



THE UNIVERSITY OF TENNESSEE
BOARD OF TRUSTEES

MINUTES OF THE SPECIAL MEETING

April 20, 2021

Knoxville, Tennessee

A Special Meeting of the University of Tennessee Board of Trustees was held at 3:00 p.m. (EDT) on Tuesday, April 20, 2021. 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 Board members participating electronically or by telephone. The meeting was hosted from the University of Tennessee, Knoxville campus.

I. Call to Order and Roll Call

The Chair of the Board, John C. Compton, called the meeting to order. Board Secretary Cynthia Moore called the roll, and the following members of the Board were present: John C. Compton, Chair; Bradford D. Box; Leighton Chappell, Student Trustee; Charles Hatcher, Commissioner of the Tennessee Department of Agriculture; Decosta E. Jenkins; Kara Lawson; Amy E. Miles; Chris Patterson; William (Bill) C. Rhodes III; Donald J. Smith; Kim H. White; and Jamie R. Woodson.

Others present included: President Randy Boyd; Linda Martin, Vice President for Academic Affairs and Student Success; David Miller, Senior Vice President and Chief Financial Officer; Ryan Stinnett, General Counsel; Chancellor Donde Plowman, UTK; Frank Cuevas, Vice Chancellor for Student Life, UTK; Chancellor Steve Schwab; 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 Chair

Chair Compton thanked everyone for attending the specially called meeting. He indicated that there were two administrative rules on the agenda to be considered by the Board of Trustees. Chair Compton asked Ryan Stinnett, General Counsel to provide an overview of each of the rules.

III. UTK Student Code of Conduct

Mr. Stinnett began his remarks by noting that at the meeting of the Education, Research, and Service Committee held on February 25, 2021, Frank Cuevas, Vice Chancellor for Student Life (UTK), provided an informational overview of proposed changes to the Student Code of Conduct, which is



a rule under the Tennessee Uniform Administrative Procedures Act (“Act”). The proposed changes to the rule incorporate UTK’s Principles of Civility and Community, streamline the academic misconduct process, and address the educational and developmental process for students. The revisions also clarify certain terms as used in the rule to comply with Tennessee law and establish consistency with other student codes in the UT System.

Mr. Stinnett advised that the University held a public rulemaking hearing on March 8, 2021, following public notice in accordance with the Act. No comments were received at the hearing. However, one written comment was received during the public comment period pertaining to certain grading nomenclature. The rule has been revised to reflect this recommendation.

In closing, Mr. Stinnett reviewed the next steps in the process. Subject to approval by the Board, the rule will be sent to the State Attorney General’s Office for legal review. If the Attorney General’s Office approves the rule, the University will file the rule with the Tennessee Secretary of State. The rule will become effective 90 days after such filing. During that time, the University will present the revised rule to the Joint Government Operations Committee of the Tennessee General Assembly.

Upon motion duly made and seconded, a roll call vote was taken, and the Board approved ***Resolution 021-2021***.

IV. Student Immunization Rule

Mr. Stinnett indicated that a student immunization rule has been discussed at several prior meetings of the Board of Trustees. He provided a chronological history of the rule, noting that:

- Emergency Rule. On August 4, 2020, the Board adopted an emergency rule, which permitted the University to require students to have flu and COVID-19 immunizations, subject to certain exemptions.
- Permanent Rule. On November 20, 2020, in anticipation of the expiration of the emergency rule, the Board approved a permanent student immunization rule, which encompassed COVID-19, influenza, and a number of other diseases (e.g., measles, mumps, chicken pox, and meningitis). Such approval was conditioned upon the President seeking the Board’s authorization prior to mandating: (i) any flu vaccination (beyond what was authorized previously under the emergency rule), and (ii) a COVID-19 vaccination.

Following the Board’s approval, the University filed its proposed final student immunization rule with the Tennessee Secretary of State, and the University was scheduled to present the rule to the Joint Government Operations Committee in early 2021. In January 2021, President Boyd announced that the University would not require students to have the COVID-19 immunization. Instead, the University would strongly encourage students to receive the vaccine. Accordingly, the University subsequently withdrew its student immunization rule.



- Proposed Rule. A revised version of the student immunization rule is now being proposed for the Board's consideration. It is identical to the rule previously presented to the Board, except that it no longer includes COVID-19 or flu immunizations. The proposed rule encompasses: (i) measles, mumps and rubella (MMR); (ii) varicella (chicken pox); (iii) meningococcal disease; (iv) hepatitis B; and (v) certain other requirements pertaining primarily to academic programs in the health sciences.

Mr. Stinnett advised that the proposed rule is consistent with Tennessee's Department of Health requirements for K-12 schools and for college students. He explained that there was a relatively recent legislative change that requires the University to adopt its own rule in this regard.

The proposed rule continues to recognize several exemptions from the immunization requirements, including for students who:

- are enrolled exclusively online and not participating in experiential learning;
- have a medical contraindication;
- have a religious objection; or
- satisfy any other regulatory, statutory or legal exemption.

As a previous version of this rule was presented in a prior public rulemaking hearing, the University intends to promulgate the revised rule through the more expedited "proposed rule" process. Upon approval by the Board, this rule will be sent to the State Attorney General's Office for legal review. If the Attorney General's Office approves the rule, the University will file the rule with the Tennessee Secretary of State. Similar to the UTK Student Code of Conduct, it is anticipated that the University will present the revised rule to the Joint Government Operations Committee of the Tennessee General Assembly.

Mr. Stinnett highlighted that the goal is to have both rules in place prior to the start of the Fall 2021 academic semester.

Chair Compton called for a motion and second. Before the vote was taken, Trustee Woodson extended her appreciation to President Boyd for considering the advice of the Board members following the last discussion regarding the student immunization rule. She was pleased as to the thoughtful engagement surrounding this topic and believes that the current posture of encouraging the COVID-19 vaccine, as opposed to mandating it, is appropriate. President Boyd expressed his gratitude to the Board for its advice and counsel on this matter. Upon motion duly made and seconded, a roll call vote was taken, and the Board approved *Resolution 022-2021*.

Chair Compton encouraged all members of the University community to consider receiving the vaccine when available.



V. Closing Remarks

In closing, Chair Compton advised that the plan is to hold the Annual Meeting in-person in June. The meeting will be held in Memphis and the UT Health Science Center. Trustee Rhodes recommended that the Board consider continuing to use virtual meetings, especially for specially called meetings of the Board as needed in between the regularly scheduled meetings.

Chair Compton expressed his gratitude to the Board members for participating in the meeting.

VI. Adjournment

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

Respectfully Submitted,

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

Cynthia C. Moore
Secretary and Special Counsel