



THE UNIVERSITY OF TENNESSEE  
BOARD OF TRUSTEES

MINUTES OF THE EDUCATION, RESEARCH, AND SERVICE COMMITTEE  
June 25, 2020  
Knoxville, Tennessee

The Education, Research, and Service Committee of The University of Tennessee Board of Trustees met at 4:00 p.m. (EDT) on Thursday, June 25, 2020. Following continuing guidance from the U.S. Centers for Disease Control and Prevention (CDC) regarding COVID-19 and in compliance with the Tennessee Pledge and other state and local guidelines, the meeting was held virtually with Committee members participating electronically or by telephone. The meeting was hosted from the University of Tennessee, Knoxville campus.

**I. Call to Order and Roll Call**

Committee Chair Donnie Smith called the meeting to order. Board Secretary Cynthia Moore called the roll, and the following members were present: Donald J. Smith, Committee Chair; Spencer Ammen (Student Trustee); John C. Compton, Board Chair; Charlie Hatcher; Kara Lawson; Dr. Jefferson S. Rogers (Faculty Representative); Alan D. Wilson; and Jamie Woodson. In addition, the following trustees were in attendance: Decosta E. Jenkins and Amy E. Miles.

Others present included: President Randy Boyd; Linda Martin, Vice President for Academic Affairs and Student Success; Tiffany Carpenter, Vice President for Communications and Marketing; Brian Daniels, Chief Audit and Compliance Officer; Ryan Stinnett, General Counsel; Chancellors Angle, Carver, Plowman and Schwab; Tim Cross, Senior Vice President/Senior Vice Chancellor for the University of Tennessee Institute of Agriculture; John Zomchick, Provost and Senior Vice Chancellor, UTK; and other members of the UT senior leadership and administrative staff.

Ms. Moore addressed requirements for meetings conducted with members participating electronically and announced the presence of a quorum. The meeting was webcast for the convenience of the University community, the general public, and the media.

**II. Opening Remarks of the Committee Chair**

Committee Chair Smith extended the Committee's gratitude to Student Trustee Spencer Ammen and Faculty Representative Jeff Rogers, whose one-year appointments to the Committee expire on June 30, 2020, for their dedicated service to the Committee over the past year. Dr. Rogers stated that it has been a pleasure and a privilege to serve on the Committee.



### **III. Requests to Address the Board**

Committee Chair Smith welcomed Mia Romano, a Lecturer of Spanish Studies, College of Arts and Sciences, UTK. Dr. Romano began her remarks by stating that she requested the opportunity to address the Board in order to put a face to the conversation about the return to campus and teaching in the fall. She advised that she is a full-time lecturer, who has been teaching for four years at the University. Dr. Romano indicated that she initially signed up to speak in March regarding working conditions, but, since then, many things have changed due to the COVID-19 pandemic.

Dr. Romano called upon the Board, Chancellor Plowman, and Provost Zomchick to address the fears and concerns of lecturers by providing fair, stable, and safe working conditions. She advised that a majority of lecturers have signed a letter requesting job security, fair workloads, shared governance, and a guarantee that lecturers will not be required to work in a face-to-face setting in the fall. Dr. Romano expressed her view that vulnerable faculty need more security, especially in uncertain times. She closed her remarks by asking that more be done to dispel the concerns of lecturers through an investment in the individuals who are so critical to fulfilling the mission of the University.

### **IV. Tenure Recommendations Requiring Board Approval**

#### Grant of Tenure upon Initial Appointment

President Boyd stated that he and the respective Chancellors are recommending that tenure be granted to 13 faculty at UTC, UTHSC, and UTM (a detailed list of the recommended individuals was set forth in the meeting materials). President Boyd advised that the candidates meet the requirements to be considered for tenure upon initial appointment, all steps in the review process outlined in the Board policy have been completed, and they have received strong support at each level of review.

Upon motion duly made and seconded, a roll call vote was taken, and the Committee approved a recommendation that the Board of Trustees adopt the Resolution approving the grants of tenure upon initial appointment (as presented in Tab 1.1 of the meeting materials).

#### Grant of Tenure upon Early Consideration

President Boyd indicated that he and the Chancellors are recommending 28 faculty members for tenure who have served less than a six-year probationary period at the campuses (a detailed list of the recommended individuals was set forth in the meeting materials). President Boyd advised that the candidates meet the requirements to be considered for tenure upon early consideration, all steps in the review process outlined in the Board policy have been completed, and they have received strong support for tenure at each level of review.



President Boyd concluded his remarks by welcoming and introducing Dr. John Zomchick, as the new Provost and Senior Vice Chancellor for UTK.

Upon motion duly made and seconded, a roll call vote was taken, and the Committee approved a recommendation that the Board of Trustees adopt the Resolution approving the grants of tenure upon early consideration (as presented in Tab 1.2 of the meeting materials).

Board Chair Compton suggested that it would be helpful to have an annual review of the absolute number of faculty in tenure and tenure-track positions, along with trend information. He also inquired as to the status of the post-tenure review process. In response, Dr. Martin advised that the information on tenure and tenure-track faculty is available and that she is happy to provide this information to the Committee. She also shared that the report on the periodic post-tenure performance reviews will be presented to the Committee at the upcoming fall meeting. Committee Chair Smith requested that the Committee's work plan be updated to reflect these items.

#### **V. New Academic Program (UTK - Elementary Education)**

Dr. Zomchick stated that he was honored to serve as Provost and pleased to present a new academic program, which he believes will be an outstanding addition to the teacher preparation programs offered by the University. He provided an overview of the program structure, noting that it was a shift from what has been the past practice where students pursue a major in another college (e.g., the College of Arts and Sciences) and a minor in elementary education through the College of Education, Health and Human Sciences (College of Education). With the new program, students will be able to pursue an undergraduate major in elementary education directly through the College of Education.

The proposed program aligns with the State of Tennessee's Master Plan (*Drive to 55*) and the UT's mission to educate, discover and connect. Provost Zomchick reviewed the demand for and benefits of the program. The program is expected to address teacher shortages in the areas of: special education, English as a second language, and math and science in middle grades. In addition, the program provides additional coursework and a second certificate in literacy education, which should foster improved reading proficiency in grades 3-5. In addition, the program is anticipated to alleviate teacher shortages in rural and urban communities. Provost Zomchick reviewed the projected enrollment and closed his remarks by sharing a testimonial from a former graduate, who now serves as the Executive Director of Human Resources for the Knox County Schools.

Trustee Jamie Woodson indicated that she was particularly excited about this new program in light of the opportunity it provides to both recruit and serve historically disadvantaged students. She shared that there is a growing body of evidence focused on the demographics of teacher and student populations and that there is definitely room for growth and



improvement. Trustee Woodson further stated that she believes that this new program will also help with the University's completion and success strategies. By enrolling in the major from the outset, students will be able to assess earlier in their course of study whether education is a good fit for their talents and interests.

Upon motion duly made and seconded, a roll call vote was taken, and the Committee approved a recommendation that the Board of Trustees adopt the Resolution approving the new Bachelor of Science in Elementary Education program (as presented in Tab 2 of the meeting materials).

## **VI. Proposed UAPA Rule (Student Immunization Requirements)**

Ryan Stinnett, General Counsel, advised that a number of public health experts, along with the President's Re-Opening Task Force, the CDC, and the American College Health Association (ACHA), have recommended the seasonal flu immunization, along with other immunizations that may aid in preventing, controlling, or monitoring the spread of COVID-19. He noted there are concerns that the flu may mask COVID cases and that the combination of flu, along with COVID cases, may overly strain available healthcare resources.

Mr. Stinnett explained that the President has the authority to require immunizations for employees. However, in order for the University to require its students to have such immunizations, the University must adopt a rule pursuant to the Uniform Administrative Procedures Act (Tenn. Code Ann. § 4-5-101, *et seq.*). Under the Act, the University may adopt an emergency rule if the agency finds that "[a]n immediate danger to the public health, safety or welfare exists, and the nature of this danger is such that the use of any other form of rulemaking authorized by this chapter would not adequately protect the public." Mr. Stinnett confirmed that pursuing an emergency rule is appropriate in this instance. Without enacting an emergency rule, the University would not be in a position to require students to obtain such immunizations during the upcoming fall semester or in time for the spring semester of 2021, given the length of time associated with the permanent rulemaking process.

The proposed emergency rule provides the University with needed flexibility to require any immunizations recommended by the CDC and/or the Tennessee Department of Health, including the seasonal flu vaccine, a COVID-19 vaccine (if developed), and other vaccines that may be developed in the future. The emergency rule allows for exceptions to be granted for students who have medical contraindications, religious objections, or are enrolled only in online classes at the University. Mr. Stinnett advised that the emergency rule has been discussed with and has the support of the Chancellors and the Chief Student Affairs Officers of the campuses.

If adopted by the Board, the emergency rule would be filed with the appropriate agency offices of the State of Tennessee under the rulemaking procedures of the Act. The emergency



rule would remain in effect for up to 180 days. Prior to expiration of the emergency rule, the University would undertake to promulgate a permanent rule regarding these and other required student immunizations.

Following the presentation, Mr. Stinnett and Chancellor Plowman answered questions raised by the Committee members with respect to the proposed immunization requirements, including: (i) the types of immunizations currently required of students; (ii) if the immunizations would be made available on campus for students and/or staff; (iii) whether there would be a cost to staff for the immunizations and the availability of health insurance to cover related costs; (iv) whether other major universities were requiring these types of immunizations; and (v) the procedural process for seeking an exemption from the immunization requirements.

Upon motion duly made and seconded, a roll call vote was taken, and the Committee approved a recommendation that the Board of Trustees adopt the Resolution approving the emergency student immunization rule (as presented in Tab 3 of the meeting materials).

## **VII. Revisions to Committee Charter**

Committee Chair Smith explained that the Education, Research, and Service Committee Charter (Charter) calls for the Committee Chair, in consultation with the Committee staff, to review the Charter prior to each annual meeting of the Board to determine whether the Committee is carrying out its responsibilities effectively and whether any revisions to the Charter should be submitted to the Committee for recommendation to the Board. He then reviewed certain proposed amendments to the Charter.

A motion to recommend that the Board of Trustees adopt the resolution approving the proposed amendments to the Charter was duly made and seconded. Trustee Woodson asked for clarification regarding the combination of the student learning goals, assessment and outcomes data with the language pertaining to accreditation. It was confirmed by the Committee Chair that such combination will not limit this information being presented through the lens of accreditation only. A roll call vote was taken, and the recommendation on the proposed amendments to the Charter was approved by the Committee (as presented in Tab 4 of the meeting materials).

## **VIII. Consent Agenda**

Committee Chair Smith called the Committee members' attention to the Consent Agenda and asked if there were any requests to remove an item from the agenda. There being none, upon motion duly made and seconded, a roll call vote was taken, and the Committee approved: (i) the Resolution to adopt the minutes of the February 19, 2020 meeting of the Committee, and



(ii) the Resolutions pertaining to the other action items included on the Consent Agenda. (A complete list of the approved items appears at the end of these minutes.)

## IX. Presentations

### ERS Update

Stacey Patterson, Vice President for Research, Outreach and Economic Development, provided research highlights and indicated that a more detailed report on research activity would be provided at the fall meeting of the Board.

- ***OneUT Innovation and Collaboration Grants*** – There was an overwhelming response to the OneUT Innovation and Collaboration Grants initiative. A total of 299 proposals were received, and 25 proposals were funded (in excess of \$1 million) to support projects advanced by faculty and staff from across the UT System covering the three categories of educate, discover, and connect.
- ***Oak Ridge Institute*** – Dr. Patterson reminded the members of the Committee that it was one year ago that the Board approved the creation of the Oak Ridge Institute (Institute), which is intended to attract new faculty and students and to promote research and innovation in collaboration with the Oak Ridge National Laboratory (ORNL). She provided an update on the recent progress in establishing the Institute and announced the recent award of \$20 million from the U.S. Department of Energy (DOE) to promote workforce development in emerging energy fields. Dr. Patterson closed her remarks by recognizing the efforts of Dr. Suresh Babu, Governor’s Chair for Advanced Manufacturing, and Dr. Moe Khaleel, Deputy for Projects at ORNL, who serve as co-principal investigators on the DOE award.

President Boyd expressed his gratitude to Drs. Martin and Patterson for their hard work on launching the OneUT Innovation and Collaboration Grants and to Dr. Patterson, as the principal investigator for the DOE award to the Institute. Board Chair Compton extended his appreciation to everyone involved on their efforts to launch the Institute, and he acknowledged the support extended by both U.S. Senator Lamar Alexander and Tennessee Governor Bill Lee for this initiative.

Dr. Martin provided the members of the Committee with an update on ongoing academic affairs and student success initiatives listed below.

- UT Promise
- Institutional Effectiveness
- OneUT for Campus Change
- UT.online
- Academic and Student Affairs Summit
- Student Mental Health and Wellbeing
- UT At-A-Glance



In light of the COVID-19 pandemic, Dr. Martin shared information pertinent to student retention, instructional delivery, and the planning efforts underway for the fall re-entry. In this regard, she highlighted the following items: (i) student withdrawals (Spring 2020 was on par with or less than Spring 2019); (ii) the percentage of classes that are difficult to teach online, with the highest percentage (75%) being attributable to UTHSC due to experiential learning requirements; (iii) the number of students who live on campus (approximately 12,000 students or 25% of the total population for the UT System); (iv) the number of students registered for fall and registered for orientation (strong for all campuses for Fall 2020 as compared to Fall 2019); and (v) demographic information pertaining to age and geographic distribution of faculty and staff.

### Mental Health Task Force Report

Leigh Cherry, Coordinator for Student Success Initiatives, Office of Academic Affairs and Student Success, presented a report on behalf of the OneUT Mental Health Task Force. Ms. Cherry explained that the Task Force, comprised of mental health professionals and student affairs representatives from across the UT System, was established at the direction of President Boyd through the Office of Academic Affairs and Student Success in response to the Performance Audit (Sunset Audit) conducted by the Comptroller of the Treasury. The Sunset Audit included a number of recommendations pertaining to mental health services, which have been considered by the Task Force.

Ms. Cherry discussed the University's "Model of Care," and its three primary components – Prevention (designed to reduce the potential of adverse health outcomes), Intervention (direct effort to decrease risk factors), and Postvention (effort to restore a sense of normalcy following a significant event). She stated that (i) the work of identifying problems and offering help to students cannot fall solely on the counseling center, and (ii) not every student requires the same level of care. Ms. Cherry reviewed the seven recommendations set forth in the Sunset Audit, along with the action steps that have been identified by the Task Force. (The full report of the Task Force appears in Tab 6.2 of the meeting materials.)

Board Chair Compton posed a question to Brian Daniels, Chief Audit and Compliance Officer, regarding the next steps required to respond to the Comptroller's audit. Mr. Daniels indicated that a follow-up report is being prepared that will be shared with the Comptroller's office. In response to this information, members of the Committee requested an annual update on mental health (statistics, trends, progress against action items, etc.). Mr. Daniels remarked that the Board will also be receiving annual updates on Title IX and Clery as well.

Dr. Martin extended her gratitude to the Task Force and thanked Ms. Cherry for her leadership, especially as the work performed by the Task Force occurred remotely due to the ongoing pandemic.



## Title IX Briefing

Dr. Ashley Blamey, System Title IX Coordinator, and Rachel Powell, Associate General Counsel, provided a presentation on the final Title IX regulations released by the U.S. Department of Education on May 6, 2020. Dr. Blamey informed the members of the Committee that the Office of Civil Rights received more than 124,000 public comments on the proposed rules that were published in November 2018. The new, final regulations (over 2,000 pages) are scheduled to become effective on August 14, 2020. The new regulations pertain to both students and employees.

The presentation addressed: (i) key provisions (including definitions, applicability based on location of incidents, the grievance process, and the standard of evidence); (ii) frequently asked questions; (iii) the implementation timeline; and (iv) the need for future Board action to address revisions to Board Policy BT0006 and the student codes of conduct (all campuses).

In addition to discussing efforts by others to enjoin all or a portion of the new regulations, Ms. Powell explained that emergency rulemaking will be necessary for revising the student codes of conduct, as there is insufficient time to complete the permanent rulemaking process in advance of the federal deadline. The student codes of conduct are currently under review. In response to questions from the members of the Committee, it was confirmed that a special meeting of the full Board will be called to consider the emergency rules for the student codes of conduct.

Dr. Blamey confirmed that the University will continue to address sexual harassment occurring in the campus community that takes place inside and outside of academic programs and activities both on and off campus, even if it does not fall within the definitions and scope of the new Title IX regulations. She emphasized that the University's values have not changed, but the processes involved for handling such matters will differ depending on whether the specific conduct falls under Title IX. Dr. Blamey indicated that communication will be very important in conveying the University's expectations and the applicable processes.

## ERS Committee Work Plan

Committee Chair Smith directed the members' attention to the draft work plan presented in the meeting materials. He advised that the work plan has been prepared based on a recommendation presented in the Sunset Audit, and he thanked Ms. Moore for her efforts in working with the staff in preparing an initial draft of the work plan for the Committee's consideration. Committee Chair Smith stated that no action was required, but requested comments and suggestions on the work plan. Dr. Martin indicated that the work plan will be updated to address the items discussed in today's meeting, namely: (i) incorporating information on the number of and trends associated with tenured and tenure-track faculty





positions (annually); (ii) identifying the periodic post-tenure performance review as a separate item; and (iii) including an annual mental health report.

#### **X. Other Business**

None.

#### **XI. Adjournment**

There being no other business, the Committee Chair adjourned the meeting.

Respectfully Submitted,

A handwritten signature in blue ink that reads "Cynthia C. Moore".

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Cynthia C. Moore  
Secretary and Special Counsel

#### Approved Consent Agenda Items

- Minutes of the Last Meeting (February 19, 2020)
- Academic Program Modification, Bachelor of Arts in Cinema Studies, UTK
- Academic Program Modification, Doctorate in Public Health, UTK
- Academic Program Modification, Bachelor of Science in Mechanical Engineering, UTM
- Authorization for Conferral of Degrees, 2020-21 Academic Year

#### List of Information Items Presented to the Committee

- Certification of Degrees Conferred, 2020 Spring Semester

Attachments. Copies of the following documents are filed with the official minutes of this meeting.

- Presentation Materials:
  - New Academic Program (UTK – Elementary Education)
  - ERS Update
  - Mental Health Task Force Report
  - Title IX Regulation Update