



Executive Committee Meeting

Agenda

Austin Peay State University

317 College Street

Clarksville, TN 37040

March 14, 2019

Call to Order

Roll Call/Declaration of Quorum

Action Items

- A. Approval of APSU's Mission Profile
- B. Approval of the Revised Executive Committee Charter
- C. Approval of the Appeals and Appearances Before the Board Policy 1:010

Adjourn



**Agenda Item: A.**

**Date:** March 14, 2019

**Subject:** Approval of APSU's Mission Profile Statement

**Action Recommended:** Approval by Voice Vote

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**Background Information:**

Each year, the Tennessee Higher Education Commission (THEC) requires institutions to update their Institutional Mission Profile Statements and obtain governing board approval and THEC approval. THEC describes the role of the Institutional Mission Profile in a previous THEC quarterly agenda item as follows:

[t]hese mission profiles are utilized to minimize redundancy in degree offerings, instructional locations and competitive research. The profiles are also used in the outcomes-based funding formula. Through outcomes-based formula weighting factors derived from mission differences, institutions are funded based on their mission-defined production of graduates, their breadth of undergraduate and graduate programs, and their research capacity. The FOCUS (Focus on College and University Success) Act emphasized the importance of institutional mission profiles and further directed the annual submission of profiles by each university and community college. In meeting the FOCUS requirements, THEC requested that each institution submit their respective mission profile. (THEC Quarterly Meeting Materials, May 11, 2017)

**Proposed Implementation Date:** Immediately

**Item Details:**

APSU's updated Institutional Mission Profile Statement, as of January 2019:

Austin Peay State University is a moderately selective institution in Clarksville, northwest of Nashville. Austin Peay has experienced steady overall enrollment growth in the last three years with record breaking University new freshman class enrollments in Fall 2016, Fall 2017, and Fall 2018 and all-time high overall enrollment of 10,954 in Fall 2018. With a Carnegie Classification of a Master's Large institution, Austin Peay combines a solid foundation in the liberal arts with strong professional programs. The University emphasizes disciplines in the arts, but also emphasizes professional disciplines in business, education, health sciences, and STEM fields. It predominantly serves undergraduate students throughout Middle Tennessee and provides additional programming and services focusing on adult, first generation, low socio-economic, military, minority, and high-performing students. Austin Peay also launched its first doctoral program, the Ed.D. in Educational Leadership, in Fall 2018.



**Agenda Item: B.**

**Date:** March 14, 2019

**Subject:** Approval of the Revised Executive Committee Charter

**Action Recommended:** Approval by Roll Call Vote

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**Background Information:**

The Southern Association of Colleges and Schools Commission on Colleges (SACSCOC) Standard 4.2.g requires a governing board to define and regularly evaluate its responsibilities and expectations. The Executive Committee Charter needs to be modified to more closely align with the language of the SACSCOC standard.

**Proposed Implementation Date:** March 15, 2019

**Item Details:**

Proposed revision to Executive Committee Charter is attached.

## Executive Committee Charter

### Purpose

The Executive Committee ensures the integrity of the Board and enhances board performance. The Committee serves to ensure the University operates within available resources and in compliance with applicable federal and state laws and University policies in a manner supportive of the University's strategic plan.

### Authority and Responsibilities

The Committee shall have responsibility to provide oversight in the following areas and recommend for approval the following actions to the Board:

1. Oversee presidential personnel matters, including the annual evaluation.
2. Exercise all powers and authority of the full Board on an as needed basis between regular Board meetings for time-sensitive matters, subject to limitations imposed by the Board.
3. Periodically review the bylaws and recommend needed amendments.
4. Develop and implement a process for Board members to ~~evaluating the effectiveness of Board and committee meetings.~~ define and regularly evaluate the Board's responsibilities and expectations in order to promote the advancement and continuous improvement of Austin Peay State University.
5. Take action on all items not clearly falling within the auspices of the other committees.

It is the expectation of the Board that the full Board will consider and make decisions regarding all significant matters before the Board. However, the Executive Committee is empowered to act for the full Board between regular Board meetings on an as needed basis for time-sensitive matters, subject only to such restrictions or limitations as the Board may from time to time specify, except that the following matters shall be reserved to the full Board for approval: (i) Board and committee officer selection, (ii) changes in the mission and purposes of the University, (iii) presidential selection, evaluation and termination, (iv) amendments to the Bylaws, (v) debt issuances, (vi) sale or other disposition of real property, (vii) the University's annual operating budget and (viii) the University's Facilities Master Plan. All actions taken by the Executive Committee pursuant to this authority shall be reported at the next meeting of the full Board, or when deemed sufficiently important by the Board Chair and the University President, such actions shall be reported to the Board within thirty (30) days after such action is taken, or at a meeting of the Board if a meeting is held within that period of time.

### Composition of the Committee

The Executive Committee shall be comprised of the at least the Board Chair, Vice Chair, and one additional Trustee as determined by the Chair. The President shall be an ex-officio, non-voting member of the committee.



**Agenda Item: C.**

**Date:** March 14, 2019

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

**Action Recommended:** Approval by Voice Vote

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**Background Information:**

The Appeals and Appearances Before the Board Policy 1:010 sets the conditions and procedures for appeals and appearances before the Board. The "Appearances before the Board on Non-Appealable Issues" section of the policy is being revised with modified guidance for public appearance before the Board.

**Proposed Implementation Date:** March 15, 2019

**Item Details:**

See attached documents.

## **Appeals and Appearances Before the Board**

### **POLICIES**

**Issued:** March 15, 2019

**Responsible Official:** General Counsel

**Responsible Office:** Office of Legal Affairs

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#### **Policy Statement**

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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”).

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#### **Purpose**

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

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#### **Procedures**

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##### **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).

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.

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**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.

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**Revision Dates**

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APSU Policy 1:010 – Rev.: March 15, 2019  
APSU Policy 1:010 – Rev.: June 8, 2018  
APSU Policy 1:010 – Issued: March 30, 2017

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**Subject Areas:**

Academic	Finance	General	Human Resources	Information Technology	Student Affairs
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**Approved**

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President:

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## Appeals and Appearances Before the Board

### POLICIES

Issued: ~~June 8, 2018~~

Responsible Official: General Counsel

Responsible Office: Office of Legal Affairs

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  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

- ~~A.— Individuals may be allowed to address a committee of the Board of Trustees concerning issues which are not appealable but which are of broad concern to the university community.~~
- ~~B.— Such appearances must be approved by the President or the Chairman of the appropriate committee prior to being placed on a committee agenda.~~
- ~~C.— Notwithstanding, the Chairman of the Board may authorize appearances before the Board on any matter deemed appropriate for Board consideration.~~

~~Requests for approval to appear before the Board shall be submitted to the President 20 calendar days prior to the date that the committee is next scheduled to meet.~~

### Public Participation

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**Subject Areas:**

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**Approved**

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President: signature on file

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