for his service as he is stepping away from his role with the Board of Trustees. During the next quarterly meeting, Vice Chairman Golden will be recognized with a resolution and a formal action will be taken to select a new Vice Chair for the Board of Trustees.

**II. Roll Call**

Secretary Green provided special instructions for telephonic meetings. Because Trustees participated via Zoom, votes were taken by roll call. In accordance with Tennessee Code § 8-44-108 section (c) (3), Secretary Green asked Trustees two questions. First, he asked each Trustee if he or she could clearly hear and participate in the meeting, and second, if any other persons were present in the room. All Trustees answered yes and that they were alone.

The following Trustees were present:

Janet Ayers

Virginia Foley  
Linda Latimer  
Scott Niswonger  
Austin Ramsey  
Ron Ramsey  
Kelly Wolfe

Secretary Green said he did not detect a physical quorum present; however, a quorum existed by the inclusion of members participating by electronic means. He explained that in accordance with Tennessee Code § 8-44-108 section (b) (2), the meeting was necessary for the following reasons:

- Business critical decisions for the operations of the institution are slated for this meeting such as the modifications of the fall 2020 academic calendar, as well as budget planning among other items;
- Due to the COVID-19 virus outbreak and subsequent recommendations from the Centers for Disease Control and Prevention as well as Governor Bill Lee, social distancing measures and a limit on group gatherings are being observed.

Secretary Green said that for these reasons, he contended that participation by a quorum of the Board members by electronic or other means of communication is necessary. He then asked Chairman Niswonger for a motion and a roll call vote for a determination on the necessity of holding this meeting. Trustee Latimer made a motion, followed by a second from Trustee Foley. All Trustees provided affirmative votes that the meeting had a necessity to proceed.

### **III. Approval of the Minutes from April 24, 2020 Quarterly Meeting**

Trustee Foley made a motion to accept the minutes which was seconded by Trustee Ayers and unanimously approved by roll call vote.

### **IV. Student Trustee Selection**

President Noland presented a motion to accept the nomination of Mr. Austin Ramsey to serve as the Student Trustee for the 2020-21 academic year. Trustee Wolfe seconded the motion and the nomination was accepted.

### **V. Academic, Research, and Student Success Committee**

#### **A. Revised 2020-21 Academic Calendar**

Dr. Wilsie Bishop presented proposed changes to the academic calendar developed out of concern for the health and safety of students, faculty, and staff. Details of the proposed changes were included in the meeting materials (pg. 12), however, Dr. Bishop affirmed that the revised calendar still honors the start and stop dates of the fall 2020 semester, which will not be shortened. Fall break (two days) would move to the week of Thanksgiving, thereby extending the holiday break to five days. Observance of the Labor Day and Veterans Day holidays would be forgone, creating additional instructional days. Students would not return for on-ground courses after Thanksgiving, and all instruction, including final exams, would be completed remotely. The Gatton College of Pharmacy would alter its start date slightly, but follow the proposed calendar in September. Quillen College of Medicine will

maintain its regular schedule. She said the proposed calendar is consistent with the other LGI's.

Trustee Foley seconded the motion provided in the meeting materials to approve the alterations to the academic calendar for 2020-21. Following a roll call vote, the revised academic calendar was adopted.

### **B. Emergency Rule – Title IX**

Dr. Mark Fulks provided an overview of the Emergency Rule, which dictates how institutions of higher education handle sexual harassment and sexual assault on campus. The Title IX update was released in May and the U.S. Department of Education determined the deadline for implementation is Aug. 14, 2020.

Implementation of the Emergency Rule ensures compliance with Title IX regulations, he noted. Upon approval by the Board of Trustees, a full rulemaking process will be required for adoption of the permanent rule and will involve a comment period and hearing. Major changes are noted in the meeting materials, one of which is the adoption of “clear and convincing evidence” rather than the preponderance of evidence that was previously required.

Another major change outlined in the rule is colleges are no longer required to designate most members of campus as “mandatory reporters” of information learned about sexual harassment or discrimination. There are also changes to a single-investigator model and a narrower definition of harassment. Additionally, the rule changes the manner that off-campus incidents will be handled – through the student conduct process rather than Title IX process. In hearings, students are entitled to have an adviser and there is a formal cross-examination process, making the hearing a bit more legalistic, Dr. Fulks said. Hearings can also be held by video conference.

The proposed Emergency Rule was prepared collaboratively with legal counsel from the LGI's.

Chair Niswonger seconded the motion provided in the meeting materials to adopt the Title IX Emergency Rule, which was approved following a roll call vote.

### **C. Opening Strategy Update**

President Brian Noland directed Trustees to a matrix providing a Summary of ETSU Actions and Strategies (pg. 62) framed by the Future Operations Workgroup Report (pg. 33) in the meeting materials.

Dr. David Linville, chair of the Future Operations Workgroup, said the report provides a framework to adapt university operations based on the status of the pandemic. The report follows some guiding principles, but does not over complicate the processes by providing four stages of operations. The summary following the report outlines how people are following the plan, making modifications as needed, and ensuring continuity of instruction, research, and service. The university is currently operating in stage 2 with the possibility of moving to stage 3 this fall.

President Noland then addressed the summary provided in the meeting materials. He is reminding students, faculty, and staff that patience, grace, and more patience are required as we move through an ever-changing landscape and prepare for the fall semester. Many people have asked about a “line in the sand” that dictates when operations would move from one stage to another. The Future Operations Workgroup Report provides latitude and flexibility. While research labs have reopened, ETSU is still working from a primarily remote structure with summer courses being taught online. Face coverings will be required for individuals returning to campus and several proposals are being considered for a face coverings policy that should be finalized in early August, he said.

A series of operational teams have been tasked with leading facilities (led by Mr. Jeremy Ross) and health (led by Dr. Bill Block) to address needs and help to implement and enforce safety protocols (pg. 62 of meeting materials). ETSU has ordered 10,000 face masks for students and 4,000 COVID-19 tests have arrived, President Noland added. The response team is going to each classroom in every building to determine physical distancing protocols and the Division of Student Life and Enrollment has developed detailed Housing and Food Service plans. The overall landscape remains very fluid as we put these plans into place, including determining course formats, he said. The bulk of fall course will likely either be online or on-ground with remote options.

Trustee Foley said she is confident the university is working through plans to finalize a policy on face coverings, and she noted that faculty have expressed concerns about enforcing the wearing of face masks.

## **VI. Budget Update**

President Noland presented an overview of the final report submitted by the Strategic Options Workgroup (pg. 72). COVID-19 is greatly impacting higher education funding and jobs. The bulk of ETSU’s revenue is determined by enrollment, which is extremely dynamic (slide No. 6). The enrollment projection for fall is currently down 416, which includes loss of 170 from the freshman class. Many students and families are waiting to see what the fall will entail and some are taking a gap year and deferring enrollment. International enrollment could drop as much as 25%, he said.

In terms of budget, state allocations are predicated on performance in the THEC outcomes formula and ETSU had the top performance this year. The information being relayed from the state is much different now than it was in May when THEC directed institutions to remove 12% of its overall state appropriation. Then, in June, Gov. Lee announced that higher education would be held harmless. President Noland expressed much appreciation and said ETSU is in a much better place financially than institutions in other states facing drastic cuts. When the Board met in April, Trustees approved the 2020-21 budget and did not increase tuition or fees. President Noland said this action “blazed the trail” for other institutions in the state to hold fees flat as well and played a crucial role in Gov. Lee’s decision to not cut state appropriations. The budget approved in April included additional investments in reserves and salary enhancements, however, the landscape has changed significantly, he explained. The

bulk of revenue comes from non-state sources and is invested in teaching, research, and service – an investment in people.

The Strategic Options Workgroup (chaired by Dr. Mike Hoff and Mr. Jeremy Ross) was charged to provide budget scenarios and options for consideration. Because the university is expected to have a revenue shortfall from enrollment, the workgroup recommends reducing the budget by nearly \$8.3 million – based on a decline of 500 students among other factors: (slide No. 27):

- Post-Employment Benefits (OPEB)
- Tenure and Promotion Adjustments
- College of Arts and Sciences budget deficit
- Removing salary pool (transferring to contingency fund)
- Implementation of phased reopening plans

Trustees will vote on a revised budget in October, he explained. In the proposed budget scenarios, items listed in red are the level of reductions in each unit (slide No. 28). Administrative units will see 5.3% reductions and academic units and athletics will take 4.3% reductions.

A Voluntary Retirement Incentive Program was enacted for faculty and staff, and the purchase of goods and services has been restricted as well as travel. These savings strategies are in place with the goal to protect employment of those who call ETSU home, President Noland said.

## **VII. President's Report**

In his report, President Noland told Trustees about a recent tabletop exercise related to the COVID-19 pandemic led by TEMA.

A review of organizational structure continues to ensure that the university is positioned to meet strategic planning objectives. Over the course of the spring semester, Dr. Bishop has led efforts to integrate the functions of the Provost Office to unify academics and health sciences under one roof, and continue her review of college alignment. On July 1, the School of Continuing Studies merged with the School of Graduate Studies to form the College of Graduate and Continuing Studies (Dr. Sharon McGee serving as dean). Dr. David Linville has assumed administrative oversight of off campus centers, and these actions address both academic and fiscal efficiencies.

The COVID-19 pandemic could continue to interrupt athletics, and the SoCon will convene in late July to discuss possible changes to the fall schedule. Men and Women's basketball programs are on campus practicing with safety measures in place, he said. ETSU Health provided COVID-19 screenings for athletes upon their arrival to campus. Athletic Director Scott Carter wants to do everything possible to continue offering scholarship athletic programs. There are no requests to cut athletic programs at this time, President Noland stated.

He also reported that the endowment is slightly higher than it was in March before the COVID-19 pandemic caused financial disruptions. ETSU has a new Executive Director of the Alumni Association, Whitney Calhoun Goetz.

For the last 8-9 years, ETSU has had a presence at the Kingsport Higher Education Center. The bulk of academic work has transferred from there to the Allandale campus because of the size, flexibility, and the needs of ETSU's nursing program. Dr. Linville will work with Northeast State President Dr. Bethany Flora to help frame new academic programs and vision for engagement in downtown Kingsport, President Noland noted.

Earlier in the month, President Noland said he approved Dr. Bishop's recommendation to close the Child Study Center. The CDC and Tennessee Department of Health guidelines to safely open during the COVID-19 pandemic makes it difficult for entities to operate. In order to meet the needs of University School and the needs of students who rely on childcare through Little Bucs the decision was made to close. Post-COVID, a group will come together to look at childcare needs across campus, he said.

There is a great sense of apprehension around the enforcement of a face covering requirement. Instead of taking a hard line approach, he suggested a public awareness campaign focused on being a good neighbor. To support this outcome, Dr. Randy Wykoff, Dean of the College of Public Health, has created a number of informational and educational videos regarding the importance of face coverings in the fight against COVID-19. One of the videos was shared with the board during the meeting.

The president closed his remarks to the Trustees with an overview of the strategic planning and visioning work of the Committee for 125 that occurred in 2012-13. There is a desire and energy to bring the campus together under the Board's leadership to frame a vision post-COVID to affirm and expand ETSU's teaching, research, and service mission, and the president noted that he would provide an update on the continued development of these efforts at the next quarterly meeting of the Board of Trustees.

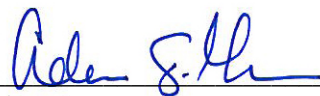
#### **VIII. Other Business**

No other business was brought before the ETSU Board of Trustees.

#### **IX. Adjournment**

The meeting adjourned at 2:35 p.m.

Respectfully submitted,



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Adam Green  
Secretary of the Board of Trustees

Approved by the Board of Trustees at its September 18, 2020 meeting.