



THE UNIVERSITY OF TENNESSEE  
BOARD OF TRUSTEES

MINUTES OF THE EXECUTIVE COMMITTEE MEETING  
October 2, 2019  
Knoxville, Tennessee

The Executive Committee of The University of Tennessee Board of Trustees met at 10:00 a.m. EDT on Wednesday, October 2, 2019, at the Joint Institute for Advanced Materials in Knoxville, Tennessee.

**I. CALL TO ORDER**

Chair John Compton called the meeting to order.

**II. ROLL CALL**

The Secretary, Catherine S. Mizell, first addressed the Open Meetings Act requirements for meetings conducted with members participating electronically, including the requirement that all votes be conducted by roll call. She proceeded to call the roll, and the following members were present:

John C. Compton, Chair  
Amy E. Miles (by telephone)  
William (Bill) C. Rhodes III (by telephone)  
Donald J. Smith  
Kim H. White (by video)

The Secretary announced the presence of a quorum and that others present at the meeting location in Knoxville included Interim President Boyd, CFO David Miller, other members of the administrative staff, and a representative of the media. Trustees participating electronically confirmed no one else was present at their various locations.

**III. MINUTES OF THE LAST MEETING**

The Chair called for any additions or corrections to the minutes of the August 30, 2019 meeting. Hearing none, the Chair directed the Committee's attention to the following prepared motion in the meeting materials:

I move that the reading of the minutes of the August 30, 2019 meeting of the Executive Committee be omitted and that the minutes be 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.



Trustee Smith so moved, Trustee Rhodes seconded, and the motion passed unanimously by a roll-call vote.

#### **IV. UPDATES FROM THE PRESIDENT**

The Chair recognized Interim President Boyd for the following updates:

##### UT Promise

The UT Promise scholarship program launched the previous week with an outstanding state-wide tour organized by the UT Promise team and the Communications and Marketing team. The tour included eight counties and nine high schools, six community events attended by legislators from all across the state, and addresses to over 3,000 students. The goal is to have over 2,000 UT Promise recipients next year, and already more than 804 applications have been submitted. The UT Promise Endowment is currently \$17 million, and the goal is \$100 million. Although the current budget will cover the cost, the endowment is needed to ensure that no matter what happens in the future economy, this scholarship will be available for generations.

##### Enrollment

There is good progress in enrollment. The increase is especially significant in light of the fact that other universities across the state and the country are struggling to maintain enrollment.

##### Research

Research dollars continue to increase.

##### Reunification of the Institute of Agriculture with UT Knoxville

Vice President Linda Martin led 24 listening sessions across the state and very ably explained the nuances and details of the reunification. Positive momentum is building, and great ideas have been submitted. The listening team will summarize the ideas in a report to be submitted at the next Board meeting. One immediate outcome is \$1.7 million in funding for security at the 4-H camps.

##### Creation of Oak Ridge Institute

Vice President Stacey Patterson is leading a steering committee for the Oak Ridge Institute at UT. Discussions about supporting the project are ongoing with legislators across the state, with the Governor's administration, and at the federal level. The response has been very positive.

##### Eugenia Williams Estate in Knoxville

Sealed bids to purchase the property have been received. Because all bids are below the appraised value, state policy requires that a request for best and final offer be issued.

The Chair and other members congratulated and thanked Interim President Boyd for these significant accomplishments.



## V. TITLE, COMPENSATION, AND OTHER TERMS OF EMPLOYMENT OF A UNIVERSITY OFFICER RESIGNING TO ACCEPT AN APPOINTMENT WITH UT KNOXVILLE

Interim President Boyd recommended approval of the title and compensation for the appointment of Matthew Scoggins, current General Counsel, as Chief of Staff for UT Knoxville. The Bylaws authorize the Executive Committee to approve the terms of this appointment. Trustee Rhodes expressed appreciation for Mr. Scoggins' decision to help Chancellor Plowman. He asked whether the provision allowing him to return to the Office of General Counsel as a Deputy General Counsel upon resignation or termination is standard protocol and whether a new position would have to be created. The Chair deferred to Ms. Mizell, who explained that two Deputy General Counsel positions are currently filled, and therefore Mr. Scoggins' return to the office would require the creation of a new position unless there is a vacancy in one of the existing positions. She also explained that the provision is not standard protocol. Hearing no further questions or comments, the Chair called for a motion. Trustee Rhodes moved adoption of *Resolution 100-2019* to approve the title, compensation, and other terms of employment of Matthew Scoggins as Chief of Staff for UT Knoxville. Trustee Miles seconded, and the motion passed unanimously by a roll-call vote. In response to the Chair's question, Mr. Boyd said a search for the next General Counsel has been initiated.

The Chair then mentioned the upcoming retirement of Ms. Mizell. He complimented her on almost 40 years of service, noting that she had served as both General Counsel and Secretary at one time. He described her service to the University as amazing and thanked her for assisting him in the search for her successor, Cynthia Moore. Ms. Moore comes from the University of Pittsburgh where she has served as Deputy Secretary to the Board of Trustees.

Ms. Mizell said she looks forward to the freedom and flexibility of retirement, but she will greatly miss those with whom she has been privileged to serve, including the new Board members. She said it was exciting to assist the newly constituted Board as one of her last efforts. The Chair thanked Ms. Mizell especially for her work on the UT Focus Act, development of Bylaws for the new Board, and orienting the new Board.

## VI. PROPOSED BYLAW AMENDMENTS

Presenting the proposed amended and restated Bylaws, the Secretary said one of the Executive Committee's responsibilities is to review the Bylaws periodically and propose any needed amendments. Now that the new Board has been in place for a little more than a year, a review of the Bylaws adopted at the first meeting on August 1, 2018 is appropriate. The proposed amendments were distributed to the Committee several weeks before the meeting to allow sufficient time for members to review and identify any additions or other revisions to the proposed amendments. Most of the proposed amendments are technical or clarifying in nature or needed to ensure total consistency with statutory requirements. There are only two new provisions. One addresses appointment of the Treasurer and includes the option for the position to be combined with the CFO position or filled as a separate position. The second new



provision provides for recognizing as Emeriti Trustees those who have served at least one six-year term, and the perquisites of emeritus status are those set forth in the Bylaw. Footnotes are added to facilitate understanding and identifying statutory requirements reflected in the Bylaws. Hearing no questions or comments, the Chair called for a motion that the Executive Committee recommend to the Board the Resolution for adoption of the proposed Bylaw amendments. Trustee Miles so moved, Trustee Rhodes seconded, and the motion passed unanimously by a roll-call vote.

## **VII. 2019 REPORT OF FEDERAL FUNDING**

CFO David Miller presented the 2019 Report of Federal Funding, a new requirement under state law. Among other things, the report must include plans for operating the University in the event of a reduction of 5%, 25% or 100% in federal receipts. The report must be submitted to the State Department of Finance and Administration by November 1, 2019 and therefore was presented to the Executive Committee for approval on behalf of the Board. Referring to the report's potential scenarios of reductions in federal funding, the Chair said he would like to see similar scenarios for the entire budget. Hearing no further questions or comments, the Chair called for a motion. Trustee Smith moved adoption of *Resolution 101-2019*, Trustee Miles seconded, and the motion passed unanimously by a roll-call vote.

## **VIII. RENAMING THE HERBERT FAMILY WRITING CENTER**

Interim President Boyd said the Board approved naming the UTK Writing Center as the Herbert Family Writing Center on June 21, 2019, but subsequently the Herbert family requested that the name be changed to the Judith Anderson Herbert Writing Center in recognition of Mrs. Herbert's passion for investing in the Writing Center. Interim President Boyd said he concurs with the recommendation of Chancellor Plowman and Vice President Witcher for approval of the renaming. The renaming is presented to the Executive Committee for approval on behalf of the Board because a dedication ceremony honoring Mrs. Herbert is scheduled on October 11, 2019. Hearing no questions or comments, the Chair called for a motion. Trustee White moved approval of *Resolution 102-2019*, Trustee Smith seconded, and the motion passed unanimously by a roll-call vote.

## **IX. PLANNING FOR THE 2019 FALL MEETING OF THE BOARD (INCLUDING UPDATES ON ENROLLMENT, GRADUATION, RESEARCH, AND AFFORDABILITY)**

Chair Compton reminded the members that at each meeting, the Executive Committee should review enrollment, graduation, research, and affordability. He then recognized Trustee Smith, Chair of the Education, Research, and Service Committee, who presented the updates on enrollment, graduation, and research summarized below.



### Enrollment

- 1.5% increase for the UT System for the 2019 Fall Semester.
- 5% increase over five years.

Commenting on the 1.5% increase in enrollment system-wide, the Chair said the increase is encouraging in the face of declining high school graduation rates across the country and potentially in the South and in the State of Tennessee. The increase indicates the University's product and affordability is helping to attract students to UT campuses. Interim President Boyd said three things provide a reason to be excited for the future: the UT Promise; new out-of-state tuition policies for UT Chattanooga effective next fall; and most importantly, a renewed focus by all the Chancellors on growing enrollment.

### Research

- Although final research expenditure numbers will not be available until year-end, the estimate is an increase of about \$18 million across the UT System to \$435 million.
- There is significant potential for increasing research expenditures in the Institute for Agriculture, not only within the state and nation but also globally.

The Chair said the 4% increase in research expenditures system-wide is good growth. Vice President Stacey Patterson said the estimated \$435 million in research expenditures will increase when UTRF numbers, which have been significant, are included. She said the final total will reach an all-time high for the UT System for the third year in a row.

### Graduation

- The six-year graduation rate improved at UT Knoxville, resulting in an improvement in the *U.S. News and World Report* ranking.

Vice President Linda Martin said the final numbers for all campuses are being verified by the institutional research office and will be presented to the ERS Committee at the November 8 meeting.

Trustee Smith then reported on his meeting in early August with system academic affairs staff and provosts and deans from UTC and UTK to try to understand the data on faculty workload. He expressed concern that the data does not include restricted funds (research dollars) and therefore may not provide an accurate view of how faculty are actually spending their time. He also suggested that campuses and departments have different workload policies and procedures for good reasons and that it is impossible for a one-size fits all view to provide an accurate analysis of faculty workload. He also expressed concern about the failure to capture release time for advising and activities of faculty members. Despite these concerns, he said he emphasized to the provosts and deans that they have a responsibility to help the Board understand faculty workload effectiveness, particularly as it pertains to annual performance reviews.



Trustee Smith then recommended the following next steps. First, at an upcoming Board orientation session, Chancellors or their staff should provide a detailed overview of how faculty workload is managed and assessed, especially in relation to performance reviews. Second, the Board should consider recommendations for workload policies and reports that give the Board assurance that the campuses are adequately managing faculty workload, especially as it relates to performance reviews. Third, reports the Board determines to be necessary should be built into the Enterprise Resource Planning (ERP) system.

The Chair agreed with the suggested first step of learning more about this topic in an orientation session. Interim President Boyd suggested that an orientation session should include information about a funding model that rewards the most effective and efficient departments and programs.

Trustee Miles said that in implementing the ERP system, data consistency and accuracy will be very important, and therefore understanding how this discussion of faculty workload fits with implementation of an overall ERP system would be helpful. Dennis Hengstler, Director of Institutional Research, said senior management at UTC and UTK have delegated management of faculty workload to the deans and department chairs, and there is no standard report on faculty teaching workload for the whole campus. He said some states require that faculty teaching workload reports be presented to the state legislature or to others. He added that the Board may want to consider what types of management information reports the Board would like to receive and what they expect the campuses to develop. Ms. Mizell added that the former Board was concerned about the lack of a tool at either the system or campus level for assessing and managing faculty workload. The former Board tasked Mr. Hengstler to try to develop a system for assessing and managing faculty workload.

Trustee Rhodes expressed concern about allowing the campuses to have differing approaches to this issue. He said there needs to be one standard method of measuring worked into the ERP system to allow more efficient reporting. The Chair said agreed-upon definitions and a "catch all" bucket are needed. Trustee Miles reiterated the importance of standardized and consistent data in the ERP system. Vice President Linda Martin said a lot of work has been done to increase data consistency and common definitions. She said the question becomes whether the aggregate number accurately reflects the full impact of a faculty member's work.

The Chair thanked Trustee Smith for his work and recommendations on faculty workload, which will be considered further. He also added that, next year, there should be an update to the Board on implementation of the new post-tenure review process.

Because he had to leave for another commitment, Trustee Rhodes asked CFO Miller to address tuition, fees, and affordability. The CFO first discussed in-state undergraduate tuition and fees for incoming freshmen in relation to comparable peers and aspirational peers, noting that the only significant change from 2018 is at UTC due to implementation of the "15 in 4" tuition plan. UTC tuition and fees for fall 2019 are higher than both the peer average and the aspirational average, but UTC's ranking among peer and aspirational institutions combined is still only 12<sup>th</sup>



of 19. UTK and UTM in-state undergraduate tuition and fees for incoming freshmen continue to be higher than both peer and aspirational averages, and their combined ranking is high (5<sup>th</sup> of 22 and 5<sup>th</sup> of 17, respectively). Despite these high rankings, tuition increases for four years have been one-half to two-thirds of the Tennessee Higher Education Commission (THEC) cap.

With respect to total cost of attendance for new freshmen, which includes room and board, Mr. Miller said this is most important to families, and the cost increased from 2018 to 2019. Turning to net cost and financial aid, he said 31% of undergraduate freshmen system-wide receive a federal Pell grant, and 93% of new in-state freshmen receive the HOPE scholarship. Of those, about 63% re-enroll for the second year. Students graduating without debt system-wide increased from 44% to 46%. Finally, he said many students in the lowest income quartile are paying some amount of tuition despite the impact of financial aid. He said the affordability analysis needs to look beyond the average of all students to determine the true impact of financial aid for low income students. He said another point that needs to be addressed is the out-of-state cost of attendance, which is likely more than \$50,000 and may make it difficult to attract more out-of-state students in an effort to increase enrollment in the face of the declining number of high school graduates. Speaking in terms of supply and demand, the Chair said the Board needs to continue to focus on affordability and assess whether the product the University is offering justifies the price. Referring again to faculty workload, he said the University must be as efficient as possible and offer students the best product to promote their success and graduation.

Trustee Miles said the myriad of price points UTC will be offering in fall 2019 will provide incremental information on how pricing can impact enrollment. CFO Miller clarified that Trustee Miles was referring to the "15 in 4" tuition plan for new UTC freshmen and the myriad of price points for out-of-state students depending on where they live.

The Chair directed the Committee's attention to the tentative agendas for the committee and full Board meetings on November 8. Interim President Boyd said the agendas cover all the key topics that need to be brought before the Board in November.

## **X. TRUSTEESHIP AND AGB NATIONAL CONFERENCE**

Secretary Mizell reminded the members about the Association of Governing Boards (AGB) publication, *Trusteeship*. All Trustees should be receiving it by postal mail and will begin receiving it by e-mail in January 2020. She advised that the AGB National Conference on Trusteeship to be held in Washington D.C. on April 5-7, 2020 and noted that the conference dates for 2021 and 2022 are included in the meeting materials.

## **XI. OTHER BUSINESS**

There was no other business.



## XII. ADJOURNMENT

With no further business to come before the Committee, the Chair adjourned the meeting.

Respectfully Submitted,

  
Cynthia C. Moore, Secretary