



Executive Committee
Meeting Agenda
Austin Peay State University
317 College Street
Clarksville, TN 37040
June 6, 2019

Call to Order

Roll Call/Declaration of Quorum

Action Items

- A. Consideration of the Presidential Performance Evaluation for Fiscal Year 2018-2019
- B. Consideration of the Presidential Base Compensation, Performance Evaluation, and Incentive Plan for Fiscal Year 2019-2020
- C. Consideration of Policy 1:010 Appeals and Appearances Before the Board

Adjourn

Agenda Item: A.

Date: June 6, 2018

Subject: Approval of the Presidential Performance Evaluation and Incentive Payment for Fiscal Year 2018-2019

Action Recommended: Approval by Voice Vote

Background Information:

The performance evaluation and incentive payment for the president are based on six criteria. Each is weighted with the total points equaling 100. The six criteria are enrollment, graduation rate, fundraising, program development, athletics and Board of Trustees discretion.

Proposed Implementation Date: By June 30, 2019

Item Details:

The performance evaluation for the 2018-2019 fiscal year is attached.

APSU's Presidential Performance Evaluation

Fiscal Year 2018-19 Performance Period

Enrollment: Enrollment includes activities that increase undergraduate and graduate full-time or part-time enrollment in the areas of traditional freshmen, dual-enrollment students, international students, online students, transfer students, military-related students, high performing students, and non-traditional students.

- a. Enrollment will be measured by a percentage for the following year fall enrollment with a goal of a 4 percent increase in headcount enrollment and has a proportionate increase in net tuition revenue in order to meet APSU's Strategic Plan for enrollment growth.
- b. If the President grows headcount enrollment by at least 4 percent and has a proportionate increase in net tuition revenue, then he/she will be eligible to receive the full 15 points for the evaluation. If the President grows headcount enrollment by less than 4 percent headcount enrollment (7.5 points) and has a proportionate increase in net tuition revenue (7.5 points), then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

<i>Fall 2017 to Fall 2018 Headcount Enrollment</i>	4.7%
<i>Net Tuition Revenue</i>	0%

Graduation Rate: Graduation rate is measured every six years by the Tennessee Higher Education Commission. Graduation rate is defined as those students who are first-time, full-time freshmen who enrolled in summer of 2012 and returned that fall, or enrolled in fall 2012 and graduated by spring or summer of 2018.

- a. Graduation rate will be measured by a percentage of growth with an increase of 2 percent in order to meet APSU's Strategic Plan.
- b. If the President increases the graduation rate by at least 2percent, he/she will be eligible for the full 15 points for the evaluation. If the President increases the graduation rate by less than 2 percent, then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

<i>Summer/Fall 2012 to Spring/Summer 2018 Graduation Rate</i>	0.3%
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Fundraising: Fundraising is defined as all cash donations and contributions made annually to the University and Foundation by non-governmental agencies and organizations.

- a. Fundraising will be measured by a 5 percent increase in the average dollars raised, based on a three year average. This is in line with the University's Strategic Plan.
- b. If the President increases annual dollars raised by 5 percent, then he/she will be eligible to receive the full 15 points for the evaluation. If the President has an increase in annual

dollars that is less than 5 percent, then he/she will be eligible to receive a pro-rata portion of the 15 points for the evaluation

<i>3 Year Percent Increase</i>	16.4%
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Program Development: Program development is defined as the faculty development of new academic majors, concentrations and certificates, which require more than 24 credit hours, in alignment with the University mission and THEC master plan and their subsequent approval by the appropriate entities.

- a. Program development will be measured by the President establishing new majors for undergraduate and graduate programs, new concentrations for undergraduate and graduate programs, and new graduate certificates that exceed 24 credit hours in length.
- b. If the President is proactive in establishing new majors, concentrations, and graduate certificates that exceed 24 credit hours in length, then he/she will be eligible to receive the full 15 points for the evaluation.

Undergraduate Majors	0
Graduate Majors	1 EdD
Undergraduate Concentrations	28
Graduate Concentrations	7
Graduate Certificates	7
<i>Total</i>	43

Athletics: Athletics is based on maintaining a successful Division I Athletics program, which includes conference championships and high academic progress rate (APR).

- a. Athletics will be measured by at least one conference championship annually and maintaining an Athletics program that meets the APR as required by the NCAA.
- b. If the University wins at least one conference championship annually and maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive the full 15 points for the evaluation. If the University does not win at least one conference championship annually but maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive half (7.5 points) of the 15 points for the evaluation.

<i>Conference Championship</i>	2: Volleyball and Women's Tennis
<i>Academic Progress Rate</i>	.981 (minimum is .930)

Board of Trustees Discretion: Board of Trustees discretion is based on leadership; creating a culture of excellence by maintaining positive relationships with the Board of Trustees, the community, and the state and local government; and employee retention.

- a. Board of Trustees discretion for leadership and culture of excellence will be measured by key stakeholder evaluations of the President that include evaluations conducted with

his/her direct reports, members of the Board of Trustees, other community officials or as directed by the Chair of the Board of Trustees.

- b. Board of Trustees discretion for employee retention has three parts. The first part will be compensation of faculty and staff and will be measured by achieving an increase in the total salaries at a percentage equal to or higher than the Higher Education Price Index (HEPI). The second part of employee retention is turnover rate. The third part of employee retention is diversity among employees.
- c. If the President receives at least a satisfactory evaluation in the Board of Trustees discretion criteria, then he/she will be eligible to receive the full 25 points for the evaluation. If the President receives less than a satisfactory evaluation, then he/she will be eligible to receive a pro rata portion of the 25 points for the evaluation.

<i>Percent Increase in Compensation of Faculty and Staff (Inflation increased by 3.3%)</i>	4.68%
<i>Turnover Rate for 2018</i>	11.79%
<i>Diverse Employee : Student Ratio (Fall 2017 - Fall 2018 comparison)</i>	Fall 2017 – 21% : 36% Fall 2018 – 22% : 37%

Presidential Performance Evaluation Scoring

All points from the evaluation will be totaled. The points totaling a certain amount will receive a certain incentive percentage, which is based on a percentage of the President's base salary,

- a. Less than 75 points = 0% incentive
- b. 76 points to 84 points = 4% incentive
- c. 85 points to 94 points = 6% incentive
- d. 95 point to 100 points = 10% incentive

Criteria	Possible Points	Awarded Points
Enrollment	15 points	7.5
Graduation Rate	15 points	2.25
Fundraising	15 points	15
Program Development	15 points	15
Athletics	15 points	15
Board of Trustees Discretion <ul style="list-style-type: none"> • Leadership • Culture of Excellence through Positive Relationships • Employee Retention 	25 points	25
Total Points	100 points	79.75
Incentive Total	10%	4%

Default Report

Atkins' survey

May 6, 2019 3:22 PM MDT

Q1 - President's Job Knowledge: Please rate on a scale of 1 to 5 (1 being the lowest and 5 being the highest)

#	Field	1 (lowest)		2		3		4		5 (highest)		Total
1	President White has a thorough grasp on all phases of her position/responsibilities.	0.00%	0	0.00%	0	0.00%	0	20.00%	2	80.00%	8	10
2	Rate President White on quality of work, i.e. errors, omissions, promptness.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
3	President White is a high volume producer and does more than expected or required.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
4	President White uses exceptionally good judgement when analyzing facts and solving problems.	0.00%	0	0.00%	0	0.00%	0	30.00%	3	70.00%	7	10
5	President White values input from her direct reports.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
6	President White is cooperative to work with.	0.00%	0	0.00%	0	0.00%	0	10.00%	1	90.00%	9	10
7	President White communicates effectively throughout the University.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
8	President White has exceptional decision making abilities.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10
9	President White is a motivational leader.	0.00%	0	0.00%	0	0.00%	0	30.00%	3	70.00%	7	10
10	Rate President White on planning skills for future years.	0.00%	0	0.00%	0	0.00%	0	40.00%	4	60.00%	6	10

Showing rows 1 - 10 of 10

#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
1	President White has a thorough grasp on all phases of her position/responsibilities.	4.00	5.00	4.80	0.40	0.16	10
2	Rate President White on quality of work, i.e. errors, omissions, promptness.	4.00	5.00	4.60	0.49	0.24	10
3	President White is a high volume producer and does more than expected or required.	4.00	5.00	4.60	0.49	0.24	10
4	President White uses exceptionally good judgement when analyzing facts and solving problems.	4.00	5.00	4.70	0.46	0.21	10

#	Field	Minimum	Maximum	Mean	Std Deviation	Variance	Count
5	President White values input from her direct reports.	4.00	5.00	4.60	0.49	0.24	10
6	President White is cooperative to work with.	4.00	5.00	4.90	0.30	0.09	10
7	President White communicates effectively throughout the University.	4.00	5.00	4.60	0.49	0.24	10
8	President White has exceptional decision making abilities.	4.00	5.00	4.60	0.49	0.24	10
9	President White is a motivational leader.	4.00	5.00	4.70	0.46	0.21	10
10	Rate President White on planning skills for future years.	4.00	5.00	4.60	0.49	0.24	10

End of Report

Default Report

Atkins' survey

May 6, 2019 3:20 PM MDT

Q2 - General Comments:

General Comments:

Exceptionally committed and accesible leader; wants to hear from all members of her team; values honest and thoughtful input; comfortable making decisions; always has the best interest of students, staff and faculty in mind.

I personally have worked for six different presidents and Dr. White is at the top.

I have been thoroughly impressed with President Whites ability to successfully navigate a variety of challenging issues with diverse constituents.

An exceptional leader and manager who understands all aspects of higher education. She has earned the trust and respect of those who work around her, because of her expertise, knowledge and experience. She does a very good job of articulating her vision and justifying it with facts and follow-through. The University is fortunate to have president her insight and dedication.

End of Report

Question 1

Have you heard anything derogatory about President White in the past year?

No.

No.

No.

No. I hear positive comments about her vision and the way she connects with the local community. She is well connected and her ability to raise money has enhanced the viability of APSU.

No.

Some areas feel that she favors programs and areas over others because she promotes other areas over others. Others are concerned about the focus on enrollment without a focus on support for those students when they arrive.

No.

No

It's impossible to have everyone happy all the time. But I have heard nothing that is alarming.

No.

Question 2

What is your personal opinion of the overall performance of APSU for 2018-20189, which includes academics, athletics, positive marketing programs, and facility management for the future?

Overall, my opinion is high. As a trustee, the information that we get prior to meetings is well prepared. It makes the meetings go smoothly and efficiently.

Everything is going well. Our enrollment rate is up, which is a positive indicator. As a President, she does a great job of creating a strong team of empowered, capable, and motivated leaders.

I think it's excellent.

I think this is the most exciting era that I've ever experienced. We have a president that believes in athletics, developing facilities to bring in talent. All the things going on diversity wise, educationally, more online classes, attracting out-of-state students—we have employed novel approaches. I think the whole university is pulling together. We have more stakeholders than I have seen now. We have great professors and very capable students. Students feel positive about their education. The campus is in great shape. There is nowhere that you can look that Austin Peay's not shining. The enrollment and graduation rate is excellent, especially given the population that we serve. We educate all of TN, not a specific segment.

I think it is outstanding. It is a growing and solid operation. It seems that everything is being done quite well. Good balance and level of effort in all areas.

APSU has done a great job as far as recruiting students. On the public relations and admissions sides, they have worked hard to find students who may not think college is an option and bringing them to the campus. On the academic side, I think our retention could be better, especially at the 4-year retention. We can't lose sight of why we're here, which is to graduate students. We need more visibility amongst cabinet members to come and see what campus is actually like in a number of areas.

I think it has been outstanding. So many goals reached and improvement and growth. It has been outstanding in a number of areas. Leadership, talent that Dr. White brings into the university, athletics is on the rise and doing well. The overall health of the university in terms of enrollment is high.

Broadly speaking, in all areas, we are headed in the right direction and making progress in our strategic plan. In the area of student success, the priorities are exactly where they need to be and appropriate attention and resources are being devoted to that area; however, some changes have been made in some programs that directly impact student success without adequately assessing the likely impact of those changes. As a result, we have seen some negative results. That may be temporary and we will get back on track. We face challenges in student success given the fact that we serve a population that faces a more academic challenges. We can't use that as an excuse for not doing well, but use that to provide resources to help the students be successful. Initiatives are well-intentioned, but more care should be taken when making changes to ensure that we move forward rather than backward.

Their marketing is superb. They publish not only athletic events, but also academic achievements, music performances, and other areas of note. From what has been published, it has been another spectacular year.

Question 3

Do you have an opinion on President White's Strategic Plan as it is currently written? i.e. Can it be accomplished or does it need to be adjusted in certain areas, such as enrollment growth, degrees being offered or proposed to be offered?

I recommend it be adjusted. I think you have to be careful with a plan that calls for growth, for example. When we have growth, we have to consider all the things we need to support that growth, such as classrooms, housing, and other things. I would recommend that it be more realistic. Overall, I think we should adjust the targets.

I think it can be accomplished and don't see any issues with the plan.

I'm okay with the plan, although I think it is challenging, particularly with enrollment. I am complimentary of the way we have grown enrollment, but I think it will be an continuing challenge.

I think it is an aggressive plan. The goals that we set are necessary to move the needle. I think we have measures and long term goals. I think it is ongoing and is modified when necessary, which makes it far more effective.

Strategy is a path than it is a definite thing. I think the plan as written provides the parameters in which the organization can operate to produce excellent results. I like the plan because it clearly points that path forward without being too specific and gives you flexibility.

I know that diversity is a big component. I think diversity needs to be refined more to help target who you are actually looking to add to our campus. I think that would also help with retention.

It seems like we are on target on the goals within the plan. The new programs that we are adding are excellent.

I think it is a good, sensible plan that is achievable.

I think it is appropriate and it is a good set of goals to strive for.

I think it is good. They do a periodic assessment. We were updated at one of the board meetings where we were given highlights of the prior year.

Question 4

Overall on a scale of 1-5, 5 being the highest, how would you rate President White's overall performance at APSU for the 2018-2019 academic year?

5

5

5

5

5

I would say a 4, particularly because of some of the audit concerns regarding contracts and advertising positions.

5

5

4.5

5. She is a very inspirational leader, boundless energy. She leads from the front, has strict standards, and cares for students and Austin Peay State University overall.

Agenda Item: B.

Date: June 6, 2019

Subject: Consideration of the Revised Presidential Base Compensation, Performance Evaluation, and Incentive Plan and the President's Base Compensation for Fiscal Year 2019-2020

Action Recommended: Approval by Voice Vote

Background Information:

A Presidential Base Compensation, Performance Evaluation and Incentive Plan was developed last fiscal year. The plan aligns with the University's strategic plan. The revised plan will be used to set the base compensation for the president, evaluate the president and set an incentive amount for fiscal year 2019-2020.

Proposed Implementation Date: Fiscal Year 2019-2020

Item Details:

See the attached plan and comparison chart for other university presidential salaries.



Austin Peay State University
Presidential Base Compensation, Performance Evaluation, and Incentive Plan
Effective for the Fiscal Year 2019-20 Performance Period

Presidential Base Compensation, Performance Evaluation, and Incentive Plan

I. Objectives of the Plan

1. The objectives of the Presidential Base Compensation, Performance Evaluation and Incentive Plan is to:
 - a. Motivate and reward achievement of performance goals aligned with the *APSU 2015 – 2025 Leading through Excellence Strategic Plan*; and
 - b. Enhance the University's ability to attract and retain an outstanding chief executive officer by providing competitive compensation.

II. Background Information for Base Compensation

1. It is the goal of the Austin Peay State University Board of Trustees to attract and retain an outstanding chief executive officer by providing competitive base compensation. An evaluation of the President's current salary has revealed that her compensation is significantly lower compared to other Presidents of peer institutions, identified as Tennessee State University, East Tennessee State University, Tennessee Technological University, Middle Tennessee State University, the University of Memphis, the University of Tennessee at Martin, and the University of Tennessee at Chattanooga.
2. An analysis of current benchmark peer presidential salaries reveals that the median salary of APSU's President is significantly lower. It is the intent of the Board of Trustees to raise the President's salary to the peer median within a reasonable period of time.

III. Methodology for Base Compensation

1. The President will receive a salary adjustment each year that funds are available to provide salary increases to faculty and staff. The first component is to provide the same performance adjustment percentage to the base salary that is provided to faculty and staff. Performance adjustments are described in the APSU Compensation Plan. The second component is to provide a market gap adjustment to bring the President's salary to the market median within a reasonable period of time as funds are available. Market gap is defined as the difference between the peer market median and current salary.

IV. Performance Period

1. The incentive period shall be a one year period from July 1 to June 30. The Chair of the Board of Trustees may extend or shorten the incentive period.

V. Eligibility

1. To be eligible for payment of the incentive amount, the President must be in active status on the day the incentive payment is approved by the Board of Trustees.
2. If the President's employment with the University terminates, either voluntarily or involuntarily, prior to the end of the incentive period, he/she will not receive any portion of the incentive amount except as follows:
 - a. If the President voluntarily terminates employment for medical reasons duly documented by a medical provider, the President will receive a pro-rata portion of the incentive amount if the Executive Committee of the Board of Trustees determines that the performance of the President, with respect to the strategic performance goals, was more than satisfactory during the completed portion of the incentive period.
 - b. If the termination of employment is by reason of death of the President, a pro rata portion of the incentive amount will be paid to the executor or administrator of his/her estate if the Executive Committee determines that the performance of the President, with respect to the strategic performance goals, was more than satisfactory during the completed portion of the incentive period.
 - c. The pro rata portion to be paid will be calculated on a monthly basis.
 - d. To the extent possible, the pro rata portion will be paid to the employee or administrator of the estate within thirty (30) days of receipt of satisfactory documentation and availability of data upon which to calculate the incentive payment.
3. The incentive payment is a one-time payment, and is not added to the employee's base salary.

VI. Methodology for Calculating the Incentive Payment

1. The performance incentive amount for the President will be based on six (6) criteria. Each criteria is weighted with the total points equaling one hundred (100). The six (6) criteria to be met for the performance incentive plan are detailed in Appendix A and are listed below:
 - a. Enrollment 15 points
 - b. Graduation Rate 15 points
 - c. Fundraising 15 points
 - d. Program Development 15 points
 - e. Athletics 15 points
 - f. Board of Trustees Discretion 25 points
 1. Leadership
 2. Culture of Excellence through Positive Relationships
 3. Employee Retention

VII. Maximum Incentive Payment

1. Based on the President's performance each year, the President shall be considered for a lump-sum incentive payment of up to ten percent (10%) of the President's base salary as of July 1 of the incentive period.

VIII. Amendment, Suspension, and Termination of the Plan

1. The Board of Trustees reserves the right to amend, suspend, or terminate the Plan at any time.

IX. General Provisions

1. Neither the Plan nor any payment under the Plan shall be construed to confer any right to continued employment with Austin Peay State University. The President serves at the pleasure of the Board of Trustees, subject to the terms of any existing written contract of employment between the parties.
2. Neither the Plan nor any payment under the Plan shall be construed to create a trust or to create in any security interest, in his/her personal representative or beneficiary, or other interests in any assets of Austin Peay State University.
3. All payments under the Plan are subject to all reporting, deductions, and withholdings required by applicable law or University policy, as amended, enacted, or adopted from time to time, including but not limited to deduction for debts owed to the University.
4. To the extent any part of the Plan fails to comply with applicable state or federal law or regulation, that part of the Plan shall not be effective.
5. The Plan will be reviewed by the Executive Committee every year. Proposed revisions will be brought before the full Board for consideration.

Appendix A:

APSU's Presidential Performance Evaluation

Enrollment	15 points
Graduation Rate	15 points
Fundraising	15 points
Program Development	15 points
Athletics	15 points
Board of Trustees Discretion <ul style="list-style-type: none">• Leadership• Culture of Excellence through Positive Relationships• Employee Retention	25 points

Enrollment: Enrollment includes activities that increase undergraduate and graduate full-time or part-time enrollment in the areas of traditional freshmen, dual-enrollment students, international students, online students, transfer students, military-related students, high performing students, and non-traditional students.

- Enrollment will be measured by a percentage for the following year fall enrollment with a goal of a 4 percent increase in headcount enrollment and has a proportionate increase in net tuition revenue in order to meet APSU's Strategic Plan for enrollment growth.
- If the President grows headcount enrollment by at least 4 percent and has a proportionate increase in net tuition revenue, then he/she will be eligible to receive the full 15 points for the evaluation. If the President grows headcount enrollment by less than 4 percent headcount enrollment (7.5 points) and has a proportionate increase in net tuition revenue (7.5 points), then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

Graduation Rate: Graduation rate is measured every six years by the Tennessee Higher Education Commission. Graduation rate is defined as those students who are first-time, full-time freshmen who enrolled in summer of 2012 and returned that fall, or enrolled in fall 2012 and graduated by spring or summer of 2018.

- Graduation rate will be measured by a percentage of growth with an increase of 2 percent in order to meet APSU's Strategic Plan.
- If the President increases the graduation rate by at least 2 percent, he/she will be eligible for the full 15 points for the evaluation. If the President increases the graduation rate by less than 2 percent, then he/she will be eligible to receive a pro rata portion of the 15 points for the evaluation.

Fundraising: Fundraising is defined as all cash donations and contributions made annually to the University and Foundation by non-governmental agencies and organizations.

- a. Fundraising will be measured by a 5 percent increase in the average dollars raised, based on a three year average. This is in line with the University's Strategic Plan.
- b. If the President increases annual dollars raised by 5 percent, then he/she will be eligible to receive the full 15 points for the evaluation. If the President has an increase in annual dollars that is less than 5 percent, then he/she will be eligible to receive a pro-rata portion of the 15 points for the evaluation.

Program Development: Program development is defined as the faculty development of new academic majors, concentrations and certificates, which require more than 24 credit hours, in alignment with the University mission and THEC master plan and their subsequent approval by the appropriate entities.

- a. Program development will be measured by the President establishing new majors for undergraduate and graduate programs, new concentrations for undergraduate and graduate programs, and new graduate certificates that exceed 24 credit hours in length.
- b. If the President is proactive in establishing new majors, concentrations, and graduate certificates that exceed 24 credit hours in length, then he/she will be eligible to receive the full 15 points for the evaluation.

Athletics: Athletics is based on maintaining a successful Division I Athletics program, which includes conference championships and high academic progress rate (APR).

- a. Athletics will be measured by at least one conference championship annually and maintaining an Athletics program that meets the APR as required by the NCAA.
- b. If the University wins at least one conference championship annually and maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive the full 15 points for the evaluation. If the University does not win at least one conference championship annually but maintains an Athletic program that meets the APR as required by the NCAA, then the President will be eligible to receive half (7.5 points) of the 15 points for the evaluation.

Board of Trustees Discretion: Board of Trustees discretion is based on leadership; creating a culture of excellence by maintaining positive relationships with the Board of Trustees, the community, and the state and local government; and employee retention.

- a. Board of Trustees discretion for leadership and culture of excellence will be measured by key stakeholder evaluations of the President that include evaluations conducted with

his/her direct reports, members of the Board of Trustees, other community officials or as directed by the Chair of the Board of Trustees.

- b. Board of Trustees discretion for employee retention has three parts. The first part will be compensation of faculty and staff and will be measured by achieving an increase in the total salaries at a percentage equal to or higher than the Higher Education Price Index (HEPI). The second part of employee retention is turnover rate. The third part of employee retention is diversity among employees.
- c. If the President receives at least a satisfactory evaluation in the Board of Trustees discretion criteria, then he/she will be eligible to receive the full 25 points for the evaluation. If the President receives less than a satisfactory evaluation, then he/she will be eligible to receive a pro rata portion of the 25 points for the evaluation.

Scoring of the Evaluation:

All points from the evaluation will be totaled. The points totaling a certain amount will receive a certain incentive percentage, which is based on a percentage of the President's base salary,

- a. Less than 75 points = 0% incentive
- b. 76 points to 84 points = 4% incentive
- c. 85 points to 94 points = 6% incentive
- d. 95 point to 100 points = 10% incentive

At the conclusion of the evaluation, a recommendation of the incentive amount and new base salary will be made by the Executive Committee to the full Board of Trustees. The Board of Trustees will approve the incentive amount and the President's new base salary.

2019-2020 Peer Institutions Salaries	
Institutions	Presidential Salary
UTM	\$309,500
TSU	\$322,520
TTU	\$345,864
UTC	\$353,568
ETSU	\$375,000
MTSU	\$400,000
UoM	\$444,075

APSU Presidential Salary	\$328,384
Proposed Increase to Peer Median	\$25,184
Proposed 2019-2020 Presidential Salary	\$353,568

Agenda Item: C.

Date: June 6, 2019

Subject: Approval of the Appeals and Appearances Before the Board Policy 1:010

Action Recommended: Approval by Voice Vote

Background Information:

Appeals and Appearances Before the Board Policy 1:010 sets the conditions and procedures for appeals to the Board and for appearances before the Board. The policy is being updated to give the Board Chair discretion to allow public comment from the audience.

Proposed Implementation Date: June 7, 2019

Item Details:

See attached documents.

**Austin Peay State
University**

Appeals and Appearances Before the Board

POLICIES

Issued: ~~March 15, 2019~~

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

Policy Statement

It is the policy of Austin Peay State University to allow a student or employee to appeal certain decisions of the president to the Board of Trustees ("Board").

Purpose

The purpose of this policy is to set the conditions and procedures for appeals to the Board and for appearances before the Board.

Procedures

General

- A. A student or employee of Austin Peay State University may appeal certain decisions of the president to the Board.
- B. Appeals heard pursuant to the TN Uniform Administrative Procedures Act (UAPA), as outlined in APSU Policy 1:007, are not appealable to the Board.
- C. Appeals to the Board shall be limited to alleged violations of state or federal law or university policy where the complainant has not filed a federal/state administrative appeal or lawsuit in state or federal court.
- D. If, at any time during the pendency of the appeal, a complainant files a lawsuit or administrative action based on the same subject matter as the appeal, the appeal will be dismissed without further action.
- E. Unless there is a violation of state or federal law under the limitations described above, decisions which are not appealable to the Board shall include, but not be limited to:

1. Termination of executive, administrative, professional, clerical and support employees during or at the end of the initial probationary period or pursuant to the terms of the contract of employment;
2. Non-renewal of a tenure-track faculty appointment during the first five years of the probationary period;
3. Denial of early tenure unaccompanied by notice of termination in the fifth year of the probationary period;
4. Non-renewal of a temporary faculty appointment;
5. Faculty promotions;
6. Salary determinations;
7. Student academic matters, e.g. grade appeals, failure to meet retention policies, etc.;
8. Performance evaluations of faculty and staff; and
9. Residency classification of student for tuition and fee purposes.

F. Any available university complaint procedure must be exhausted prior to consideration by the Board.

G. Complaints from students or prospective students regarding accreditation or violation of state or federal laws may be submitted to the President's office for appropriate review and action, as required by 34 C.F.R. 600.9(a)1.

Appeals to the Board

A. An employee who is dissatisfied with the decision of the President on his or her appeal may petition the Board of Trustees for permission to appeal the decision to the Board.

B. The petition must be submitted in writing to the Secretary of the Board within 20 calendar days following the President's written decision.

C. The petition for appeal must present:

1. A brief statement of the issues to be reviewed including a statement of the redress desired;
2. A brief statement of the facts relevant to the issues to be reviewed, with appropriate reference to where such can be found in the record;
3. A statement of applicable law/policy
4. A brief argument; and
5. Citations of any applicable authorities, (such as policies, statutes, and cases.)

- D. The petition for appeal must be limited to ten (10) pages, typed, doubled spaced, and on 8 ½ X 11” paper.
- E. The appropriate standing committee of the Board shall review the decision of the President on the basis of the record submitted to the Board, with any new evidence which for good cause shown was not previously considered, and determine whether the petition to appeal will be granted.
- F. A committee of the Board, in determining whether to grant an appeal, may consider the following:
 - 1. Whether Board policy or procedures have been followed;
 - 2. Whether or not there is material evidence to substantiate the decision appealed from; and/or
 - 3. Whether or not there has been a material error in application of the law, which prima facie results in substantial injustice.

The listing in 1 – 3 above is exhaustive and, in the decision of the Board committee. Other considerations may be taken into account.
- G. If the petition to appeal is granted, the committee shall hear the appeal at a subsequent regularly scheduled meeting of the committee and may request the person appealing to appear and present arguments on his or her behalf.
- H. The committee shall recommend action on the appeal to the Board of Trustees. The decision of the Board shall be final and binding for all purposes.

Record

- A. The record on an appeal to the Board shall consist of all relevant documents, statements, and other materials submitted by the person appealing and by the President of Austin Peay State University.
- B. In the event that the person appealing does not submit sufficient information to allow review of the decision being appealed, the Board may require the person appealing to furnish any additional information which may be necessary.

Standard of Review

- A. The following provisions shall govern the review by the Board of an appeal under this policy:
 - 1. A decision may be remanded for further consideration upon a finding that it was not made in accordance with applicable statute or federal law or university

- procedures; provided, however that the decision should not be remanded if the procedural error was not material to the decision and therefore constituted harmless error;
2. A decision may be modified or reversed only upon a finding that the decision constituted an abuse of discretion or was made in violation of applicable state or federal law or university policies; provided, however, that the decision should not be modified or reversed if the violation of policy was not material to the decision and therefore constituted harmless error
 3. A decision should be affirmed in the absence of a finding of abuse of discretion or material violation of applicable state or federal law or university policies or procedures.
- B. Notwithstanding any provision herein to the contrary, any decision may be remanded by the Board for a resolution of the matter which is mutually acceptable to the parties or which is, in the best judgement of the board, a fair and equitable resolution.

Appearances before the Board on Non-Appealable Issues

Public Participation

Members of the public are allowed to appear before the Board of Trustees to comment on any topic listed on the agenda for a Board meeting that is open to the public. Testimony will be limited to topics listed on the agenda. Members of the public wishing to present shall provide their name and agenda topic they wish to address to APSU General Counsel and Secretary to the Board of Trustees at least 72 hours in advance of the meeting (trustees@apsu.edu). [The Chair, in his or her discretion, may allow individuals to address the Board without advance notice.](#)

If possible, members of the public who wish to appear before the Board shall provide a brief written statement of the substance of such person's testimony to APSU General Counsel and Secretary to the Board of Trustees in sufficient time for copies to be distributed to the Trustees prior to the meeting.

When applicable, the Chair, in consultation with the committee chair and Secretary to the Board, will determine whether the comment(s) will be made during the meeting of the relevant committee or the meeting of the full Board. Notwithstanding, the Chairman of the Board may authorize appearances before the

Board on any matter deemed appropriate for Board consideration.

Time Allocation

A person addressing the Board will have a maximum of 3 minutes for any comments. Exceptions to this time period will only be allowed at the discretion of the Board Chair.

The aggregated time for all public comments at a meeting will not exceed 15 minutes in total.

Revision Dates

[APSU Policy 1:010 – Rev.:](#)

APSU Policy 1:010 – Rev.: March 15, 2019

APSU Policy 1:010 – Rev.: June 8, 2018

APSU Policy 1:010 – Issued: March 30, 2017

Subject Areas:

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
		<input checked="" type="checkbox"/>			

Approved

President: signature on file
