

MINUTES OF THE ACADEMIC AFFAIRS, STUDENT LIFE, AND ATHLETICS COMMITTEE

October 10, 2018

The Academic Affairs, Student Life, and Athletics Committee met on Wednesday, October 10, 2018, at Middle Tennessee State University.

Call to Order and Roll Call

Chairwoman Pam Wright called the meeting to order at 10:10 a.m. Roll call was taken with the following Committee members physically present at the time of roll call: Peyton Tracy. Committee members participating telephonically at the time of roll call: J.B. Baker, Pete DeLay, Tony Johnston, Steve Smith, and Pam Wright. Committee member Joey Jacobs joined the call after the first motion. Committee members Keith Huber and Chris Massaro were unable to attend. Also present at the meeting were Trustee Andy Adams; Sidney A. McPhee, President; Joe Bales, Vice President for University Advancement; Mark Byrnes, University Provost; Andrew Oppmann, Vice President for Marketing and Communications; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Deb Sells, Vice President for Student Affairs and Vice Provost for Enrollment and Academic Services; Alan Thomas, Vice President for Business and Finance; Kim Edgar, Executive Assistant to the President and Chief of Staff; and Heidi Zimmerman, University Counsel and Board Secretary. Trustee Darrell Freeman also joined the meeting telephonically.

Pursuant to T.C.A. §8-44-108(c)(3), as several Committee members were participating telephonically, Committee members were individually asked the following questions by Ms. Zimmerman: (1) "Can you hear those present in the room and the others participating via phone so that you can participate in this meeting;" and, (2) "Is anyone else present in the room with you?" The first question was responded to in the affirmative by all. Responses to the second question indicated no additional individuals were present with Trustees Johnston and Wright. Trustees Baker, Delay, and Smith were in the same room together on the call. Those physically present at the meeting were asked the additional following question by Ms. Zimmerman: "Are you able to hear the Committee members present on the phone clearly?" The response was in the affirmative.

Statement of Necessity

Ms. Zimmerman stated that a quorum of the Committee was not physically present but that a quorum existed with the inclusion of those members participating by telephone. In accordance with T.C.A. §8-44-108(b)(2), the necessity of proceeding with a meeting without a physical quorum required a determination by the Committee of the necessity for the meeting. Ms. Zimmerman presented the following facts to support the meeting's necessity:

- (1) The agenda items include consideration of a new academic program proposal and creation of a new academic unit. It is necessary for the Academic Affairs, Student Life, and Athletics Committee to meet in order to consider these matters and make recommendations regarding

them to the Board of Trustees. The Board of Trustees will next meet at a Special Called Meeting following the conclusion of this Committee meeting. The new academic program proposal and creation of a new academic unit must be approved by the Tennessee Higher Education Commission. Therefore, these matters must be considered so that they may be presented to the Tennessee Higher Education Commission.

- (2) There was not adequate time for all trustees to be physically present for the meeting to form a quorum.

Based on the aforementioned facts, Chairman Wright requested a motion be made and a roll call vote taken for a determination on the necessity of holding this meeting. The motion was made by Trustee DeLay and seconded by Trustee Baker. Committee Chairman Wright asked if there was any discussion. Hearing none, she requested a roll call vote on the motion. Chairman Wright stated that a vote in the affirmative will signify that a necessity does exist for this meeting to proceed. A negative vote will signify that a necessity does not exist for this meeting to continue. A roll call vote was taken and the motion carried unanimously. Necessity for the meeting was established and the meeting then proceeded.

Educational Collaboration Agreement - Information

The first item on the agenda was notification of an Educational Collaboration Agreement between MTSU and Valparaiso University. President McPhee informed the Trustees that the Agreement expresses the desire of both universities to transfer the Valparaiso University Law School to Middle Tennessee State University, and if approved by the MTSU Board of Trustees and the Tennessee Higher Education Commission, it will become the MTSU College of Law. The two universities began discussions in November 2017. Dr. McPhee stated that the parties have gone to great lengths to assure that this opportunity is in the best interests of MTSU, the City of Murfreesboro, and the citizens of middle Tennessee. Prior to entering into the Agreement, MTSU engaged in a very extensive due diligence process that included two separate feasibility studies to assess the need for a public law school in middle Tennessee. MTSU senior staff made multiple visits to Valparaiso to meet with their university and law school administrators, as well as faculty and key staff. Meetings were held with staff members of the American Bar Association (ABA) regarding continuation of accreditation during and after the transfer. There were also multiple meetings and discussions with the staff of the Tennessee Higher Education Commission. Lastly, we have maintained communication with the Southern Association of Colleges and Schools, Commission on Colleges, MTSU's accrediting body, as well as, The Higher Education Commission, Valparaiso's accreditors, and the staff of the U.S. Department of Education throughout this process. Dr. McPhee explained that the Agreement sets forth the conditions for which the transfer of the Valparaiso University Law School will occur. It makes clear that MTSU will not purchase the law school or its assets, although Valparaiso will be reimbursed for some of the transfer expenses incurred on MTSU's behalf during the transition period. The Agreement is contingent upon receiving approval from the MTSU Board of Trustees, the Tennessee Higher Education Commission, and the acquiescence of the ABA to transfer both assets and change of control of the law school to MTSU. It is also contingent on MTSU receiving full or provisional accreditation from the ABA. Dr. McPhee told the trustees that this has been a very deliberate undertaking in which he feels confident that it is both academically and fiscally sound.

Chairman Wright thanked President McPhee for this information and indicated that the Committee would consider action items in one roll call vote.

Proposed New Academic Unit and New Academic Degree Program - Action

Provost Byrnes then discussed the proposed new academic unit, the College of Law, which will serve as the administrative home for the new degree program, be led by a dean, who will report to the university provost, housed in the division of Academic Affairs and will be physically located in the Andrew Woodfin Miller, Sr. Education Center. The ABA mandates a separate unit and this also fits with the structure of MTSU which currently has nine academic colleges.

Dr. Byrnes next discussed the proposed new academic program which would be a Doctor of Jurisprudence (J.D.) degree. The existing J.D. degree curriculum, currently accredited by the ABA and meeting national standards, will be moved from the Valparaiso University Law School. The program is aligned with the state academic master plan, MTSU's academic master plan and within the purview of MTSU. Dr. Byrnes pointed out that the materials contain details about what the program entails. Two feasibility studies demonstrate a need for this degree program as there is no public, accredited law school in middle Tennessee

Motion on the Proposed New Academic Unit and New Academic Degree Program

Chairman Wright called for a motion for approval of the transfer of the law school, approval of the new academic unit (College of Law), and approval of the new academic program (Doctor of Jurisprudence). The motion was made by Trustee DeLay and seconded by Trustee Johnston. Chairman Wright asked if there was any discussion. Hearing none, a roll call vote was taken and the motion to approve the transfer of the law school, approval of the new academic unit, and approval of the new academic program was passed unanimously. In concluding the business of the meeting, Chairman Wright thanked everyone for all the work that was done on this, acknowledging that this matter was still in process.

President McPhee noted that, should the full Board approve the Committee's recommendations, MTSU's presentation regarding the transfer, the new academic unit and a new degree program to the Tennessee Higher Education Commission will be Monday, October 15, 2018.

The meeting adjourned 10:35 a.m.

Respectfully submitted,

Academic Affairs, Student Life and Athletics Committee