



**Executive Committee**  
**September 18, 2018**  
**Roaden University Center, Room 282**  
**8:30 a.m.**

**AGENDA**

- I. Call to Order and Roll Call
- II. Approval of Minutes
- III. Appointment to the Interim Vice President for Research and Economic Development Position
- IV. Revision to Board Policy 005 (Board Committees)
- V. TTU Policy 110 (Access to Public Records) and Rule
- VI. Board Self-Evaluation
- VII. President's Compensation
- VIII. Other Business
- IX. Adjournment



## Executive Committee Meeting

June 14, 2018

### MINUTES

#### AGENDA ITEM I—CALL TO ORDER

The Tennessee Tech Board of Trustees Executive Committee met on June 14, 2018, in Derryberry Hall, Room 210. Chair Tom Jones called the meeting to order at 07:31 a.m.

Chair Jones asked Ms. Kae Carpenter, Secretary, to call the roll. The following members were present:

- Ms. Trudy Harper
- Mr. Johnny Stites
- Mr. Tom Jones

Dr. Barbara Fleming and Forrest Allard were in attendance. Mr. Purna Saggurti, Dr. Melissa Geist, and Ms. Rhedona Rose participated by phone.

A quorum was physically in attendance.

Tennessee Tech faculty, staff and members of the public were also in attendance.

#### AGENDA ITEM II—APPROVAL OF MINUTES

Ms. Harper moved to recommend approval of the minutes. Mr. Stites seconded the motion.

After an opportunity for further discussion and there being none, the motion carried unanimously.

#### AGENDA ITEM III.A—EVALUATION PROCESS—PRELIMINARY PROCEDURAL MATTER

Chair Jones stated that the Executive Committee was responsible for organizing and conducting an annual performance review of the President. He stated that the Committee needed to approve a timeline for completion of the process, a Board assessment questionnaire, a Cabinet assessment questionnaire, and discuss other matters as required by the "Procedures for President's Performance Review."

Chair Jones stated that the Chair of the Board or a member of the Executive Committee designated by the Chair would summarize the written comments from faculty evaluations, the Board, and others received, and share the summary with the Executive Committee.

Chair Jones asked Ms. Harper to take on that role and responsibility. Ms. Harper confirmed she was willing to serve as the Executive Committee Representative.

### AGENDA ITEM III.B—EVALUATION PROCESS—TIMELINE FOR COMPLETION OF EVALUATION PROCESS

Chair Jones stated that Ms. Harper and President Oldham reviewed the timeline and had no concerns.

Ms. Harper stated that the President's evaluation process would be completed after the initial budget process and the budget would be revised to accommodate any changes. She stated that the process developed by Tennessee Tech was in line with the Tennessee Board of Regents' previous schedule.

Ms. Harper moved to approve the timeline for completion of the evaluation process. Mr. Stites seconded the motion.

After an opportunity for further discussion and there being none, the motion carried unanimously.

### AGENDA ITEM III.C—EVALUATION PROCESS—BOARD ASSESSMENT QUESTIONS

Chair Jones stated that Ms. Carpenter, Ms. Harper, Mr. Stites, and he have reviewed the Board assessment questions. He stated that the confidential questionnaire sufficiently addressed the President's goals and it sought narrative comments from the respondents.

Mr. Saggurti asked how the review process operated under the Tennessee Board of Regents. President Oldham stated that the Chancellor evaluated all Tennessee Tech presidents annually and a President would submit his or her goals and accomplishments for the year. He stated that the Chancellor would then meet with the presidents individually to review the goals and accomplishments.

Mr. Saggurti stated that Tennessee Tech should be focused on the following five different criteria:

1. The customer base or the servicing to the student body, with a direct reference to the enrollment;
2. The workforce or employees;
3. The safety and security of Tennessee Tech;
4. The financials of Tennessee Tech; and

5. The grand image.

Chair Jones stated that the Executive Committee started the questionnaire development with the original goals that the President had submitted. He stated that he believed the questionnaire addressed most of the criteria Mr. Saggurti had mentioned.

Mr. Saggurti suggested that the Board should have specific target numbers, such as for enrollment and financial aspects. He stated that he did not see the safety and security element in the process.

President Oldham stated that he could address all those aspects in his self-assessment and goals. He stated that targeted metrics were not set in the goals, but his plan was to incorporate those into his next set of goals.

Ms. Harper stated that metrics are helpful but could be detrimental if people focused solely on achieving the metric.

Chair Jones stated that President Oldham should provide metrics in his next set of goals.

Dr. Geist asked about the evidence regarding team building or visionary leadership.

Chair Jones stated when it came to evaluating someone on those areas it would come down to a person's perception and observation of how the job was done.

Dr. Geist stated that the Board's and the campus community's evaluations should be separate and she was concerned the Board would overlook some areas.

Mr. Saggurti stated that the Board needed to obtain feedback from various constituencies and that feedback from the faculty, which the Board takes seriously, was one piece of the puzzle.

Chair Jones stated that it was the Executive Committee's responsibility to take the President's self-assessment, the faculty's assessment, the Board's assessment, and the Cabinet's assessment into account when arriving at the final assessment.

Mr. Stites stated that the president of Tennessee Tech needed to have direction from the Board and the questions presented did not specify what the Board's expectations are, which should be established on the next set of questions.

Dr. Fleming stated that metrics needed to be pre-established and then evaluated.

Ms. Harper stated that there should be both metrics and less metricized goals.

Mr. Saggurti stated that there needed to be quantitative and qualitative criteria.

Chair Jones stated that the most important evaluation was the leadership, vision, and dynamics of the president with some general metrics as a tool.

Mr. Saggurti suggested that there should be a mid-year check on the President's progress toward the goals.

Mr. Stites moved to accept the Board assessment questions with the stipulation that there would be some form of metrics in the President's future goals. Ms. Harper seconded the motion.

After an opportunity for further discussion and there being none, the motion carried unanimously.

### AGENDA ITEM III.D—EVALUATION PROCESS—CABINET ASSESSMENT QUESTIONS

Chair Jones stated that confidential Cabinet assessment questions were developed for the evaluation process, but slightly adjusted to take into account the Cabinet's relation to the President.

Mr. Stites stated that the input of other constituencies was important, but the ultimate decision concerning the President's performance was the Board's to make.

Chair Jones stated that it was the Board's responsibility to pay attention, listen, and take the advice of the faculty, cabinet, and all other members on campus and to lead Tennessee Tech.

Ms. Harper moved to accept the Cabinet assessment questions. Mr. Stites seconded the motion.

After an opportunity for further discussion and there being none, the motion carried unanimously.

### AGENDA ITEM IV—REVIEW OF STRATEGIC PLAN AND IMPLEMENTATION, MISSION STATEMENT, AND MISSION PROFILE

President Oldham stated that he wanted to provide the Executive Committee a preview of the strategic plan that would be presented at the June 26, 2018, Board meeting.

President Oldham stated that areas of the strategic plan had been clarified and a lot of work had been done on implementation strategies since the March Board meeting. He stated that the Board would be asked for approval of the plan at the Board meeting.

Ms. Harper asked if the focus on diversity was included in the final strategic plan. President Oldham stated that it was and the Strategic Planning Committee included all the Board's suggestions in the updated plan.

President Oldham stated that the Strategic Planning Committee had arrived at a set of ten or twelve high-altitude metrics for the overall plan.

Dr. Geist asked if the Board would see how the strategic plan was going to be supported financially. President Oldham stated that typically, a new strategic plan needed to be implemented first, then new resources would be identified where possible and reallocation of existing resources would potentially fill the remainder.

President Oldham stated that the Board needed to approve the direction of the strategic plan and then the progress and implementation would be monitored.

Chair Jones stated that a strategic plan could not be implemented without a roadmap to pay for it.

Ms. Harper stated that some parts of the strategic plan might generate more revenue and some parts might generate more cost but overall, the plan should either improve Tennessee Tech as an institution or if not, it should not be approved.

President Oldham stated that there was a new mission statement that captured the essence of Tennessee Tech.

President Oldham stated that in addition to having a mission statement for accreditation, THEC required Tennessee Tech to have a mission profile, which was a data demographic profile of Tennessee Tech. THEC required the Board to approve and submit the profile annually.

### AGENDA ITEM V.A—UPDATES—LEGISLATIVE SESSION

President Oldham stated that Tennessee Tech was the top performing locally-governed institution in the state and received a larger share of the funding formula. He stated that Tennessee Tech realized \$500,000 extra through the funding formula, primarily due to a record number of graduates, which, in turn, created a gap in enrollment.

President Oldham stated he anticipated freshmen enrollment would increase, transfer student enrollments would decrease, and overall enrollment would decrease for the upcoming year.

President Oldham stated that Tennessee Tech's recurring funding stream was \$700,000 for the change in Carnegie classification which, when added to the additional \$500,000, equaled \$1,200,000 additional recurring dollars. He stated that Tennessee Tech would continue to ask for the additional \$900,000 that should have been included under the previous funding formula but was not.

President Oldham stated that Tennessee Tech received substantial support from the local legislative delegation, particularly Representative Williams, which resulted in a \$3,000,000 recurring direct appropriation to the College of Engineering. He stated that Tennessee Tech would invest those funds in strategic areas of importance.

President Oldham stated that Tennessee Tech also received, for the second year, \$500,000 for cyber security research and education.

### AGENDA ITEM V.B—UPDATES—CAMPUS MASTER PLAN

President Oldham stated that the architect in charge would present a more thorough review of the campus master plan at the next Board meeting.

President Oldham stated that Tennessee Tech has been approved by the state to sever from the Tennessee Board of Regents in terms of capital project management and the severance would go into effect July 1, 2018. In anticipation of that, administration would be requesting the Board to approve an addendum to the existing master plan. He stated that the addendum would include a new engineering building and the possibility of a residence hall that was a public/private venture.

President Oldham stated that the administration would be requesting authorization from the Board to update the Master Plan completely after July 1, 2018.

#### AGENDA ITEM V.C—UPDATES—THEC’S BOARD MEETING

President Oldham stated that in May 2018, THEC set the tuition and fee increase guidelines between zero and three percent and the Board could decide what tuition and fee increases would be, provided the increase fell within the guidelines.

#### AGENDA ITEM V.D—UPDATES—TUITION AND FEE REQUESTS

President Oldham stated that affordability was a very important component in the strategic direction of Tennessee Tech. He stated that the balancing act between cost and quality could be difficult.

President Oldham stated that administration would be requesting a 2.66 percent tuition and fee increase and that the budget that would be presented at the next Board meeting would be based on a 2.66 percent increase.

Mr. Stites stated THEC was not directly responsible for Tennessee Tech’s future, the Board was. He stated that it was the Board’s responsibility to inform THEC if a decision was made that was not beneficial to Tennessee Tech.

President Oldham stated that THEC was still exploring its new statutory authority and their responsibilities. He stated that the more time the Board has to develop the level of expertise and confidence and demonstrate that expertise to state leaders in Nashville, the more opportunity the Board will have to exercise that.

President Oldham stated that every institution had a different set of limitations and opportunities. He stated that if Tennessee Tech had no increase in tuition and fees, students would suffer.

Ms. Harper stated that because other universities’ starting tuition level was higher than Tennessee Tech’s, a three percent increase for students at those universities would have more impact. She stated that the budget set out the new cost per credit hour to the students.

#### AGENDA ITEM V.E—UPDATES—SEARCHES FOR DEAN POSITIONS

Dr. Bruce stated that Tennessee Tech would be searching for a dean in the College of Engineering, School of Nursing, and College of Agriculture and Human Ecology. Dr. Bruce described the process defined by policy and stated that the search committees would not be formed until August 2018 when all of the faculty would be present on campus.

Dr. Bruce stated that she planned to perform all three searches in the fall. She stated that June and July would be spent selecting the chairs of the search committees, drafting the announcements, posting and advertising the jobs, and completing preliminary tasks before the search committees were appointed in August.

Dr. Bruce stated that in August, she would ask each school or college to go through the process of self-selecting some members to serve on their search committee and then she would appoint some members to assure diversity in all aspects.

Dr. Bruce stated that interviews for the positions could take place as early as November and December, but more likely, January and February.

Mr. Stites asked if the policies that were in place for the search committee selection were helpful or were there things that the Board should do to assist the Provost in the selection process.

Dr. Bruce stated that she did not see any problems with the policies other than the requirement that the search committee make recommendations. She stated that she would encourage the committees not to give her a ranked list, but to provide her with strengths and weaknesses of each candidate.

Mr. Stites asked if the students would be at a disadvantage without a dean for their college until next year. Dr. Bruce answered they would not as there are interim deans currently in place.

Chair Jones stated that filling the deans' positions was a very important responsibility. He stated that if the first search did not yield the right candidate, another search would be undertaken.

## AGENDA ITEM VI—OTHER BUSINESS

Chair Jones stated that he would be attending the next Board meeting.

Chair Jones asked that everyone keep in mind that each person or employee on campus was here for one reason: the students. He stated that the faculty have the greatest impact to the quality of Tennessee Tech's graduates.

Chair Jones stated that the Board had a responsibility to listen to, take advice from, and garnish the vision and direction from the entire Tennessee Tech community.

## AGENDA ITEM VII—ADJOURNMENT

There being no further business, the meeting adjourned at 9:08 a.m.

Approved,

---

Kae Carpenter, Secretary

DRAFT



## Agenda Item Summary

**Date:** September 18, 2018

**Agenda Item:** Appointment to the Interim Vice President for Research and Economic Development Position

**Review**

**Action**

**No action required**

---

**PRESENTER:** Phil

**PURPOSE & KEY POINTS:**

The President is requesting the Executive Committee to approve the appointment of Harvill Eaton to the Interim Vice President for Research and Economic Development position.



## Office of the President

TENNESSEE TECH

### MEMORANDUM

**To:** Executive Committee – Board of Trustees

**From:** Dr. Philip Oldham, President

**Date:** September 12, 2018

**Subject:** Appointment of a Direct Presidential Report

Dr. Bharat Soni is retiring as Vice President for Research and Economic Development effective September 30, 2018. As such, I would like to appoint Dr. Harvill Eaton as Interim Vice President for Research and Economic Development effective October 1, 2018.

Dr. Eaton holds a Ph.D. in Materials Science from Vanderbilt University. Dr. Eaton earned his B.S. and M.S. degrees in Engineering Science from Tennessee Tech. Dr. Eaton has an extensive background in academia with his most recent position as President of Cumberland University. During his academic tenure, Dr. Eaton served in a variety of roles, including: Professor, Associate Dean, President, and Vice Chancellor for Research. During his tenure as LSU's Vice Chancellor for Research, externally funded research projects grew by \$25 million. Dr. Eaton received numerous awards and honors throughout his professional career.

For these reasons and many others, I am recommending his appointment to Interim Vice President for Research and Economic Development at an annual salary of \$250,000.

A handwritten signature in black ink that reads "Philip B. Oldham".

---

Dr. Philip B. Oldham



## Agenda Item Summary

**Date:** September 18, 2018

**Agenda Item:** Revision to Policy 005 (Board Committees)

Review

Action

No action required

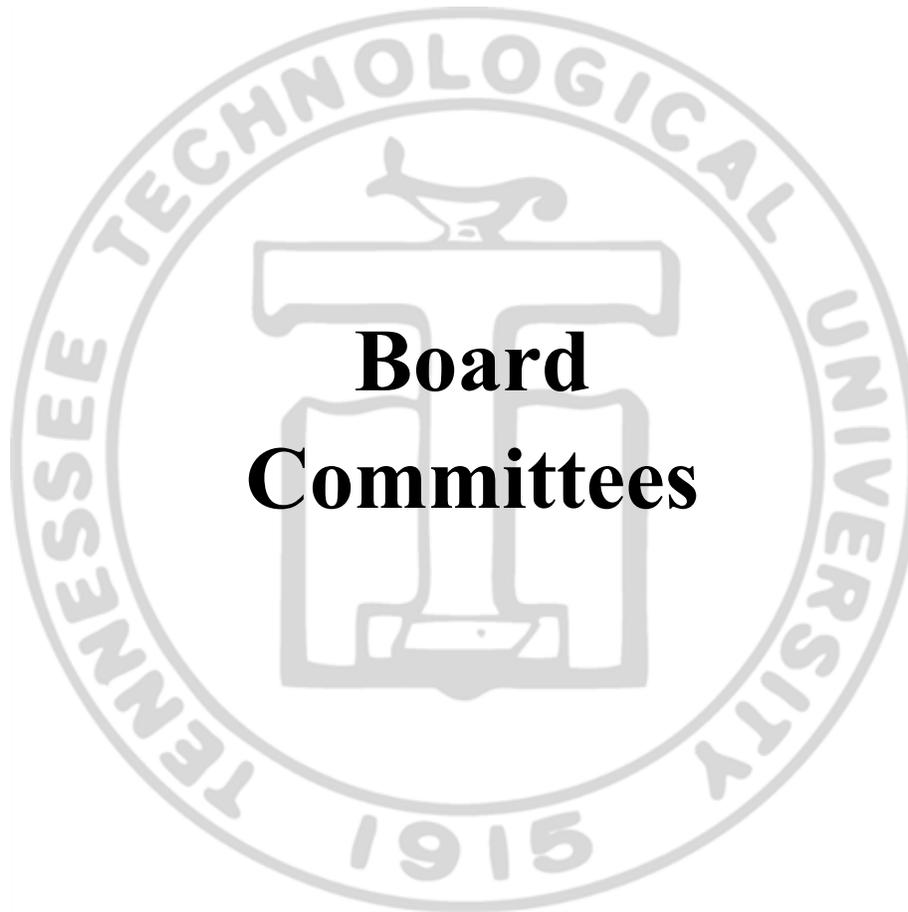
---

**PRESENTER:** Tom

**PURPOSE & KEY POINTS:** Policy 005 (Board Committees) is revised to assign oversight of enrollment management and career placement to the Academic and Student Affairs Committee.

A provision is also added to make it clear that the Executive Committee is responsible for initiating a Board self-evaluation, per accreditation standards.

**Tennessee Technological University**  
**Policy No. 005**



**Board  
Committees**

Effective Date: March 23, 2017

**Policy No:** 005

**Policy Name:** Board Committees

## **I. Purpose**

This policy establishes the committees of the Tennessee Tech Board and describes their structure and responsibilities.

## **II. Review**

This policy will be reviewed every four years or whenever circumstances require review, whichever is earlier, by the Board or a committee designated by the Chair. In the case of the latter, recommendations for revision will be presented to the Board at a regular or special meeting.

## **III. Committees**

### **A. Standing committees**

1. The standing committees of the Board shall be
  - a. Academic/Student Affairs/Research/Advancement/Athletics
  - b. Audit/Compliance/Finance/Compensation/Facilities
  - c. Executive
2. The authority of the standing committees shall be subject to action by the entire Board, except as otherwise provided by law. The committees' actions must be authorized and approved by the Board before becoming effective unless the Board delegates to the committee the authority to act on its own behalf.

### **B. Structure of the committees**

1. Each standing committee shall have at least three voting members who shall each serve a two-year term and may be reappointed to consecutive terms.
2. Each standing committee shall have a chair who shall serve a two-year term and may be reappointed to consecutive terms.
3. The Board Chair shall appoint members and chairs of the standing committees, unless otherwise excepted by this policy.
4. The Board Chair shall serve as an ex officio member of all standing committees, entitled to vote.

5. Each committee shall have a Tennessee Tech administrator to assist with its work.

**C. Special committees**

The Board Chair or Vice Chair may appoint special committees for specific assignments. Membership may be as determined appropriate. The chair of a special committee shall be designated by the Board Chair at the time the special committee is appointed. Matters assigned to a special committee shall be subject to action and approval by a designated standing committee or the Board before becoming effective.

**IV. Matters Related to Committee Meetings**

- A. The Executive Committee shall meet as often as necessary to carry out its responsibilities. All other standing committees shall meet at the call of the Board Chair or committee chair.
- B. Meetings may be called by the Board Chair, the President, or the committee chair.

**C. Notice of meeting and agenda**

1. When feasible, committee members shall receive at least five days' notice of meetings to include the purpose of the meeting. The notice may be delivered by any reasonable means.
2. When feasible, a copy of the agenda and related materials shall accompany notice of the meeting.
3. Matters not appearing on the agenda of a standing or special committee meeting may be considered only upon an affirmative vote of the entire committee.
4. Standing committee chairs may designate items to be included on a consent agenda for the committee; provided that the following items may not be placed on a committee consent agenda:
  - a. Amendment of the bylaws;
  - b. The annual operating budget, including student tuition and fee proposals for which Board approval is required;
  - c. Funding requests for capital outlay and capital maintenance projects;
  - d. Revenue or institutionally funded capital projects; and

- e. Any other item on which a roll call vote will be required in the full Board meeting.
- D. A majority of the voting members of each standing or special committee shall constitute a quorum for the transaction of business. In the absence of a quorum, those attending may adjourn the meeting until a quorum is present.
- E. Minutes shall be made of all standing and special committee meetings and provided to the Board Chair, the President, and the Secretary to the Board. The minutes shall be maintained as the official record of such meetings.
- F. All meetings of standing and special committees shall be open to the public except as authorized by a statutorily or judicially recognized exception to the Tennessee Open Meetings Act, T.C.A. § 8-44-101 et seq.

## V. Committee Duties

### A. Academic/Student Affairs/Enrollment Management and Career Placement/Research/Advancement/Athletics Committee (“Academic & Student Affairs Committee”)

The committee shall oversee the quality of academic programs and services and student life consistent with Tennessee Tech’s mission. The committee shall make recommendations to the Board relating to:

1. Approval of proposals for new academic programs and the significant revision of existing programs;
2. Ensuring and protecting, within the context of faculty-shared governance, Tennessee Tech’s educational quality and its academic programs;
3. Approval of admission, progression, retention, and graduation standards;
4. Institutional accreditations, program accreditations, and program reviews;
5. Promoting the welfare of students attending Tennessee Tech, including matters related to enrollment management and career placement;
6. Review and approve policies related to academic and student affairs consistent with TTU Board Policy 003 (Board Delegation of Authority);
7. Oversight of programs seeking to extend Tennessee Tech’s scientific, technological, commercialization, and educational expertise to communities, counties, agencies, and organizations in the state, nationally, and globally;

8. Review the operation of the Tennessee Tech’s intercollegiate athletics programs and assist the Board in carrying out its responsibility of those programs;
9. Exercise oversight of Tennessee Tech programs related to private gifts, alumni support, public relations, and communications and marketing;
10. Review and approval of policies related to research, advancement, and athletics matters consistent with TTU Board Policy 003 (Board Delegation of Authority); and
11. Other areas as directed by the Board.

**B. Audit/Compliance/Finance/Compensation/Facilities Committee (“Audit & Business Committee”)**

1. The Committee and its chair shall be nominated and approved by the Board.
2. The committee shall have the authority to direct Tennessee Tech’s management to initiate and address specific audit and compliance issues within the mandate of the committee. It may conduct, authorize, or facilitate any audit or investigation appropriate to fulfill its oversight responsibilities.
3. The committee shall adopt and maintain a charter consistent with state law and any Tennessee Comptroller of the Treasury’s requirements. The committee shall submit the charter and any subsequent revisions to the Board for approval.
4. The committee is responsible for and shall make recommendations to the Board related to:
  - a. Audit engagements with the Tennessee Comptroller’s Office including the integrity of financial statements and compliance with legal and regulatory requirements;
  - b. Audit engagements with external auditors;
  - c. Internal audit activities;
  - d. Internal audit administration;
  - e. Internal controls and compliance with laws, regulations, and other requirements;
  - f. Risk and control assessments;

- g.** Fraud, waste, and abuse prevention, detection, and reporting;
- h.** Review and approval of policies related to audit and compliance matters, consistent with TTU Board Policy 003 (Board Delegation of Authority);
- i.** Monitoring Tennessee Tech's financial performance and reporting to the Board;
- j.** Reviewing and recommending annual and long-range operating, capital, and maintenance budgets;
- k.** Reviewing and recommending rates for student tuition and fees;
- l.** Overseeing financial reporting and related disclosures;
- m.** Recommending adoption or modification of capital improvement plans and the facilities master plan, advocating for new structures, and rehabilitating or removing older structures;
- n.** Recommending appropriate action with regard to the acquisition and disposition of real property;
- o.** Acting on matters related to personnel, including faculty and staff compensation and tenure;
- p.** Reviewing or acting on matters related to information technology planning and strategy, including significant technology investments;
- q.** Reviewing and approving policies related to finance, compensation and facilities, consistent with TTU Board Policy 003 (Board Delegation of Authority);
- r.** Reviewing and approving policies related to audit and compliance matters, consistent with TTU Board Policy 003 (Board Delegation of Authority); and
- s.** Other areas as directed by the Board.

### **C. Executive Committee**

- 1.** The Executive Committee shall be composed of the Chair and Vice Chair of the Board, and one at-large voting member elected by the Board. The Chair of the Board shall be the chair of this committee.

2. The Executive Committee may act for the Board between regular Board meetings on urgent matters except the following, which shall be reserved to the Board:
  - a. Presidential selection and termination;
  - b. Amendments to the Board bylaws;
  - c. Sale or disposition of real estate;
  - d. Tenure decisions;
  - e. Maintenance fees, tuition, and other student fees;
  - f. Capital budget request prepared for submission to the Tennessee Higher Education Commission for consideration for inclusion in the Governor's budget proposal;
  - g. Adoption of the annual budget; and
  - a. Conferral of degrees.
3. The Executive Committee shall ensure the integrity of the Board and is responsible for:
  - a. Establishing and maintaining standards of Board conduct by monitoring compliance with TTU Policy 001 (Board Code of Ethics and Conduct and Conflict of Interest);
  - b. Approval of the creation and removal of executive positions reporting directly to Tennessee Tech's president and appointments to all positions reporting directly to the president;
  - c. Approval of matters presented to the Executive Committee by Tennessee Tech's president, consistent with the limitations on the powers of the Executive Committee described in Section V.C.2 of this policy;
  - d. Making recommendations or taking action, as allowed, relating to the selection, retention, evaluation, termination, compensation, benefits, and performance management of Tennessee Tech's president.
  - e. Assessing the performance and effectiveness of the Board and Board members, including initiating board self-evaluations on a regular basis;
  - f. Ensuring an effective orientation and ongoing professional development for Board members;

- g. Periodically reviewing and ensuring compliance with the Board bylaws and other Board policies, recommending amendments when appropriate;
  - h. Reviewing the committee structure of the Board for continued effectiveness;
  - i. Overseeing the work of the other standing committees; and
  - j. Other areas as directed by the Board.
4. **The Executive Committee shall report all of its actions to the full Board at the next regular meeting.**

**VI. Interpretation**

The Board Chair or his/her designee has the final authority to interpret the terms of this policy.

**VII. Citation of Authority for Policy**

T.C.A. § 49-8-201(f)(8)(B)

**Approved by:**

Board of Trustees: March 23, 2017

Revised by Board of Trustees: June 15, 2017; August 17, 2017, September 18,  
2018



## Agenda Item Summary

**Date:** September 18, 2018

**Agenda Item:** TTU Policy 110 (Access to Public Records) and Rule

Review

Action

No action required

---

**PRESENTER:** Karen Lykins

**PURPOSE & KEY POINTS:** This policy and rule describe the process for a Tennessee citizen to request to inspect public records. Tennessee Tech has had a similar policy for several years; the General Assembly passed a law in April 2018 that requires Tennessee Tech to promulgate a rule on the subject.

**Tennessee Technological University  
Policy No. 110**



Effective Date: July 1, 2017

**Policy No.:** 110

**Policy Name:** Access to Public Records

**Revised:** January 1, 2019

## **I. Purpose**

Pursuant to Tennessee Code Annotated § 10-7-503(a)(2)(A), Tennessee Tech records shall, at all times during business hours, be open for personal inspection by any citizen of this state, and those in charge of the records shall not refuse such right of inspection to any citizen, unless otherwise provided by law. This policy establishes uniform procedures for handling requests for such records.

## **II. Review**

This policy will be reviewed every two years or whenever circumstances require review, whichever is earlier, by the Chief Communication Officer in consultation with the Office of the University Counsel, with recommendations for revision presented to the Administrative Counsel, University Assembly, and the Board of Trustees.

## **III. Scope**

This policy does not apply to a student's request to see his/her own education records or to an employee's or former employee's reasonable requests to review or copy his/her own personnel file.

## **IV. Definitions**

- A. Public Record(s):** All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- B. Public Records Request Coordinator ("Coordinator"):** The designated individual who has the responsibility to ensure public record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.
- C. Records Custodian:** The office, official, or employee lawfully responsible for the direct custody and care of a Public Record.
- D. Requestor:** A person seeking access to a Public Record, whether it is for inspection or duplication.

## **V. General Policy Statement**

Tennessee Tech shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of Public Records as required by law.

## **VI. Requesting Access to Public Records**

- A.** Public Record requests should be directed to the Coordinator or his/her designee in order to ensure public record requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- B.** A Requestor may contact Tennessee Tech's Coordinator in person, by phone at 931-372-3084, by email at [openrecords@tnitech.edu](mailto:openrecords@tnitech.edu), or by mail at Campus Box 5056. Tennessee Tech will post the Coordinator's name and office location on the Office of Communications & Marketing webpage.
- C.** Tennessee Tech will not require a Requestor to submit a request for inspection in writing, absent good cause.
- D.** Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of Public Records.
- E.** Tennessee Tech will not, absent good cause, require a Requestor to submit a request for copies on a specific form.
- F.** No request is necessary for bid tabulations for Request for Proposals and Request for Quotes, which are posted regularly on Tennessee Tech's Purchasing and Contracts webpage. Similarly, meeting notices and materials for Tennessee Tech's Board of Trustees are posted on Tennessee Tech's Board webpage.

## **VII. Responding to Public Records Requests**

- A.** The Coordinator shall, as necessary or appropriate:
  - 1.** Request proof of Tennessee citizenship;
  - 2.** Clarify the scope of the request;
  - 3.** Advise the Requestor that Tennessee Tech may charge for copies if the request exceeds the costs threshold set out in this policy;
  - 4.** Advise the Requestor within seven (7) business days that it will take more than seven (7) business days to respond to the request;
  - 5.** Advise the Requestor within seven (7) business days that Tennessee Tech is not the custodian of the record;

- 6.** Provide the records;
- 7.** Deny the request in writing, providing the appropriate basis, such as one of the following:
  - a.** The Requestor is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
  - b.** The request lacks specificity;
  - c.** An exemption makes the record not subject to disclosure under the Tennessee Public Records Act;
  - d.** The records do not exist.
- B.** The Coordinator may deny the request provided the Coordinator has identified in writing the specific legal basis for the denial of the request.
- C.** The Coordinator may, if appropriate, contact the Requestor to see if the request can be narrowed.
- D.** If requested records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.
- E.** A Records Custodian must promptly forward a request to the Coordinator and assist the Coordinator in making the records available to the Requestor in a timely manner.
- F.** If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open; to redact records; or for other similar reasons, then the Coordinator shall, within seven (7) business days from the receipt of the request, send the Requestor a completed Public Records Response Form.
- G.** If the Coordinator reasonably determines production of records should be segmented because the Public Records Request is for a large volume of records, or additional time is necessary to prepare the records for access, the Coordinator shall notify the Requestor in writing that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Coordinator may contact the Requestor to see if the request can be narrowed.
- H.** If the Coordinator discovers records responsive to a records request were omitted, the Coordinator will notify the Requestor and produce the records as quickly as practicable.

### **VIII. Redaction**

- A. If a record contains confidential information or information that is not open for public inspection, the Coordinator, with assistance from the Record Custodian, shall redact the record prior to providing access.
- B. Whenever the Custodian provides a redacted record, the Custodian will advise the Requestor of the general basis or bases for the redaction(s).

### **IX. Inspection of Records**

- A. Tennessee Tech will not charge for inspection of public records.
- B. Tennessee Tech will advise the Requestor of the location where the records may be inspected.
- C. The Coordinator may require an appointment for the inspection.

### **X. Request for Copies of Records**

- A. The Coordinator will respond to a Public Record Request for copies in the most economic and efficient manner practicable.
- B. Copies will be available for pickup at a location specified by the Coordinator.
- C. Tennessee Tech will not use fees and charges for copies of Public Records to hinder access to Public Records.
- D. The Coordinator will provide Requestors with an estimate of the charges prior to producing copies of records and may require pre-payment of such charges before producing requested records.
- E. If fees for copies and labor do not exceed \$25, Tennessee Tech may waive those fees. Requests for waivers for costs that exceed \$25 must be presented to the Coordinator, who is authorized to determine if such waiver is in the best interest of Tennessee Tech or for the public good.
- F. Tennessee Tech will not waive fees associated with aggregated records requests.
- G. A Requestor must pay by cash, credit card, or personal check made payable to Tennessee Tech and presented to the Coordinator or to the Tennessee Tech business office.
- H. Tennessee Tech will aggregate record requests in accordance with the current office of Open Records Schedule for Reasonable Charges for Frequent and Multiple Requests when more than four (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.

- I. If Tennessee Tech aggregates requests, the Coordinator will advise Requestors of the basis for the aggregation.

**XI. Interpretation**

The Coordinator or her/his designee has the final authority to interpret the terms of this policy.

**XII. Citation of Authority for Policy**

T.C.A. §10-7-503

**Approved by:**

Administrative Council: April 4, 2017;

University Assembly: April 19, 2017;

Board of Trustees:

|  |  |
|--|--|
| <p><b>Department of State</b><br/> <b>Division of Publications</b><br/>                 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower<br/>                 Nashville, TN 37243<br/>                 Phone: 615-741-2650<br/>                 Email: <a href="mailto:publications.information@tn.gov">publications.information@tn.gov</a></p> | <p><b>For Department of State Use Only</b></p> <p>Sequence Number: _____</p> <p>Rule ID(s): _____</p> <p>File Date: _____</p> <p>Effective Date: _____</p> |
|--|--|

## Proposed Rule(s) Filing Form

*Proposed rules are submitted pursuant to Tenn. Code Ann. §§ 4-5-202, 4-5-207, and 4-5-229 in lieu of a rulemaking hearing. It is the intent of the Agency to promulgate these rules without a rulemaking hearing unless a petition requesting such hearing is filed within ninety (90) days of the filing of the proposed rule with the Secretary of State. To be effective, the petition must be filed with the Agency and be signed by ten (10) persons who will be affected by the amendments, or submitted by a municipality which will be affected by the amendments, or an association of ten (10) or more members, or any standing committee of the General Assembly. The agency shall forward such petition to the Secretary of State.*

*Pursuant to Tenn. Code Ann. § 4-5-229, any new fee or fee increase promulgated by state agency rule shall take effect on July 1, following the expiration of the ninety (90) day period as provided in § 4-5-207. This section shall not apply to rules that implement new fees or fee increases that are promulgated as emergency rules pursuant to § 4-5-208(a) and to subsequent rules that make permanent such emergency rules, as amended during the rulemaking process. In addition, this section shall not apply to state agencies that did not, during the preceding two (2) fiscal years, collect fees in an amount sufficient to pay the cost of operating the board, commission or entity in accordance with § 4-29-121(b).*

|                                 |                                       |
|---------------------------------|---------------------------------------|
| <b>Agency/Board/Commission:</b> | Tennessee Technological University    |
| <b>Division:</b>                |                                       |
| <b>Contact Person:</b>          | Karen Lykins                          |
| <b>Address:</b>                 | 1 William L. Jones Dr. Cookeville, TN |
| <b>Zip:</b>                     | 38505                                 |
| <b>Phone:</b>                   | 931-372-3084                          |
| <b>Email:</b>                   | KLykins@tntech.edu                    |

**Revision Type (check all that apply):**

- Amendment
- New
- Repeal

**Rule(s)** (ALL chapters and rules contained in filing must be listed here. If needed, copy and paste additional tables to accommodate multiple chapters. Please make sure that **ALL** new rule and repealed rule numbers are listed in the chart below. Please enter only **ONE** Rule Number/Rule Title per row)

| Chapter Number | Chapter Title                        |
|----------------|--------------------------------------|
| 0240-09-05     | Access to Public Records             |
| Rule Number    | Rule Title                           |
| 0240-09-05-.01 | Scope                                |
| 0240-09-05-.02 | Definitions                          |
| 0240-09-05-.03 | General Policy Statement             |
| 0240-09-05-.04 | Requesting Access to Public Record   |
| 0240-09-05-.05 | Responding to Public Records Request |
| 0240-09-05-.06 | Redaction                            |
| 0240-09-05-.07 | Inspection of Records                |
| 0240-09-05-.08 | Request for Copies of Records        |

Rules  
Of  
Tennessee Technological University, Cookeville  
Chapter 0240-09-05  
Access to Public Records

New

Table of Contents is added to Chapter 0240-09-05 Access to Public Records and shall read as the follows:

0240-09-05.01 Scope  
0240-09-05.02 Definitions  
0240-09-05.03 General Provision  
0240-09-05.04 Requesting Access to Public Records  
0240-09-05.05 Responding to Public Records Request  
0240-09-05.06 Redaction  
0240-09-05.07 Inspection of Records  
0240-09-05.08 Request for Copies of Records

0240-09-05-.01 Scope is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.01 Scope

- (1) This rule does not apply to a student's request to see his/her own education records or to an employee's or former employee's reasonable requests to review or copy his/her own personnel file.

Authority: T.C.A. § 10-7-503(g)(2).

0240-09-05-.02 Definitions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.02 Definitions

- (1) Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.
- (2) Public Records Request Coordinator ("Coordinator"): The designated individual who has the responsibility to ensure Public Record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.
- (3) Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a Public Record.
- (4) Requestor: A person seeking access to a Public Record, whether it is for inspection or duplication.

Authority: T.C.A. § 10-7-503.

0240-09-05-.03 General Policy Statement is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.03 General Policy Statement

- (1) Tennessee Tech shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of Public Records as required by law.

Authority: T.C.A. § 10-7-503.

0240-09-05-.04 Requesting Access to Public Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

SS-7038 (November 2017)

2

RDA 1693

0240-09-05-.04 Requesting Access to Public Records

- (1) Public Record requests should be directed to the Coordinator or his/her designee in order to ensure Public Record requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- (2) Requestor may contact the Coordinator in person, by telephone, by email, or by mail.
- (3) Tennessee Tech will publish the name, telephone number, email address, and office location of the Coordinator on its website or similar publication.
- (4) Tennessee Tech will not require a Requestor to submit a request for inspection in writing, absent good cause.
- (5) Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of Public Records.
- (6) No request is necessary for bid tabulations for Request for Proposals and Request for Quotes, which are posted regularly on Tennessee Tech's Purchasing and Contracts webpage. Similarly, meeting notices and materials for Tennessee Tech's Board of Trustees are posted on Tennessee Tech's Board webpage.

Authority: T.C.A. § 10-7-503.

0240-09-05-.05 Responding to Public Records Requests is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.05 Responding to Public Records Requests

- (1) The Coordinator shall, as necessary or appropriate:
  - (a) Request proof of Tennessee citizenship;
  - (b) Clarify the scope of the request;
  - (c) Advise the Requestor that Tennessee Tech may charge for copies if the request exceeds the costs threshold allowed by its rule;
  - (d) Advise the Requestor that Tennessee Tech is not the custodian of the record;
  - (e) Provide the records;
  - (f) Deny the request in writing, providing the appropriate basis, such as one of the following:
    1. The Requestor is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
    2. The request lacks specificity;
    3. An exemption makes the record not subject to disclosure under the Tennessee Public Records Act;
    4. The records do not exist.
- (2) The Coordinator may deny the request provided the Coordinator has identified in writing the specific legal basis for the denial of the request.
- (3) The Coordinator may, if appropriate, contact the Requestor to see if the request can be narrowed.

- (4) If requested records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.
- (5) A Records Custodian must promptly forward a request to the Coordinator and assist the Coordinator in making the records available to the Requestor in a timely manner.
- (6) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open, to redact records; or for other similar reasons, then the Coordinator shall, within seven (7) business days from the receipt of the request, send the Requestor a completed Public Records Response Form.
- (7) If the Coordinator reasonably determines production of records should be segmented because the Public Records Request is for a large volume of records, or additional time is necessary to prepare the records for access, the Coordinator shall notify the Requestor in writing that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Coordinator may contact the Requestor to see if the request can be narrowed.
- (8) If the Coordinator discovers records responsive to a records request were omitted, the Coordinator will notify the Requestor and produce the records as quickly as practicable.

Authority: T.C.A. § 10-7-503.

0240-09-05-.06 Redactions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.06 Redaction

- (1) If a record contains confidential information that is not open for public inspection, the Coordinator, with assistance from the Records Custodian, shall redact the record prior to providing access.
- (2) Whenever the Custodian provides a redacted record, the Custodian will advise the Requestor of the general basis or bases for the redaction(s).

Authority: T.C.A. § 10-7-503.

0240-09-05-.07 Inspections of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

240-09-05.07 Inspection of Records

- (1) Tennessee Tech will not charge for inspection of Public Records.
- (2) Tennessee Tech will advise the Requestor of the location where the records may be inspected.
- (3) The Coordinator may require an appointment for the inspection.

Authority: T.C.A. § 10-7-503.

0240-09-05-.08 Request for Copies of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.08 Request for Copies of Records

- (1) The Coordinator will respond to a Public Record request for copies in the most economic and efficient manner practicable.

- (2) Copies will be available for pickup at a location specified by the Coordinator.
- (3) Tennessee Tech will not use fees and charges for copies of Public Records to hinder access to Public Records.
- (4) The Coordinator will provide Requestors with an estimate of the charges prior to producing copies of records and may require prepayment of such charges before producing requested records.
- (5) If fees for copies and labor do not exceed \$25, Tennessee Tech may waive those fees. Requests for waivers for costs that exceed \$25 must be presented to the Coordinator, who is authorized to determine if such waiver is in the best interest of Tennessee Tech or for the public good.
- (6) Tennessee Tech will not waive fees associated with aggregated records requests.
- (7) A Requestor must pay by cash, credit card, or personal check made payable to Tennessee Tech and presented to the Coordinator or to the Tennessee Tech Business Office.
- (8) Tennessee Tech will aggregate record requests in accordance with the current office of Open Records Schedule for Reasonable Charges for Frequent and Multiple Requests when more than (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.
- (9) If Tennessee Tech aggregates requests, the Coordinator will advise Requestors of the basis for the aggregation.

Authority: T.C.A. § 10-7-503.

\* If a roll-call vote was necessary, the vote by the Agency on these rules was as follows:

| Board Member     | Aye | No | Abstain | Absent | Signature (if required) |
|------------------|-----|----|---------|--------|-------------------------|
| Barbara Fleming  |     |    |         |        |                         |
| Melissa Geist    |     |    |         |        |                         |
| Trudy Harper     |     |    |         |        |                         |
| Rhedona Rose     |     |    |         |        |                         |
| Purna Saggurti   |     |    |         |        |                         |
| Johnny Stites    |     |    |         |        |                         |
| Teresa Vanhooser |     |    |         |        |                         |
| Barry Wilmore    |     |    |         |        |                         |
| Tom Jones        |     |    |         |        |                         |

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Tennessee Tech Board of Trustees on 09/18/2018, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Karen Lykins

Title of Officer: Chief Communication Officer

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

Agency/Board/Commission: Tennessee Technological University

Rule Chapter Number(s): 0240-09-05 Access to Public Records

All proposed rules provided for herein have been examined by the Attorney General and Reporter of the State of Tennessee and are approved as to legality pursuant to the provisions of the Administrative Procedures Act, Tennessee Code Annotated, Title 4, Chapter 5.

\_\_\_\_\_  
Herbert H. Slatery III  
Attorney General and Reporter

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

**Regulatory Flexibility Addendum**

Pursuant to T.C.A. §§ 4-5-401 through 4-5-404, prior to initiating the rule making process, all agencies shall conduct a review of whether a proposed rule or rule affects small business.

The rule is not anticipated to have an impact on small businesses.

### **Impact on Local Governments**

Pursuant to T.C.A. §§ 4-5-220 and 4-5-228 “any rule proposed to be promulgated shall state in a simple declarative sentence, without additional comments on the merits of the policy of the rules or regulation, whether the rule or regulation may have a projected impact on local governments.” (See Public Chapter Number 1070 (<http://publications.tnsosfiles.com/acts/106/pub/pc1070.pdf>) of the 2010 Session of the General Assembly)

The rule is not anticipated to have an impact on local government.

**Additional Information Required by Joint Government Operations Committee**

All agencies, upon filing a rule, must also submit the following pursuant to T.C.A. § 4-5-226(i)(1).

- (A) A brief summary of the rule and a description of all relevant changes in previous regulations effectuated by such rule;

Previously, Tennessee Tech adopted and followed the Comptroller's Office of the Open Records model policy related to responding to requests for public records. The proposed rule does not materially change Tennessee Tech's previous policy or processes for responding to such requests.

- (B) A citation to and brief description of any federal law or regulation or any state law or regulation mandating promulgation of such rule or establishing guidelines relevant thereto;

T.C.A. § 10-7-503(g)(2) requires state government entities to promulgate rules regarding public records that meet the requirements of T.C.A. § 10-7-503(g)(1).

- (C) Identification of persons, organizations, corporations or governmental entities most directly affected by this rule, and whether those persons, organizations, corporations or governmental entities urge adoption or rejection of this rule;

The Tennessee Tech Board of Trustees urges adoption. Individuals/entities that wish to review public records of the State of Tennessee are directly affected by this rule. Tennessee Tech believes the rule is consistent with the intent of the law, namely to create transparency in its operations, but does not know whether interested individuals/entities would urge adoption or rejection of this rule.

- (D) Identification of any opinions of the attorney general and reporter or any judicial ruling that directly relates to the rule or the necessity to promulgate the rule;

None known

- (E) An estimate of the probable increase or decrease in state and local government revenues and expenditures, if any, resulting from the promulgation of this rule, and assumptions and reasoning upon which the estimate is based. An agency shall not state that the fiscal impact is minimal if the fiscal impact is more than two percent (2%) of the agency's annual budget or five hundred thousand dollars (\$500,000), whichever is less;

None

- (F) Identification of the appropriate agency representative or representatives, possessing substantial knowledge and understanding of the rule;

Karen Lykins, Chief Communication Officer

- (G) Identification of the appropriate agency representative or representatives who will explain the rule at a scheduled meeting of the committees;

Karen Lykins, Chief Communication Officer

- (H) Office address, telephone number, and email address of the agency representative or representatives who will explain the rule at a scheduled meeting of the committees; and

Karen Lykins, Chief Communication Officer  
1 William L. Jones Dr.  
Cookeville, TN 38505  
931-372-3084  
KLykins@tntech.edu

(l) Any additional information relevant to the rule proposed for continuation that the committee requests.

|  |
|--|
|  |
|--|

Rules  
Of  
Tennessee Technological University, Cookeville  
Chapter 0240-09-05  
Access to Public Records

New

Table of Contents is added to Chapter 0240-09-05 Access to Public Records and shall read as the follows:

0240-09-05.01 Scope  
0240-09-05.02 Definitions  
0240-09-05.03 General Provision  
0240-09-05.04 Requesting Access to Public Records  
0240-09-05.05 Responding to Public Records Request  
0240-09-05.06 Redaction  
0240-09-05.07 Inspection of Records  
0240-09-05.08 Request for Copies of Records

0240-09-05-.01 Scope is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.01 Scope

(1) This rule does not apply to a student's request to see his/her own education records or to an employee's or former employee's reasonable requests to review or copy his/her own personnel file.

Authority: T.C.A. § 10-7-503(g)(2).

0240-09-05-.02 Definitions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.02 Definitions

(1) Public Records: All documents, papers, letters, maps, books, photographs, microfilms, electronic data processing files and output, films, sound recordings, or other material, regardless of physical form or characteristics, made or received pursuant to law or ordinance or in connection with the transaction of official business by any governmental agency.

(2) Public Records Request Coordinator ("Coordinator"): The designated individual who has the responsibility to ensure Public Record requests are routed to the appropriate records custodian and are fulfilled in accordance with the Tennessee Public Records Act.

(3) Records Custodian: The office, official, or employee lawfully responsible for the direct custody and care of a Public Record.

(4) Requestor: A person seeking access to a Public Record, whether it is for inspection or duplication.

Authority: T.C.A. § 10-7-503.

0240-09-05-.03 General Policy Statement is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.03 General Policy Statement

(1) Tennessee Tech shall timely and efficiently provide access and assistance to persons requesting to view or receive copies of Public Records as required by law.

Authority: T.C.A. § 10-7-503.

0240-09-05-.04 Requesting Access to Public Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.04 Requesting Access to Public Records

- (1) Public Record requests should be directed to the Coordinator or his/her designee in order to ensure Public Record requests are routed to the appropriate Records Custodian and fulfilled in a timely manner.
- (2) Requestor may contact the Coordinator in person, by telephone, by email, or by mail.
- (3) Tennessee Tech will publish the name, telephone number, email address, and office location of the Coordinator on its website or similar publication.
- (4) Tennessee Tech will not require a Requestor to submit a request for inspection in writing, absent good cause.
- (5) Tennessee Tech will require proof of Tennessee citizenship by either a valid Tennessee driver's license or alternative acceptable form of identification as a condition to inspect or receive copies of Public Records.
- (6) No request is necessary for bid tabulations for Request for Proposals and Request for Quotes, which are posted regularly on Tennessee Tech's Purchasing and Contracts webpage. Similarly, meeting notices and materials for Tennessee Tech's Board of Trustees are posted on Tennessee Tech's Board webpage.

Authority: T.C.A. § 10-7-503.

0240-09-05-.05 Responding to Public Records Requests is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.05 Responding to Public Records Requests

- (1) The Coordinator shall, as necessary or appropriate:
  - (a) Request proof of Tennessee citizenship;
  - (b) Clarify the scope of the request;
  - (c) Advise the Requestor that Tennessee Tech may charge for copies if the request exceeds the costs threshold allowed by its rule;
  - (d) Advise the Requestor that Tennessee Tech is not the custodian of the record;
  - (e) Provide the records;
  - (f) Deny the request in writing, providing the appropriate basis, such as one of the following:
    1. The Requestor is not a Tennessee citizen or has not presented evidence of Tennessee citizenship;
    2. The request lacks specificity;
    3. An exemption makes the record not subject to disclosure under the Tennessee Public Records Act;
    4. The records do not exist.
- (2) The Coordinator may deny the request provided the Coordinator has identified in writing the specific legal basis for the denial of the request.
- (3) The Coordinator may, if appropriate, contact the Requestor to see if the request can be narrowed.

- (4) If requested records are in the custody of a different governmental entity and the Coordinator knows the correct governmental entity, the Coordinator may direct the Requestor to the correct governmental entity.
- (5) A Records Custodian must promptly forward a request to the Coordinator and assist the Coordinator in making the records available to the Requestor in a timely manner.
- (6) If not practicable to promptly provide requested records because additional time is necessary to determine whether the requested records exist; to search for, retrieve, or otherwise gain access to records; to determine whether the records are open, to redact records; or for other similar reasons, then the Coordinator shall, within seven (7) business days from the receipt of the request, send the Requestor a completed Public Records Response Form.
- (7) If the Coordinator reasonably determines production of records should be segmented because the Public Records Request is for a large volume of records, or additional time is necessary to prepare the records for access, the Coordinator shall notify the Requestor in writing that production of the records will be in segments and that a records production schedule will be provided as expeditiously as practicable. If appropriate, the Coordinator may contact the Requestor to see if the request can be narrowed.
- (8) If the Coordinator discovers records responsive to a records request were omitted, the Coordinator will notify the Requestor and produce the records as quickly as practicable.

Authority: T.C.A. § 10-7-503.

0240-09-05-.06 Redactions is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.06 Redaction

- (1) If a record contains confidential information that is not open for public inspection, the Coordinator, with assistance from the Records Custodian, shall redact the record prior to providing access.
- (2) Whenever the Custodian provides a redacted record, the Custodian will advise the Requestor of the general basis or bases for the redaction(s).

Authority: T.C.A. § 10-7-503.

0240-09-05-.07 Inspections of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

240-09-05.08 Inspection of Records

- (1) Tennessee Tech will not charge for inspection of Public Records.
- (2) Tennessee Tech will advise the Requestor of the location where the records may be inspected.
- (3) The Coordinator may require an appointment for the inspection.

Authority: T.C.A. § 10-7-503.

0240-09-05-.08 Request for Copies of Records is added to Chapter 0240-09-05 Access to Public Records and shall read as follows:

0240-09-05-.08 Request for Copies of Records

- (1) The Coordinator will respond to a Public Record request for copies in the most economic and efficient manner practicable.

- (2) Copies will be available for pickup at a location specified by the Coordinator.
- (3) Tennessee Tech will not use fees and charges for copies of Public Records to hinder access to Public Records.
- (4) The Coordinator will provide Requestors with an estimate of the charges prior to producing copies of records and may require prepayment of such charges before producing requested records.
- (5) If fees for copies and labor do not exceed \$25, Tennessee Tech may waive those fees. Requests for waivers for costs that exceed \$25 must be presented to the Coordinator, who is authorized to determine if such waiver is in the best interest of Tennessee Tech or for the public good.
- (6) Tennessee Tech will not waive fees associated with aggregated records requests.
- (7) A Requestor must pay by cash, credit card, or personal check made payable to Tennessee Tech and presented to the Coordinator or to the Tennessee Tech Business Office.
- (8) Tennessee Tech will aggregate record requests in accordance with the current office of Open Records Schedule for Reasonable Charges for Frequent and Multiple Requests when more than (4) requests are received within a calendar month either from a single individual or a group of individuals deemed working in concert.
- (9) If Tennessee Tech aggregates requests, the Coordinator will advise Requestors of the basis for the aggregation.

Authority: T.C.A. § 10-7-503.



## Agenda Item Summary

**Date:** September 18, 2018

**Agenda Item:** Board Self-Evaluation

Review



Action

No action required

---

**PRESENTER:** Tom

**PURPOSE & KEY POINTS:** Our accreditation body, SACSCOC, requires Tennessee Tech to have a board that “regularly evaluates its responsibilities and expectations.” SACSCOC Principle 4.2.g. As evidence of that requirement, SACSCOC recommends a board self-evaluation.

Because the Executive Committee is responsible for assessing the performance and effectiveness of the Board, the Executive Committee should initiate a board self-evaluation process.

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 1 of 12



As part of its obligation to assess the performance and effectiveness of the Board, the Executive Committee is soliciting written feedback from the Board members on the Board's operations and processes.

All responses will be submitted anonymously and are a very important step in ensuring the Board is operating as meaningfully as possible. The Executive Committee thanks you in advance for providing this feedback.

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 2 of 12

**Q: 1**

The board understands its responsibilities, including its fiduciary responsibilities.

- Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree
- 

*Required \**

Comments *(optional)*

**Q: 2**

The Board understands its ethical duties, including conflict of interest issues.

- Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree
- 

*Required \**

Comments *(optional)*

**Q: 3**

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 3 of 12

The Board receives sufficient training and information related to its responsibilities, including its fiduciary and ethical duties.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
                                                                                       

*Required \**

Comments *(optional)*

**Q: 4**

The Board's structure aids the Board in completing its work in a timely and efficient manner.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
                                                                                       

*Required \**

Comments *(optional)*

**Q: 5**

The materials in the committee and board books are relevant to the the agenda and

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 4 of 12

are helpful.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
                                                                                       

*Required \**

Comments *(optional)*

**Q: 6**

The Board ensures the regular review of Tennessee Tech's mission statement and strategic plan.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
                                                                                       

*Required \**

Comments *(optional)*

**Q: 7**

The Board keeps itself informed of Tennessee Tech's performance against

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 5 of 12

predetermined plans and goals.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
           

*Required \**

Comments *(optional)*

**Q: 8**

The roles and responsibilities of the Board are clearly defined and separate from those of Tennessee Tech's employees.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
           

*Required \**

Comments *(optional)*

**Q: 9**

The Board's role in setting Tennessee Tech's policies is appropriate.

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 6 of 12

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
                                                                                       

*Required \**

Comments *(optional)*

**Q: 10**

The Board delegates to the President authority to lead Tennessee Tech's employees and to carry out its mission.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
                                                                                       

*Required \**

Comments *(optional)*

**Q: 11**

The Board's method for evaluating the President's performance is satisfactory.

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 7 of 12

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
           

*Required \**

Comments *(optional)*

**Q: 12**

The Board fully discusses Tennessee Tech's annual budget and understands it prior to approving it.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
           

*Required \**

Comments *(optional)*

**Q: 13**

The Board regularly reviews Tennessee Tech's fiscal health and takes any necessary actions.

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 8 of 12

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
           

*Required \**

Comments *(optional)*

**Q: 14**

The Board provides visionary leadership for Tennessee Tech.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree  
           

*Required \**

Comments *(optional)*

**Q: 15**

Board members demonstrate integrity.

Not able to assess   Strongly Disagree   Disagree   Agree   Strongly Agree

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 9 of 12

*Required \**

Comments *(optional)*

**Q: 16**

The Board is an effective decision-making body.

- |                       |                       |                       |                       |                       |
|-----------------------|-----------------------|-----------------------|-----------------------|-----------------------|
| Not able to assess    | Strongly Disagree     | Disagree              | Agree                 | Strongly Agree        |
| <input type="radio"/> |

*Required \**

Comments *(optional)*

**Q: 17**

Is the Board devoting its attention to Tennessee Tech's major issues?

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 10 of 12

*Required \**

**Q: 18**

Are there major issues to which the Board should devote more time?

*Required \**

**Q: 19**

What advice would you offer to the Board to sustain or improve its relationship with the Tennessee Tech community?

*Required \**

**Q: 20**

What other information would you like to share regarding the Board's performance?

Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 11 of 12



Board Self-Evaluation 2017-2018

DRAFT

Printed On: August 13, 2018

Page 12 of 12

## SUBMISSION PAGE

**Thank you for your participation in this questionnaire!**

Select the submit option to mark your responses as final and complete your participation in this questionnaire. If you would like to review or change any of your responses, use the previous button to access prior pages.



## Agenda Item Summary

**Date:** September 18, 2018

**Agenda Item:** President's Compensation

Review

Action

No action required

---

**PRESENTER:** Tom

**PURPOSE & KEY POINTS:** At the conclusion of the President's evaluation, the Executive Committee is responsible for making a recommendation to the Board on the President's compensation.