



# AGENDA

EASTERN KENTUCKY UNIVERSITY  
BOARD OF REGENTS

QUARTERLY MEETING

March 4, 2021



Eastern Kentucky University  
Board of Regents

Quarterly Meeting  
Agenda

March 4, 2021

Via Video Teleconference\*

Public Viewing Link: <https://epresence.eku.edu/bor-meeting>

9:00 a.m.

I.	Call to Order	
II.	Election of Officers	
III.	Information Items	
A.	University Reports	
1.	COVID-19 Update (Dr. Bryan Makinen, AVP & Dr. Sara Zeigler, Dean)	
2.	Student Success & Enrollment Update (Dr. Tanlee Wasson, Vice President)	
3.	Financial Update (Barry Poynter, Senior Vice President).....	3
4.	Strategic Planning Update (Dr. Jennifer Wies, Associate Provost).....	11
5.	Legislative Update (Ethan Witt, AVP)	
B.	Additional Reports to the Board	
1.	Written Reports;	
a.	Faculty Senate Update (Dr. Marco Ciocca, Chair).....	18
b.	Staff Council Update (Dr. Caelin Scott, Chair).....	21
2.	Student Government Association Update (Eyouel Mekonnen, SGA President)	
3.	Dr. David T. McFaddin, President;	
4.	Lewis Diaz, J.D., Chairman of the Board	
IV.	Action Items	
A.	Approval of the Minutes for the Full Board Meeting on December 10, 2020 (Lewis Diaz).....	22
B.	Personnel Actions (Dr. David T. McFaddin, President) .....	29
C.	Recommended Sabbatical Program Participants for 2021-2022 (Dr. Jerry Pogatshnik, Provost) .....	33
D.	Approval of Nominees for Faculty Emeritus (Dr. Jerry Pogatshnik, Provost) .....	36
E.	Report from the Council of Academic Affairs (Dr. Jennifer Wies, Associate Provost).....	40
F.	Policy Updates (Haley Norberg, J.D.) .....	42
	Policy 3.1.1, Fundraising.....	45
	Policy 5.1.2, Student Organizations .....	50
	Policy 8.2.2, Employee Leave .....	56
	Policy 8.3.3, Employee Conduct .....	60
	Policy 4.1.10, First Time Freshmen Admissions (Repeal).....	69
G.	Innovation Fund Presentations & Awards (Dr. Tom Martin)	
H.	Athletics Update & Approval and Ratification of ASUN Agreement (Matt Roan, Vice President) ....	73
I.	Resolution Approving Application for COVID-Related Sources of Funds (Barry Poynter, Vice President) .....	90

V. New Business

VI. Executive Session

VII. Adjournment



**Eastern Kentucky University**

Financial Update

March 4, 2021

# Budget to Actual Summary

\* Preliminary / Draft - Unaudited

January 31, FY 2020-21	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual Revenue	Percent Realized	Revised Expense Budget	Actual Expense	Percent Realized	
Fund							
Education & General	216,534,245	191,309,176	88.35%	216,534,245	138,566,393	63.99%	52,742,782
Auxiliary	27,113,281	18,536,343	68.37%	27,113,281	12,571,181	46.37%	5,965,163
Total	243,647,526	209,845,519	86.13%	243,647,526	151,137,574	62.03%	58,707,945

January 31, FY 2019-20	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual Revenue	Percent Realized	Revised Expense Budget	Actual Expense	Percent Realized	
Fund							
Education & General	230,561,085	196,605,855	85.27%	239,368,781	143,578,579	59.98%	53,027,276
Auxiliary	28,579,685	24,125,145	84.41%	28,579,685	14,332,755	50.15%	9,792,390
Total	259,140,770	220,731,000	85.18%	267,948,466	157,911,334	58.93%	62,819,667

# E & G Revenue by Classification

\* Preliminary / Draft - Unaudited

Revenue Source	FY 2020-21			FY 2019-20			
	Revised Budget	Actual	Percent Realized	Revised Budget	Actual	Percent Realized	Variance
Tuition & Class Fees	135,518,009	131,862,603	97.30%	151,391,831	136,526,294	90.18%	(4,663,692)
State Appropriations	65,731,200	52,331,400	79.61%	63,753,600	51,002,900	80.00%	1,328,500
Government Grants & Contracts	2,913,963	823,538	28.26%	5,306,021	1,603,127	30.21%	(779,590)
Private Gifts, Grants & Contracts	689,199	484,154	70.25%	361,909	414,034	114.40%	70,121
Educational Sales & Services	5,722,392	4,490,670	78.48%	5,916,707	4,685,026	79.18%	(194,356)
Other Sources	5,959,482	1,316,810	22.10%	3,831,017	2,374,473	61.98%	(1,057,663)
Total	216,534,245	191,309,176	88.35%	230,561,085	196,605,855	85.27%	(5,296,680)

# E & G Expense by Classification

\* Preliminary / Draft - Unaudited

Expense Classification	FY 2020-21			FY 2019-20			
	Revised Budget	Actual	Percent Realized	Revised Budget	Actual	Percent Realized	Variance
Instruction	83,196,478	45,691,899	54.92%	91,365,198	47,568,671	52.06%	(1,876,772)
Research	549,551	123,480	22.47%	446,569	67,467	15.11%	56,012
Public Service	2,119,822	937,125	44.21%	3,215,439	1,708,009	53.12%	(770,884)
Academic Support & Libraries	24,733,633	14,141,434	57.17%	27,730,743	15,259,271	55.03%	(1,117,837)
Student Services	19,137,813	10,384,014	54.26%	18,722,630	10,750,631	57.42%	(366,616)
Institutional Support	23,545,365	16,537,882	70.24%	35,069,271	16,554,831	47.21%	(16,948)
Operation & Maintenance of Plant	24,639,961	12,149,803	49.31%	24,959,612	13,136,645	52.63%	(986,842)
Scholarships & Fellowships	38,611,622	38,600,755	99.97%	37,859,320	38,533,054	101.78%	67,701
Total	216,534,245	138,566,393	63.99%	239,368,781	143,578,579	59.98%	(5,012,186)

# Budget to Actual Summary - Auxiliary

\* Preliminary / Draft - Unaudited

January 31, FY 2020-21	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual	Percent Realized	Revised Expense Budget	Actual	Percent Realized	
Auxiliary Unit							
Adams Tennis Center	67,000	36,658	54.71%	67,000	30,556	45.61%	6,102
Airport FBO	412,697	312,058	75.61%	412,697	294,539	71.37%	17,519
Campus Recreation Center	1,443,850	1,135,460	78.64%	1,443,850	591,315	40.95%	544,145
Center for the Arts	-	3,650	0.00%	-	144,412	0.00%	(140,762)
Community Education	263,000	144,500	54.94%	263,000	160,655	61.09%	(16,155)
Eastern Progress	25,630	512	2.00%	25,630	5,036	19.65%	(4,524)
Facilitation Center	172,816	67,016	38.78%	172,816	91,636	53.03%	(24,620)
Housing	19,004,833	14,287,372	75.18%	19,004,833	8,815,304	46.38%	5,472,068
OSHA Training Center	328,000	199,264	60.75%	328,000	144,566	44.08%	54,698
Parking Operations	1,700,000	1,087,670	63.98%	1,700,000	490,509	28.85%	597,161
Printing Services	865,000	366,888	42.41%	865,000	382,787	44.25%	(15,899)
University Club at Arlington	1,680,000	785,203	46.74%	1,680,000	800,190	47.63%	(14,987)
WEKU Public Radio	1,026,510	100,783	9.82%	1,026,510	540,907	52.69%	(440,125)
White Hall State Historic Site	123,945	9,309	7.51%	123,945	78,768	63.55%	(69,459)
Total	27,113,281	18,536,343	68.37%	27,113,281	12,571,181	46.37%	5,965,163

# Budget to Actual Summary - Auxiliary

\* Preliminary / Draft - Unaudited

January 31, FY 2019-20	Revenue			Expense			Change in Net Position
	Revised Revenue Budget	Actual	Percent Realized	Revised Expense Budget	Actual	Percent Realized	
Auxiliary Unit							
Adams Tennis Center	-	-	-	-	-	-	*
Airport FBO	378,500	285,375	75.40%	378,500	300,074	79.28%	(14,698)
Campus Recreation Center	1,699,000	1,363,821	80.27%	1,699,000	687,650	40.47%	676,171
Center for the Arts	2,513,279	1,750,080	69.63%	2,513,279	1,490,523	59.31%	259,558
Community Education	-	-	-	-	-	-	*
Eastern Progress	-	-	-	-	-	-	*
Facilitation Center	-	-	-	-	-	-	*
Housing	19,669,406	17,604,114	89.50%	19,669,406	9,579,233	48.70%	8,024,881
OSHA Training Center	-	-	-	-	-	-	*
Parking Operations	1,699,500	1,523,111	89.62%	1,699,500	763,622	44.93%	759,489
Printing Services	850,000	542,630	63.84%	850,000	450,095	52.95%	92,535
University Club at Arlington	1,680,000	981,666	58.43%	1,680,000	967,100	57.57%	14,567
WEKU Public Radio	-	-	-	-	-	-	*
White Hall State Historic Site	90,000	74,346	0.00%	90,000	94,459	0.00%	(20,113)
Total	28,579,685	24,125,145	84.41%	28,579,685	14,332,755	50.15%	9,792,390

# Actual Performance Comparison - Auxiliary

*\* Preliminary / Draft - Unaudited*

January 31, FY 2019-20	Change in Net Position		
	FY 2020-21	FY 2019-20	Variance
Auxiliary Unit			
Adams Tennis Center	6,102		*
Airport FBO	17,519	(14,698)	32,217
Campus Recreation Center	544,145	676,171	(132,026)
Center for the Arts	(140,762)	259,558	(400,319)
Community Education	(16,155)		*
Eastern Progress	(4,524)		*
Facilitation Center	(24,620)		*
Housing	5,472,068	8,024,881	(2,552,813)
OSHA Training Center	54,698		*
Parking Operations	597,161	759,489	(162,328)
Printing Services	(15,899)	92,535	(108,434)
University Club at Arlington	(14,987)	14,567	(29,554)
WEKU Public Radio	(440,125)		*
White Hall State Historic Site	(69,459)	(20,113)	(49,346)
	5,965,163	9,792,390	

*\* These units were not considered an auxiliary in FY 2019-20.*

Questions?



[www.eku.edu](http://www.eku.edu)

# Strategic Planning 2022: Valuing our Strengths and Collaborating for the Future

Jennifer R. Wies, Ph.D. | Associate Provost & Professor of Anthropology

Bethany L. Miller, Ph.D. | Senior Director, Institutional Effectiveness & Research

# Strategic Planning Guiding Tenets

- Values-driven approach
- Strengths-based evaluation
- Evidence-informed decision making
- Responsive and responsible leadership and management

# Phase I: Fall 2020 (Dialogue)

- Strengths assessment
- Stakeholder listening sessions to date:
  - Faculty Senate Executive Committee
  - Faculty Senate
  - Student Government Association
  - Staff Council
  - Provost Council
  - Chairs Council
  - President's Cabinet
  - President's Council for Institutional Excellence & Innovation
- Survey to University Constituents (early Spring 2021)

# Phase I: Results

- Significant connections to 3 current goals (Student Success, Academic Excellence, and Financial Stability)
  - Impact: more focused goals
- Commitment to key measurable results:
  - Student outcomes: graduation, enrollment, retention, and job placement
  - Faculty and staff outcomes: retention, professional development and training

# Phase I: Results

- Dedication to a “school of opportunity” mission
  - Emphasizes distinctive commitment to the regionally-situated mission and people.
  - Engages the ECU service region and first-generation college students
- Opportunities for organizational stewardship efforts
- Confirm support for establishing strategic and mission-centered budget priorities

# Next Steps

- Phase II: Spring 2021 (Create)
  - Mission, values, goals, initiatives, strategies, and objectives and metrics
  - Integrate additional reporting goals, such as Diversity Reporting
- Phase III: Fall 2021 (Engage)
  - Share drafts with stakeholders and gather feedback
- Spring-Fall 2022 (Plan)
  - Hold workshops to develop unit-level Annual Report plans
- August 2022
  - Formal Strategic Plan launch and celebration

# Strategic Planning 2022

Questions and feedback are welcome and encouraged.

- Website: [strategicplanning.eku.edu](http://strategicplanning.eku.edu)
- [jennifer.wies@eku.edu](mailto:jennifer.wies@eku.edu)
- [bethany.miller@eku.edu](mailto:bethany.miller@eku.edu)

**Faculty Senate Chair report**  
Board of Regents meeting  
March 4, 2021  
Submitted by Marco Ciocca, chair of the Senate

## **Senate activities**

Since the last meeting of Board of Regents, the Senate had a meeting of the Executive Committee (January 25th) and a Senate meetings (February 1), all using the ZOOM platform.

In the meeting of the Executive Committee of January 25, 2021 we had the following guest speakers

### **GUEST SPEAKERS:**

Kelly Smith and Matthew Winslow were in attendance to learn more about the **EKU BookSmart Program**. Ms. Smith is the Chair, and Dr. Winslow is a founding member of the Ad-Hoc Committee of the Senate for OER (Open Educational Resources)

President McFaddin and Steve Caudill provided information about the BookSmart program:

- The bookstore is working on information to send out to faculty within the next month.
- Physical copies of textbooks are free for students to use during the semester, but they are expected to be returned at the end of the semester.
- The process for digital workbooks that require an access code will remain the same.
- For the program to be effective, faculty must submit textbook orders to the Bookstore, even if OERs (Open Educational Resources) will be used instead. The use of OERs is encouraged and is financially advantageous for the university because the more quality OERs we produce, the less books we will have to purchase.
- The university is not locked into a flat fee with Barnes and Noble. This is a year-to-year partnership. We will be analyzing the financials of the previous academic year with performance every year and will be able to audit the types of instructional materials that are being used.

Kelly Smith stated that having BookSmart and OER initiatives work together makes a powerful statement about what ECU is doing for our students. In addition, Ms. Smith suggested including a zero textbook cost designation in the catalog to track the number of faculty who have adopted OERs.

### **New Business.**

The following new items were discussed:

- ***Recommendation for increasing faculty compensation and for reviewing class caps for summer and winter courses; Recommendation for increasing part-time faculty compensation; and Addressing compensation for retired faculty who want to teach part-time***

Senator McFaddin noted back in December when the Colonels Care payment was distributed that this was the beginning of a journey of sustainable systemic regular compensation and adjustments for the campus. Top priority, once a sustainable revenue stream is achieved, is increasing the base compensation for full time faculty and staff.

A work group has been formed to look at Winter and Summer carefully. The group will be co-chaired by Tanlee Wasson, Jeremy Mulholland and Rusty Carpenter and the group will be focused on gathering input on how we structure winter term and how these need to be adapted.

Senator Pogatshnik stated that it has been about eight years since the last pay increase for part time faculty. Given the cost (about \$600,000 a year in resources) and other priorities (in agreement with Deans and Chairs), there will be a pause to reflect where the increase could fit in the priorities of Academic Affairs. The Senate will query Senators on their respective departments' priorities

The end of RTP program fostered the discussion on retired faculty returning to teach part time classes. The Faculty Welfare Committee of the Senate will explore and make recommendations as to both financial and non-financial types of considerations that could be given to retired or emeritus faculty as a way of keeping them in the loop.

### ***Policy Updates***

- *Academic Policy Process*

Ms. Norberg asked the Executive Committee to re-consider the decision to have policies for action go through a first read before voting at the next meeting because it slows the process down significantly. Faculty input is highly valued and encouraged, and the opportunity for input is always available through the 14-day commenting period.

Starting from the March Meeting of the Senate, policies are reviewed for action, but any senator can move to defer action to a specified time so that faculty concerns can be addressed before Senate action. If the motion to defer is voted down, the original motion to approve would move forward for a vote. *Information Items*

Ms. Norberg presented the following items for information at the February Senate meeting (information because these policies are not specific to faculty)

- Policy 3.1.1 – Fundraising
- Policy 5.1.2 – Student Organizations
- Policy 8.2.2 – Employee Leave
- Policy 8.3.3 – Employee Conduct

- *Action Items*

Ms. Norberg presented the following two items for action. Chair Ciocca noted that for the February Senate meeting, the policies for action will be presented for first read and then will return in March for action.

- Policy 4.3.5 – Drop or Withdrawal from Courses (this will appear for action in the March 1 Senate meeting)

- Repeal Policy 4.1.10 – First-Time Freshmen Admission (this policy was repealed by Senate on the February 1 meeting.
- 

Associate Provost Wies gave a report on the results of the Council of Academic Affairs (CAA) meeting)

[https://facultysenate.eku.edu/sites/facultysenate.eku.edu/files/files/Agendas/2020-21/02-01/CAA\\_agenda.pdf](https://facultysenate.eku.edu/sites/facultysenate.eku.edu/files/files/Agendas/2020-21/02-01/CAA_agenda.pdf)

The meeting adjourned at 4:50 PM

Respectfully submitted.

Marco Ciocca, Chair of the Senate

February 12, 2021.

### **Staff Council Report for the Board of Regents 3/4/2021**

Chair Diaz, members of the Board and President McFaddin, I provide you this written report on the work of Staff Council.

At the conclusion of our election process, we welcomed eight new members to Staff Council with their term beginning in January. Those individuals are Lindsay Carter, Trent Hurt, Callie McMullin, Dr. Lara Vance, Trevor George, Dr. Travis Martin, Tessie Bowman, and Stephanie King. Mrs. King was serving as an ex-officio member, and is a former Chair of Staff Council, so we are glad to have her back. We are also thrilled to have the other newly elected members join Staff Council. We are eager to see all the great work these talented and outstanding individuals will bring to the Council.

Recognizing the importance of mental health to employees, the impact leave policies can have on employee morale, and the process by which each individual and culture grieves the death of a loved one, Staff Council submitted numerous comments for consideration during the 14-day comment period on the proposed Employee Leave (8.2.2) policy. The collective comments submitted from Council members on the proposed Employee Leave policy (8.2.2) recommends adjustment from three (3) days to five (5) days for the death of an immediate family member. This is a proposed change our policy committee has been researching and working on for an extended period, so the hope is that our collective voice as Staff Council will be heard.

The staff survey that our ad hoc committee developed was distributed to the campus community on February 8th. Staff Council is in the process of collecting survey results and hopes that we will get a good response rate. Data collected from the survey will not only help in guiding Staff Council initiatives moving forward but will also be good information to share with the administration. Our hope is to continue this survey on an annual basis to measure data year over year.

Thank you, Chairman Diaz, members of the board, and President McFaddin, for allowing Staff Council to provide you with this update.

Respectfully submitted.

Caelin Scott, Chair of Staff Council.

February 10, 2021

**Minutes of a Regularly Scheduled Meeting  
Eastern Kentucky University  
Board of Regents**

**December 10, 2020**

**9 a.m.**

**Via Video Teleconference: Zoom**

**Public Viewing Link: <https://epresence.eku.edu/bor-meeting>**

**Call to Order**

A regular quarterly meeting of Eastern Kentucky University Board of Regents was called to order by Mr. Lewis Diaz, Chair of the Board, on December 10, 2020, at 9:02 A.M. with all Regents participating via video teleconference. The public was able to view the meeting through a live stream feed. University Counsel, Dana Fohl, established that a quorum was present.

**Present**

Mr. Lewis Diaz  
Mr. Juan Castro  
Mr. Philip Gump  
Mr. Eyouel Mekonnen  
Mr. Alan Long  
Dr. Jason Marion  
Ms. Lynn Taylor Tye  
Mr. Vasu Vasudevan  
Ms. Laura Babbage  
Ms. Nancy Collins  
Dr. Bryan Makinen, Corporate Secretary

**Absent**

None

**Others Present**

Dr. David McFaddin, President  
Ms. Dana Fohl, J.D., University Counsel  
Madison Lipscomb, Alumna  
Pete Ugo, Crowe LLP  
Dr. Sara Zeigler, Dean  
Ms. Tanlee Wasson, Vice President for Student Success and Enrollment Management  
Dr. Jerry Pogatshnik, Executive Vice President for Academics and Provost  
Mr. John Williamson, Superintendent & Dean of K-12 Programming, Model Laboratory School  
Ms. Haley Norberg, J.D., Director of Policy Development  
Ms. Betina Gardner, Vice President for University Development and Alumni Engagement  
Mr. Barry Poynter, Senior Vice President for Finance and Administration

Mr. Ryan Wilson, Special Assistant to the President and Senior Vice President for Operations  
Dr. Dannie Moore, Vice President for Strategic Initiatives & Chief Diversity, Equity & Inclusion Officer  
Mr. Doug Cornett, Assistant Vice President of Communications and Brand Management  
Mr. Matt Roan, Vice President and Director of Athletics  
Members of the faculty, staff and media

### **Action Item**

#### **Approval of Resolution Regarding Madison Lipscomb**

Chair Diaz read a resolution into the record commending former Student Regent Madison Lipscomb for her service to the Board of Regents, a copy of which is incorporated herein and will be included with the official copy of the minutes. A motion was made by Regent Babbage to approve the resolution. The motion was seconded by Regent Long. The motion passed unanimously by voice vote.

### **Information Items**

#### **A. Audit Report**

##### **1. Pete Ugo, Crowe, LLP**

Mr. Pete Ugo, Partner at Crowe LLP, gave a presentation regarding the University's short form financial statements from 2019 through June 30, 2020, which detailed, amongst other things, the impact of the COVID-19 pandemic upon the University's financial position, a copy of which is incorporated herein and will be included with the official copy of the minutes.

#### **B. University Reports**

##### **1. Dr. Bryan Makinen and Dr. Sara Zeigler, COVID-19 Update**

Dr. Bryan Makinen, Associate Vice President, Public Safety, gave a presentation summarizing the University's operational response to the COVID-19 pandemic throughout the Fall 2020 semester, including work by ECU's own contact tracing team, the ECU COVID-19 Task Force, and faculty, staff, and students. Dr. Sara Zeigler, Dean, then spoke to the academic response to COVID-19 during Fall 2020 and shared an update from the Spring Contingency Task Force regarding the impact of the virus on the Spring 2021 semester. Copies of both presentations are incorporated herein and will be included with the official copy of the minutes. Regent Vasudevan inquired as to whether the University has the infrastructure in place to thrive should the pandemic continue throughout the spring. Dean Zeigler indicated that it does.

##### **2. Dr. Tanlee Wasson, Student Success & Enrollment Update**

Dr. Tanlee Wasson, Vice President of Student Success and Institutional Effectiveness, gave a report detailing enrollment and retention rates, digital recruitment efforts, new merit scholarship opportunities, and ECU's new corporate partnership with Radial, a global integrated e-commerce logistics and omnichannel technology provider. A copy of Dr. Wasson's report is incorporated herein and will be included with the official copy of the minutes.

### **3. Mr. Barry Poynter, Financial Update**

Barry Poynter, Senior Vice President for Finance and Administration, presented a financial update, a copy of which is incorporated herein and will be included with the official copy of the minutes. Mr. Poynter also gave an update on the 2011 bond refunding, which resulted in a 1.6-million-dollar advance payment to the University. Regent Marion noted that the budget indicates a decrease in instructional costs and inquired as to how the University is guarding against burnout and low morale without an increase compensation. Chair Diaz assured Regent Marion that the University is making its best efforts to demonstrate appreciation for its employees.

### **C. Additional Reports to the Board**

#### **1. Written Reports**

##### **a. Dr. Marco Ciocca, Faculty Senate Chair**

Dr. Marco Ciocca, Chair of Faculty Senate, submitted a written report to the Board, a copy of which is incorporated herein and will be included with the official copy of the minutes.

##### **b. Dr. Caelin Scott, Staff Council Chair**

Dr. Caelin Scott, Chair of Staff Council, submitted a written report to the Board, a copy of which is incorporated herein and will be included with the official copy of the minutes.

#### **2. Eyuel Mekonnen, SGA President**

Regent Mekonnen, SGA President, delivered a report regarding SGA's efforts and the student experience during the Fall 2020 semester, a copy of which is incorporated herein and will be included with the official copy of the minutes.

[At 10:40 A.M., Regent Marion moved for a 10-minute recess. The motion was seconded by Regent Gump. The meeting resumed at 10:50 A.M. after Chair Diaz noted that a quorum was present.]

#### **3. Dr. David McFaddin, President**

President David McFaddin delivered an oral report, noting that one year has passed since his appointment as Interim President and expressing his most sincere gratitude for the opportunity to lead the University throughout the COVID-19 pandemic. President McFaddin announced the Colonels Care Employee Investment Initiative, a \$1000 investment into every full-time employee who has been with the University since September 30, 2020, as a way of thanking ECU employees for their exemplary work, particularly throughout 2020.

The President also mentioned his excitement to work with the newly revamped President's Cabinet, the President's Inclusive Excellence Advisory Council, the newly minted President's Leadership Council and the President's Council for Institutional Excellence and Innovation.

Additionally, President McFaddin announced ECU has now solidified a partnership with Radial, a global integrated e-commerce logistics and omnichannel technology provider to become their preferred provider for educational services and continuing education for their employees. This is ECU's first major Corporate Partnership and launches the University into a competitive market that is essential for its aspirational growth in adult learners. The CEO of Radial, Ilias Simpson, joined the Zoom to express his excitement at the partnership with ECU.

President McFaddin then praised the ECU Athletics Department for an impressive football season and remarked briefly on the University's conference affiliation. The President also commended Mr. Barry Poynter and his team for their work for structuring a bond refund in which the University has received a 1.6-million-dollar lump-sum advance payment. Additionally, President McFaddin mentioned three areas of note during the legislative session: Consensus Forecasting, Pensions, and Performance Funding.

Finally, President McFaddin announced the retirement of Vice President and Executive Vice President for Academics and Provost, Jerry Pogatshnik, effective June 30, 2021. The President assured the Board that he is committed to a seamless transition and has appointed ECU's own Dr. Sara Zeigler as Senior Vice President and Provost, effective July 1, 2021. President McFaddin concluded by noting that with the team that has been assembled, ECU will be the best place to learn, live and lead for generations to come.

A copy of President McFaddin's remarks are incorporated herein and will be included with the official copy of the minutes.

#### **4. Lewis Diaz. Chair**

Chair Lewis Diaz delivered an oral report, wherein he thanked President McFaddin and Dr. Jerry Pogatshnik for their hard work and achievements throughout Fall 2020. Dr. Pogatshnik offered his thanks for the kind remarks. The Chair congratulated Dr. Sara Zeigler on her appointment as Provost, and reflected upon his experience with Dr. Zeigler during his graduate work at ECU.

Chair Diaz remarked upon the importance of the Colonel Care Employee Investment Initiative and commended Dr. Barry Poynter and President McFaddin for their dedication to

prioritize employees value while meeting the budget for the next fiscal year. The Chair also thanked Dr. Moore, Dr. Wasson, and President McFaddin for initiating the corporate partnership with Radial.

Finally, Chair Diaz acknowledged that COVID and Zoom fatigue are real, but ensured that because of its superb leadership, ECU can persevere and provide students with valuable educational experiences while staying safe.

President McFaddin thanked the Chair for his continued commitment to Eastern Kentucky University.

### **Action Items**

#### **A. Approval of Audit Report**

A motion was made by Regent Long to approve the Audit Report. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

#### **B. Approval of the Minutes for the Full Board Meeting on September 10, 2020**

A motion was made by Regent Castro to approve the minutes for the September 10, 2020 Full Board Meeting. The motion was seconded by Regent Babbage. The motion passed unanimously by voice vote.

#### **C. Personnel Actions**

A motion was made by Regent Collins to approve the Personnel Actions Report, which includes the Colonels Care Employee Investment Initiative announced by the President during his report. The motion was seconded by Regent Long. The motion passed unanimously by voice vote.

#### **D. Report from the Council of Academic Affairs**

Dr. Jennifer Wies, Associate Provost, presented four new educational programs for ECU students. The first was a BS in Global Hospitality and Tourism and two embedded certificates in Gastronomic Tourism and Sustainable Hospitality. A motion was made by Regent Castro to approve the BS in Global Hospitality and Tourism program and embedded certificates. The motion was seconded by Regent Babbage. The motion passed unanimously by voice vote. The second program was a MS in Instructional Design and Learning Technology. A motion was made by Regent Castro to approve the degree program. The motion was seconded by Regent Collins. The motion passed unanimously by voice vote. Regent Vasudevan asked for confirmation that the CAA's evaluation of programs is effective and ongoing. Dr. Wies assured the Board that the CAA is continuing its robust evaluation of all programs internally and offered to share a variety of reports to that effect.

#### **E. Approval of Degree Candidates for December 2020**

A motion was made by Regent Long to approve the Approval of Degree Candidates for December 2020. The motion was seconded by Regent Vasudevan. The motion passed unanimously by voice vote.

#### **F. Approval of Model Laboratory School Tuition and Fees for 2021-2022**

Superintendent John Williamson presented an update on the status of the Model Laboratory School to the Board and requested approval of the proposed tuition and fee rates for 2021-2022. A motion was made by Regent Castro to approve the Tuition and Fees for 2021-2022 at Model Laboratory School. The motion was seconded by Regent Tye. The motion passed unanimously by voice vote. There was a discussion between Regent Long and Mr. Williamson regarding the timing of the last Model tuition increase. Chair Diaz made clear that the University cannot subsidize Model Laboratory School beyond its current obligation.

#### **G. Approval of Policy Updates**

Haley Norberg, Director of Policy Development, presented as an informational item a recent editorial change to Policy 1.1.1, Policy on Policies, which codifies the inclusion of student representatives on policy drafting teams, where appropriate. A motion was then made by Regent Long to approve Policy 8.2.9, Sick Leave Bank, and Policy 9.3.5, Protection of Minors on Campus. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

#### **H. Approval of Resolution KERS opt out**

President McFaddin shared that the administration is recommending that the University continue to participate in KERS due to lack of granular data regarding the University's liabilities and the circumstances under which the financing of an exit would be dictated, and asked for the Board's encouragement to continue to work with policymakers to find a more viable pathway forward. University Counsel, Dana Fohl, read the resolution, a copy of which is incorporated herein and will be included with the official copy of the minutes, into the record. A motion was made by Regent Castro to approve the resolution. The motion was seconded by Regent Long. The motion passed unanimously by voice vote.

#### **I. Approval of Regularly Scheduled Board Meeting Dates for 2021**

A motion was made by Regent Babbage to approve Regularly Scheduled Board Meeting Dates for 2021, a copy of which is incorporated herein and will be included with the official copy of the minutes. The motion was seconded by Regent Castro. The motion passed unanimously by voice vote.

#### **J. Approval of the Contract for President**

A motion was made by Regent Castro to approve the Contract for President, a copy of which is incorporated herein and will be included with the official copy of the minutes. The motion was seconded by Regent Babbage. The motion passed unanimously by voice vote.

Dr. Pogatshnik recognized the President's role as an integral member of the faculty, and recommended President McFaddin for tenure in the College of Business and Technology and rank of Professor of Business Administration. Chair Diaz noted that the recommendation is approved because the President's tenure is established in his contract.

### **Executive Session**

Chair Diaz entertained a motion pursuant to KRS 61.801(1)(c) to enter closed session for the purpose of discussing matters relating to proposed or pending litigation. A motion was made to go into executive session by Regent Long. The motion was seconded by Regent Collins. The motion passed by voice vote, and the Board, thereby, convened in closed, executive session at 12:30 P.M.

A motion was made by Regent Long to come out of executive session and return to the open session of the Board of Regents meeting. The motion was seconded by Regent Marion. The motion passed by voice vote and Board of Regents thereby returned to open session at 1:32 P.M. Chair Diaz noted that no action was taken during closed session.

### **Adjournment**

In conclusion, Chair Diaz stated that the tone on ECU's campus should be a positive one. The Colonels Care Employee Investment Initiative, the corporate partnership with Radial, the promotion of Dr. Sara Zeigler to Provost, and the historical 2020 football season are all major wins for ECU. The Board encourages President McFaddin and Athletic Director, Matt Roan, to pursue opportunities that will increase enrollment, contribute to diversity, and create opportunities for student athletes.

There being no further business, Chair Diaz requested a motion to adjourn. A motion was made by Regent Castro to adjourn the meeting. The motion was seconded by Regent Collins. The motion passed by voice vote, and the meeting was thereby adjourned at 1:36 PM.

**Eastern Kentucky University  
Personnel Statistics (Full-Time)  
January 31, 2021 & 2020**

Job Category	Institutional			Sponsored Contract/Grant		
	Total Employees		Employee +/-	Total Employees		Employee +/-
	2021	2020		2021	2020	
Full-Time Faculty	578	582	(4)	2	2	-
Administrators/Deans	46	48	(2)	1	1	-
Full-Time Exempt	485	474	11	123	120	3
Full-Time Non-Exempt	369	425	(56)	31	41	(10)
Total:	1,478	1,529	(51)	157	164	(7)

Job Category	Total Salary		Budget +/-	Total Salary		Budget +/-
	2021	2020		2021	2020	
Full-Time Faculty	\$ 38,122,323	\$ 38,070,069	\$ 52,254	\$ 103,175	\$ 125,000	\$ (21,825)
Administrators/Deans	\$ 6,102,967	\$ 6,170,334	\$ (67,367)	\$ 57,716	\$ 57,716	\$ -
Full-Time Exempt	\$ 26,230,531	\$ 25,824,660	\$ 405,871	\$ 5,944,283	\$ 5,885,183	\$ 59,100
Full-Time Non-Exempt	\$ 12,921,093	\$ 14,365,923	\$ (1,444,830)	\$ 1,166,418	\$ 1,610,410	\$ (443,992)
Total:	\$ 83,376,914	\$ 84,430,986	\$ (1,054,072)	\$ 7,271,592	\$ 7,678,309	\$ (406,717)

**Eastern Kentucky University**  
**Personnel Statistics (Part-Time)**  
**January 31, 2021 & 2020**

Job Category	Institutional			Sponsored Contract/Grant		
	Total Employees		Employee +/-	Total Employees		Employee +/-
	2021	2020		2021	2020	
Part-Time Faculty	198	259	(61)	-	-	-
Graduate Assistants	164	214	(50)	1	3	(2)
Part-Time Exempt	86	97	(11)	39	44	(5)
Part-Time Non-Exempt	143	120	23	40	57	(17)
Total:	591	690	(99)	80	104	(24)
Job Category	Total Salary		Budget +/-	Total Salary		Budget +/-
	2021	2020		2021	2020	
Part-Time Faculty	\$ 739,695	\$ 1,356,928	\$ (617,233)	\$ -	\$ -	\$ -
Graduate Assistants	\$ 849,800	\$ 1,069,600	\$ (219,800)	\$ 5,600	\$ 16,800	\$ (11,200)
Part-Time Exempt	\$ 367,325	\$ 687,993	\$ (320,668)	\$ 349,561	\$ 463,883	\$ (114,322)
Part-Time Non-Exempt	\$ 812,989	\$ 799,338	\$ 13,651	\$ 197,714	\$ 292,919	\$ (95,205)
Total:	\$ 2,769,809	\$ 3,913,859	\$ (1,144,050)	\$ 552,875	\$ 773,602	\$ (220,727)

New Hires December 2020 - January 2021

<u>Last Name</u>	<u>First Name</u>	<u>Hire Date</u>	<u>Position Title</u>	<u>Department</u>	<u>Category</u>	<u>Annual Salary</u>
Hendricks	Robert	1/1/2021	Lect	Program of Distinction	Fulltime Faculty	\$54,000
Short	Christine	1/1/2021	Clinical Faculty	School of Nursing	Fulltime Faculty	\$62,000
Anderson	Michele	12/1/2020	Project Coordinator	Center for Student Parents FY21	Fulltime Hourly Staff	\$33,482
Isham	Troy	1/4/2021	Admns & Clinicals Splst	Teacher Ed Srv/Admission&Cert	Fulltime Hourly Staff	\$46,898
Simpson	William	1/19/2021	Relocation Specialist	Relocation Services	Fulltime Hourly Staff	\$24,315
Jackson	Ronald	1/11/2021	Dir, Ctr Incl Excel	University Housing	Fulltime Professionals	\$65,000
McKaskle	Lindsey	12/14/2020	Sr Associate AD	Intercollegiate Athletics Admin	Fulltime Professionals	\$77,500
Newman	Anthony	1/4/2021	Digital Mktg Strategy Mgr	Communications & Brand Mgmnt	Fulltime Professionals	\$50,735
Sallee	Will	1/13/2021	Asst Golf Coach	Golf-Women	Fulltime Professionals	\$30,000
Wilson	Kristen	1/4/2021	Programmer Analyst	Information Tech-Administration	Fulltime Professionals	\$40,016
Yunez	Sara	1/4/2021	Asst Coach, Soccer	Soccer	Fulltime Professionals	\$30,085
Badeau	Jaclyn	1/19/2021	Online PT Faculty	OL - BBA	PT Faculty	\$3,050
Barr	Ashley	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Carlyle	Brooke	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Cloud	Heather	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Conley	Stacy	1/19/2021	PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
D'Andrea	Bettina	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Goldsmith	Andrew	1/19/2021	PT Faculty	OL-Sports Management-BS	PT Faculty	\$4,000
Harvey	Dera	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Haskell	Reika	1/15/2021	PT Faculty	Instruction - College of Science	PT Faculty	\$5,200
Jennings	Caitlin	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Kearney	Amanda	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Kirby	Benton	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$3,050
Lang	Kristal	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Lucas	Shellae	1/5/2021	Online PT Faculty	OL-AGS/Supporting Courses	PT Faculty	\$3,050
Messamore	Amber	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Parker	Shannon	1/19/2021	PT Faculty	Instruction - Health Sciences	PT Faculty	\$5,200
Patterson	James	1/19/2021	Online PT Faculty	OL - BBA	PT Faculty	\$4,000
Phipps	Ashley	1/19/2021	PT Faculty	Instruction - Health Sciences	PT Faculty	\$2,600
Yao	Sarah	1/19/2021	Online PT Faculty	OL-Public Health Nurs Admin & Ed-MS	PT Faculty	\$4,000
Allen	Erin	12/6/2020	Animal Care Worker	Biological Sciences	PT Hourly Staff	\$260
Caudill	Robert	1/22/2021	Ag Tech Temporary	Meadowbrook Farm	PT Hourly Staff	\$377
Lesch	Mary	1/20/2021	COVID Coordinator	University Housing	PT Hourly Staff	\$520
MacDonell	Julian	1/20/2021	Flight Instructor	Class Fees - Aviation	PT Hourly Staff	\$780
Massingill	Kimberly	1/19/2021	Admin Professional I	Student Health Services	PT Hourly Staff	\$395
VanWinkle	Autumn	12/7/2020	Production Assistant	Communications & Brand Mgmnt	PT Hourly Staff	\$325
Hogan	Kari	1/20/2021	KY Ready Corps Member	KY Ready Corps FY21	PT Professionals	\$1,500
Kestler	Brianna	1/11/2021	KY Ready Corps Member	KY Ready Corps FY21	PT Professionals	\$2,150
McGhee	Diana	12/9/2020	Model Substitutes	Model Laboratory School	PT Professionals	\$0
Messer	Stephenie	1/4/2021	KY Ready Corps Member	KY Ready Corps FY21	PT Professionals	\$2,300
Michels	Audrey	1/11/2021	KY Ready Corp	KY Ready Corps FY21	PT Professionals	\$2,150
O'Hara	Maeve	1/19/2021	KY Ready Corps Member	KY Ready Corps FY21	PT Professionals	\$1,350
Perry	Pamela	1/15/2021	Bluegrass Ensemble Dir	Instruction - CLASS	PT Professionals	\$2,100
Schwarber	Aileen	1/19/2021	KY Ready Corps Member	KY Ready Corps FY21	PT Professionals	\$2,150
Walker	Hannah	1/4/2021	KY Ready Corps Member	KY Ready Corps FY21	PT Professionals	\$2,300
Wiseman	Sarah	1/4/2021	KY Ready Corps Member	KY Ready Corps FY21	PT Professionals	\$1,500

Separations December 2020 - January 2021

<u>Last Name</u>	<u>First Name</u>	<u>Separation</u>	<u>Position Title</u>	<u>Department</u>	<u>Category</u>	<u>Annual Salary</u>
Ersland	Bryan	1/8/2021	Director	Student Financial Assistance	Administrators/Deans	\$92,416
Benson	Michael	12/31/2020	Professor	Government	Fulltime Faculty	\$46,700
Cornelison	Jill	12/31/2020	Assoc Professor	School of Nursing	Fulltime Faculty	\$73,019
Dantic	James	12/31/2020	Assoc Prof/Asst Dir	Curriculum & Instruction	Fulltime Faculty	\$80,922
Haynes	Gerald	12/31/2020	Asst Professor	OL-FSE-BS	Fulltime Faculty	\$75,000
Hubbard	Connie	12/31/2020	Clinical Faculty, Visiting	School of Nursing	Fulltime Faculty	\$66,714
Jackson	Dawn	12/31/2020	Professor	Health Services Administration	Fulltime Faculty	\$82,674
Jensen	Jacquelyn	12/31/2020	Professor	Applied Human Sciences	Fulltime Faculty	\$75,294
Neidlinger	Noah	12/31/2020	Asst Professor	Applied Human Sciences	Fulltime Faculty	\$63,038
Anglin	Delmar	1/14/2021	Skill Trade Foreman	Maintenance, Plumbing Shop	Fulltime Hourly Staff	\$44,741
Begley	Patrick	1/31/2021	Lieutenant	Police Department	Fulltime Hourly Staff	\$60,008
Fritz	Paul	1/31/2021	Repair Technician I	Maintenance, Carpenter Shop	Fulltime Hourly Staff	\$27,373
Henderson	Katherine	12/11/2020	Prog Track Specialist	Teacher Ed Srv/Admiss&Cert	Fulltime Hourly Staff	\$38,025
Lakes	Darla	12/31/2020	Admin Professional I	Student Health Services	Fulltime Hourly Staff	\$30,050
Lazzara	Donna	12/31/2020	Admin Professional I	VP of Student Success	Fulltime Hourly Staff	\$43,875
Naugle	Chelsea	1/5/2021	Interpreter-Level III	Deaf Student Accessibility Svs	Fulltime Hourly Staff	\$61,640
Pingleton	Donald	12/31/2020	Interior Finisher	Maintenance, Paint Shop	Fulltime Hourly Staff	\$36,046
Rieck	Jennifer	1/8/2021	Admin Professional I	Dept Amer SL & Interpreter Ed	Fulltime Hourly Staff	\$34,203
Travis	Alyssa	1/24/2021	Agriculture Technician	Meadowbrook Farm	Fulltime Hourly Staff	\$26,208
Goode	Kenneth	12/15/2020	Univ ID Card Admin	Card Services	Fulltime Professionals	\$49,968
Hammond	Marlen	1/19/2021	Asst Farm Manager	Meadowbrook Farm	Fulltime Professionals	\$38,762
Long	Jacob	1/7/2021	Resdnce Hall Coord	South Residence Hall	Fulltime Professionals	\$35,568
May	Tonya	1/31/2021	Dir, Research & Recruit	Dean-Education	Fulltime Professionals	\$55,000
McQueen	Sarah	12/7/2020	Asst Online Coord	OL-Bachelor Social Work	Fulltime Professionals	\$44,485
Shoemaker	Barbara	12/31/2020	Asst Online Coord	OL-Education-MA	Fulltime Professionals	\$54,869
Sizemore	James	1/8/2021	Asst Dir, Procurement	Purchasing	Fulltime Professionals	\$57,622
Yates	Wayne	1/31/2021	Regional Training Coord	UTC Targeted Case Management	Fulltime Professionals	\$44,072
Turner	Shaun	12/15/2020	PT Faculty-On Campus	Instruction - CLASS	PT Faculty	\$3,200
Bosse	Trent	1/12/2021	Flight Instructor	Class Fees - Aviation	PT Hourly Staff	\$780

**I. Recommended Sabbatical Program Participants for 2021-2022**

**II. Issue**

The primary purpose of the Sabbatical Program is to permit time for a faculty member who has demonstrated an above average ability in teaching, scholarly/creative, and service activities to investigate avenues for improving academic quality in the pursuit of excellence. This time enables faculty members to pursue scholarly/creative activities that will strengthen teaching, scholarship/creativity, service and/or any combination therein at the department, college, library, or university levels.

**III. Background**

This revised program was approved by the Board of Regents in December, 2003. Sabbaticals will be approved only when they are in the best interest of the University, and have the approval of the Department Chair, the College Dean, the Executive Vice President for Academic Affairs and Provost, and the President.

**IV. Alternatives**

To not approve the proposed faculty for the Sabbatical Program.

**V. President's Recommendation**

Based upon the approval of the respective Deans and the Provost, the President recommends that the Board of Regents approve the individuals requesting Sabbaticals for the fiscal year 2021-2022.

## Recommended Sabbatical Leaves

<u>Name</u>	<u>Department</u>	<u>Timeframe</u>
<u>College of Letters, Arts, &amp; Social Sciences</u>		
<b>James Maples</b>	<b>Anthropology, Sociology, &amp; Social Work</b>	<b>Fall 2021 – Spring 2022, Half Leave, Full Pay</b>
<p>The objective of this project is the publication of a book on the political economy of Kentucky's Red River Dam. The book will examine the long-term ramifications of this project's failure in the region, including the national popularity of the Red River Gorge and the persistent (sometimes fatal) flooding in Powell County, Kentucky. As a sociologist specializing in Appalachian region research and as a Red River Gorge oral historian, Dr. Maples is well positioned to write this book.</p>		
<b>Carter Sickels</b>	<b>English</b>	<b>Fall 2021 – Spring 2022, Full Leave, Half Pay</b>
<p>The main objective of this sabbatical leave project is the completion of a complete draft of Professor Sickels' third novel, <i>Wildlife</i>. Set in contemporary Portland, Oregon, and rural Kentucky, this fictional work builds on the themes of Professor Sickels' previous novels developed over the past decade.</p>		
<b>Matthew Pianalto</b>	<b>History, Philosophy, &amp; Religious Studies</b>	<b>Fall 2021 – Spring 2022, Half Leave, Full Pay</b>
<p>The objective of this project is a book manuscript entitled <i>Sisyphus and the Search for Meaning</i>. In this book, Dr. Pianalto proposes to retrace the intellectual history of the myth of Sisyphus, from the ancient world to contemporary philosophy, and to consider how different versions and interpretations of the myth have been used to express or illustrate different views about the meaning of life and the human condition. Although many short articles have been written about Sisyphus by classicists, philosophers, and literary scholars, there is room for a more wide-ranging and detailed treatment of the Sisyphus myth in relation to the philosophical literature on the meaning of life and meaning in life. Focusing on the Sisyphus myth and interpretations of it within this literature thus provides a unique way to contribute to the philosophical discussion of meaning in/of life and to make relevant connections to research in the classics and to literary treatments of Sisyphus.</p>		
<b>Robert Mitchell</b>	<b>Psychology</b>	<b>Fall 2021 – Spring 2022, Half Leave, Full Pay</b>
<p>The objective of this project is the completion of a book detailing the diverse theories purporting to explain sexual orientation and the evidence supporting or failing to support these theories. The book derives from a class entitled "Theories of Sexual Desire" that has been taught regularly by Dr. Mitchell since 1999. Each chapter will elaborate on a particular theory (usually associated with one author or set of authors), describe the available evidence in relation to that theory, and offer an evaluation of what sorts of evidence would be required to support the theory if current evidence is unsatisfactory. Using this approach, relatively short chapters can be written with deliberate focus, creating a handbook of scientific explanations for sexual orientations.</p>		

## **College of Science**

**Judith Jenkins**

**Chemistry**

**Spring 2022, Full Pay**

This project is part of a multi-investigator effort to accelerate discovery of materials for redox-flow batteries and other grid-scale energy storage platforms. Technologies that reliably produce and store clean energy are a top priority as we work to decrease greenhouse gas emissions and limit the harmful impacts of global climate change. There has been extensive progress in production of clean energy—using solar panels like those on campus, for instance—but the inability to store this energy critically limits widespread reliance on solar power, motivating this work. In collaboration with Dr. Susan Odom at the University of Kentucky and as part of a multi-investigator KY NSF EPSCoR grant entitled “Data-enabled Discovery and Design to Transform Liquid-based Energy Storage, (D3TaLES),” the main focus of this sabbatical project is to characterize electroactive species generated by the Odom group and determine their long-term stability in battery-like environments.

**I. Faculty Emeritus Nominations for 2020-21**

**II. Issue**

Nominations for faculty emeritus status for retiring faculty members.

**III. Background**

Retiring faculty members meeting specific criteria are nominated by the retiree's immediate supervisor in the academic unit in which he/she is completing service. Nominations are submitted to the Executive Vice President for Academic Affairs and Provost for review and recommendation. Approved nominations are presented to the President for submission to the Board of Regents for final action.

**IV. Alternatives**

Not to approve Faculty Emeritus nominees.

**V. President's Recommendation**

Based upon approval of the Executive Vice President for Academic Affairs and Provost, the President recommends approval of nominations for Faculty Emeritus.

## **FACULTY EMERITUS RECOMMENDATIONS**

### **College of Business & Technology**

#### **Chang Yang Lin** (*School of Business*)

Dr. Chang Yang Lin, Professor in the School of Business, has served the ECU faculty for 38 years. During that time, Dr. Lin has excelled in the classroom, earning the Jack L. Dyer Excellence in Teaching Award in 2007. He served as program coordinator for Computer Information Systems for 18 years and led the charge to embrace online presence for the College of Business & Technology. Dr. Lin has published 25 peer-reviewed journals and scholarly books. He has also played a key role in establishing several partnerships with international universities and companies, as well as in securing several large grants and donations for the University. The department, college, and Academic Affairs recommend Dr. Lin for faculty emeritus.

#### **Michael Roberson** (*School of Business*)

Dr. Mike Roberson, Professor in the School of Business, has served the ECU faculty since 1987. Dr. Roberson has been recognized for his excellence in teaching with several teaching awards, including the Jack L. Dyer Excellence in Teaching Award, the Critical Thinking Teacher of the Year Award, the Golden Apple Teaching Award, and the ECU Stars Award. Dr. Roberson has published peer-reviewed articles, contributed several book chapters, and given over 30 presentations in the management discipline. He has been a leader in management development and in assessment strategies at the University as well as nationally and internationally. Dr. Roberson also served as chair of the department of Management, Marketing, and International Business for two years. The department, college, and Academic Affairs recommend Dr. Roberson for faculty emeritus.

### **College of Health Sciences**

#### **Dawn Jackson** (*Health Promotion and Administration*)

Dr. Dawn Jackson, Professor of Health Promotion and Administration, has served the ECU faculty for over 34 years. During her career, Dr. Jackson has been a nationally recognized scholar in the field of health informatics and information management. She has consulted with hospitals in central Kentucky and the Commonwealth of Kentucky Corrections Cabinet as well as Medical Information Specialists across the country to provide assistance in health information management and national seminars on healthcare reimbursement and legal issues and performed coding. Dr. Jackson has served as the Kentucky Delegate of the American Health Information Management Association and has held leadership roles within the Kentucky Health Information Management Association, including President and Vice President. She has produced considerable peer-reviewed scholarship at the state and national level. Dr. Jackson was the program coordinator for the Health Services Administration program, in addition to other committee service to the University. The department, college, and Academic Affairs recommend Dr. Jackson for faculty emeritus.

#### **Jackie Jensen** (*Applied Human Sciences*)

Dr. Jackie Jensen, Professor in the department of Applied Human Sciences, has served the ECU faculty since 2002. During her tenure she has excelled at teaching, scholarship, and service. Her dedication to the students in the Family and Consumer Sciences program has been exemplified in her sustained teaching record. In 2015, Dr. Jensen was recognized for her contributions with the Kentucky Association for Career and Technical Education (KACTE) Post-Secondary Teacher of the Year Award. Dr. Jensen has served on numerous committees at all levels of the University, including teacher education. She has also served as the associate editor for the Journal of Family and Consumer Sciences Education, a publication of the National Association of Teacher Educators for Family and Consumer Sciences (NATEFACS). The department, college, and Academic Affairs recommend Dr. Jensen for faculty emeritus.

Melissa Powell (Associate Degree Nursing)

Professor Melissa Powell, Assistant Professor in the department of Associate Degree Nursing, has served the ECU faculty for over 30 years. In 2013, Professor Powell was recognized for her excellence in teaching as a Golden Apple Award recipient. In addition to her service as an educator in the department, Professor Powell also served students as a staff member in Student Health Services. She has also represented the Associate Degree Nursing Department as a member of the Faculty Senate. The department, college, and Academic Affairs recommend Professor Powell for faculty emeritus.

College of Justice & Safety

Charles “Chuck” Fields (Justice Studies)

Dr. Chuck Fields, Professor in Justice Studies, has served the ECU faculty for over 20 years. During his tenure, Dr. Fields has taught over 30 distinct courses at all the undergraduate and graduate level; served as a chair or member of numerous undergraduate honors and masters theses; and coordinated study abroad and experiential learning opportunities. Dr. Fields was recognized by the Southern Criminal Justice Association with the Outstanding Educator Award. Dr. Fields has published over 50 pieces in peer-reviewed journals, produced more than a dozen books and reports, served on professional editorial/review boards, and presented at hundreds of presentations locally and abroad. He has served as chair of numerous professional society subcommittees as well as holding leadership positions in both the Academy of Criminal Justice Sciences and the Southern Criminal Justice Association. Dr. Fields service was recognized with the Distinguished Service Award and the Richter H. Moore, Jr. Founder’s Award by the Southern Criminal Justice Association. He has also served the University on committees at all levels and was chair of his department. The department, college, and Academic Affairs recommend Dr. Fields for faculty emeritus.

Victor Kappeler (Justice Studies)

Dr. Vic Kappeler, Professor in Justice Studies, has served ECU faculty for nearly 30 years. Dr. Kappeler has taught courses at both the undergraduate and graduate levels; served as chair of undergraduate honors and graduate theses; and was invited to co-chair one dissertation and serve as a member on another, at other universities. Dr. Kappeler produced 10 books and over 65 book chapters and peer-reviewed articles during his career, including authoring several leading textbooks in criminal justice that remain widely used today. He has made hundreds of professional presentations both locally and abroad and has served on editorial/review boards to professional societies. He has served as a reviewer for 30 peer-reviewed journals and on editorial boards or as editor for over a dozen journals. Dr. Kappeler has been active in professional societies, including serving in leadership positions. During his career at ECU, Dr. Kappeler modeled the scholar-teacher for his students and colleagues and was a leader in his field, as evidenced by the many awards and recognitions he received—including an ECU Foundation Professorship, the Distinguished Service Medal from the Division of Police (Lexington, Kentucky), a Top Professor for Lifetime Achievement by Affordable Colleges, and a Lifetime Achieve Award from the American Society of Criminology’s Division on Critical Criminology. He has also provided leadership to the University, college, and department, including service as Dean and Associate Dean in Justice and Safety. The department, college, and Academic Affairs recommend Dr. Kappeler for faculty emeritus.

College of Letters, Arts, & Social Sciences

Robert Brubaker (Chair Emeritus) (Psychology)

Dr. Bob Brubaker, Professor of Psychology, has served ECU Faculty since 1984, including 17 years as Department Chair. Dr. Brubaker guided the launch of multiple programs and initiatives, including founding the Psychology Clinic, online programs in psychology, an Animal Studies program, and a doctoral program in clinical psychology. The Psychology Clinic, which Dr. Brubaker directed for many years, ensured high quality care for

both the University and the larger Richmond community. Dr. Brubaker has served on the Steering Committee for the ECU Chairs Council for 13 years. He served for many years on the Public Education Committee for the Kentucky Chapter of the American Cancer Society. He also served as a Madison and Estill Counties Emergency Services provider for Bluegrass Comprehensive Care and the Director of Clinical Services for Initiatives, Inc., a behavioral health/Employee assistance provider in Lexington. Dr. Brubaker was the editor of the *Journal of Psychological Practice* and associate editor for the *Journal of Alcohol Studies*. He was an early leader of the Council of Applied Master's Program in Psychology and a board member of the Kentucky Psychological Association. Dr. Brubaker has been an excellent teacher and mentor, and a productive scholar who was awarded the distinction of an ECU Foundation Professorship. The department, college, and Academic Affairs recommend Dr. Brubaker for chair emeritus.

Jim Gleason (*Communications*)

Dr. Jim Gleason, Associate Professor in Public Relations, has served ECU faculty since 2005 after a 30-year career as a public relations, advertising, and online communication professional. Dr. Gleason has introduced students to a wide range of topics in Public Relations as well as courses in ECU Honors. He is accredited by the Public Relations Society of America (PRSA), has served as a PRSA advisor, and has contributed to the CEPR report for accreditation. Dr. Gleason has been recognized for his teaching with the Golden Apple Award for Teaching Excellence and the Most Outstanding, Distinguished Educational Leadership Award. He has served the department and University diligently. The department, college, and Academic Affairs recommend Dr. Gleason for faculty emeritus.

Esther Randall (*Art and Design*)

Professor Esther Randall, Professor in Art and Design, has served for 25 years as ECU faculty and Gallery director. Professor Randall is recognized by colleagues as a knowledgeable and dedicated teacher. Throughout her years of teaching, she has introduced students to drawing, especially figure drawing, three-dimensional design, and art criticism. As Gallery director, she has guided and instructed students in exhibition studies. Professor Randall has participated in over 100 juried and invitational exhibitions, over 50 lectures and workshops, representation of her work in private and public collections, and received artist grants from The Kentucky Foundation for Women and Al Smith Fellowship Award. The department, college, and Academic Affairs recommend Professor Randall for faculty emeritus.

Joanne Glasser (*President Emeritus*)

ECU's first female president (Mary Roark served as acting president of Eastern from 1909 to 1910) re-focused the University on student success. During her tenure, Eastern also launched several new and distinctive academic programs, including one of the nation's few PGA-accredited Professional Golf Management programs, as well as baccalaureate and graduate programs in Homeland Security.

Also during her presidency, the University opened the doors to several new facilities, including a new Business and Technology Center, a Student Services Building (now the Whitlock Building), a Fitness and Wellness Center and a new Corbin campus. Also, plans were initiated for a new science building and a new Manchester campus. Under Ms. Glasser's leadership, ECU launched the first comprehensive capital campaign in the institution's 100-year history.



## **EASTERN KENTUCKY UNIVERSITY**

*Serving Kentuckians Since 1906*

Executive Vice President for Academics & Provost

[provost@eku.edu](mailto:provost@eku.edu) [www.eku.edu](http://www.eku.edu)

CPO 30A, 108 Coates Building

521 Lancaster Avenue

Richmond, Kentucky 40475-3102

PHONE: (859) 622-3884

FAX: (859) 622-8136

TO: Dana Fohl

FROM: Jerry Pogatshnik

DATE: February 12, 2021

SUBJECT: Council on Academic Affairs Agenda for Board of Regents

The following Academic Affairs items have been fully approved by the Council on Academic Affairs and the Faculty Senate. On behalf of President McFaddin, these items are presented for the Board of Regents' notification on March 4, 2021.

## INFORMATIONAL ITEMS

*The following items are presented to the Board of Regent as informational and require no further action:*

### **College of Business & Technology**

*Department of Management, Marketing, & International Business*

1. Online Master of Business Administration (addition of online modality)

### **College of Letters, Arts, & Social Sciences**

1. Merger: Department of Art & Design, Department of Communication, and the School of Music to form The Institute for Creative & Collaborative Arts.



## EASTERN KENTUCKY UNIVERSITY

*Serving Kentuckians Since 1906*

Office of University Counsel  
[University.Counsel@eku.edu](mailto:University.Counsel@eku.edu)  
[www.eku.edu](http://www.eku.edu)

209 Coates Building, Coates CPO 40A  
521 Lancaster Avenue  
Richmond, Kentucky 40475-3102  
(859) 622-6693  
FAX: (859) 622-8030

**TO:** Dr. David McFaddin; President

**FROM:** Haley E. Norberg, J.D.; Director of Policy Development

**DATE:** February 23, 2021

**RE:** Request for Submission to the Board of Regents

### Executive Summary

Throughout fall 2020, many policies have been prepared for submission to the Board of Regents. These policies are the subject of this memo. Additionally, one policy must be presented to the Board for repeal, as outlined below.

#### **I. Revised Policies for Approval and Submission to the Board for Adoption**

##### **A. Policy 3.1.1, Fundraising**

In order to centralize and track all University fundraising activities to ensure full compliance with recent changes in state and federal tax laws, the development of a fundraising policy was necessary to guide the University community in these endeavors. This policy was drafted by Betina Gardiner, Melissa Grinstead, Dana Fohl, and Brad Compton and with the input and encouragement of the President's Cabinet. It has been posted for 14-day public comment and subsequently revised to include the input of the University community. This revised policy is now presented to you for approval and submission to the Board of Regents for adoption.

##### **B. Policy 5.1.2, Student Organizations**

Capitalizing on the SGA's commitment to service in the formation of policy, a drafting team consisting of Caleb Burchett (student), Nikki Hart, Jesse Hood, Kim Kincer, Bryan Makinen, Justin Raymer, Kyle Reece, and Loni Yost and facilitated by Haley Norberg, met throughout fall 2020 to update this policy (previously "Registered Student Organizations"), specifically focusing on the requirements for student groups to be recognized as either SSOs or VSOs. This updated version does away with Non-Affiliated Student Organizations (NSOs), referring to them as External Constituents, a term used frequently in Policy. The most noteworthy change is the reclassification of Club Sports to SSOs. This policy has been posted for 14-day public comment. Because no comments were received by the University community, the Policy is now presented

for your approval and submission to the Board of Regents for adoption. **If approved, this Policy will have an effective date of 8/1/2021.**

C. Policy 8.2.2, Employee Leave

The University's various leave policies were identified as past due for review during the fall 2020 semester. Thus, at the request of Human Resources, a drafting team consisting of Teri Begley, John Dixon, Jessica Ehrhart, Carla Hagan, and Carolin Walz and facilitated by Haley Norberg, met throughout fall 2020 to revise and ultimately combine the following policies: Bereavement Leave, Court Leave; Election Days; Sick Leave; Spousal/Sponsored Dependent Sick Leave Sharing; and Vacation Leave. Please note that at the recommendation of University Counsel due to lack of use and the potential liability or inequity that can result, the President's Cabinet struck Extended Medical Leave as a benefit offered by the University. This policy has been posted for 14-day public comment, and the final draft is attached for your consideration, approval, and submission to the Board of Regents.

D. Policy 8.3.3, Employee Conduct

This document combines Policy 1.6.2, Non-Retaliation, Policy 8.3.4, Response to Bullying and Harmful Conduct and Policy 8.3.4R, Progressive Disciplinary Action. These revisions were requested by Human Resources with the intention of updating and consolidating this similar information into one location. A drafting team consisting of Teri Begley, Lindsey Carter, John Dixon, Jessica Ehrhart, Thomas Parker, and Beth Polin and facilitated by Haley Norberg, met throughout fall 2020 to complete this work. Substantive changes were minimal. This policy has been posted for 14-day public comment, and the final draft is attached for your consideration, approval, and submission to the Board of Regents.

**II. Policies Slated for Repeal by the Board of Regents**

A. Policy 4.1.10, First Time Freshman Admissions

Due to outdated content, Elizabeth Ballou requested repeal of this policy. Admissions information is housed in the Course Catalog, which is updated annually by the Registrar. With the support of the President's Cabinet, Provost Council, and Faculty Senate, this policy is slated for repeal by the Board of Regents.

B. Repeals Necessitated by Aforementioned Approvals

Upon approval of Policies 8.2.2 and 8.3.3, mentioned above, the following policies must be repealed:

- 1.6.2, Non-Retaliation
- 8.2.2 Bereavement Leave
- 8.2.3 Court Leave
- 8.2.4 Election Days
- 8.2.5 Extended Medical Leave
- 8.2.10 Spousal Sick Leave Sharing
- 8.2.13 Vacation Leave

- 8.2.15 Sick Leave
- 8.3.4, Response to Bullying and Harmful Conduct
- 8.3.4R, Progressive Disciplinary Action

Please let me know if you have any questions or need any additional information.



## Eastern Kentucky University Policy and Regulation Library

### 3.1.1

Volume 3, Administrative  
Chapter 1, Development and Alumni Engagement  
Section 1, Fundraising

Approval Authority: Board of Regents

Responsible Executive: Vice President for  
Development and Alumni Engagement

Responsible Office(s): Development and Alumni  
Engagement

Effective:

Issued:

Next Review Date:

## Fundraising

### Statement

Fostering a culture of philanthropy is critical to the long-term health and vitality of the University. The Office of Development and Alumni Engagement is responsible for the general areas of Fundraising and support and serves as a liaison to the Eastern Kentucky University Foundation for development activities. These responsibilities include collaborating with Internal Constituents interested in enhancing or developing Fundraising efforts to provide the support and coordination necessary to carry out appropriate Fundraising activities, as well as ensure compliance with Laws, Regulations, and Policies.

Individual initiative by Internal Constituents in identifying and locating potential sources of Fundraising is encouraged within the framework of this policy.

The purpose of this policy is to establish Fundraising guidelines for Internal Constituents as follows:

- To coordinate the numerous Fundraising activities by Internal Constituents with the Office of Development and Alumni Engagement;
- To maximize the effectiveness and efficiency of Fundraising activities; and
- To enhance the giving of private funds to provide needed private resources to the University.

Fundraising of any kind (including but not limited to cash, publicly traded securities, Charitable Gaming, or Gifts In-Kind) is not permitted without prior approval through the Fundraising Approval Process.

Internal Constituents engaged in approved Fundraising must follow the Fundraising Policy and the Fundraising Reporting Process.

## Entities Affected

Internal Constituents.

## Procedures

### **I. Fundraising Approval Process**

- Internal Constituents must complete and submit the Fundraising Authorization Form along with all written materials and publicity to the Office of Development and Alumni Engagement, located in Jones 324, within thirty (30) calendar days prior to the planned implementation date. This timeline can be waived by the University in special circumstances.
- All written materials and publicity will be reviewed by the Associate Vice President of Development to ensure compliance with all Laws, Regulations, and Policies.
- Fundraising activities that have potential tax implications (e.g., the sale of merchandise identified as unrelated business income) must be approved by the Office of Development and Alumni Engagement and the Office of University Accounting and Reporting prior to the planned implementation date.
- One-on-one fundraising does not require a Fundraising Authorization Form, but does require consultation with a member of the Office of Development and Alumni Engagement, preferable prior to any such exchanges. Internal Constituents within Colleges working with donors on a one-on-one basis are required to consult with the development officer assigned to the college. Internal Constituents outside of a College are required to consult with either the Vice President for Development and Alumni Engagement or the Associate Vice President of Development. Internal Constituents that operate ongoing monthly membership programs that support programming initiatives that could be considered subscriptions or donation-for-public service news/art content can request permission from the Office of Development and Alumni Engagement for exemption of this policy as long as close coordination of the membership program is made with the Office of Development and Alumni Engagement.

### **II. Fundraising Reporting Process**

- Within one (1) Business Day of the conclusion of approved Fundraising activities all cash/check Gifts must be forwarded to the Office of Development and Alumni Engagement in Jones 324 and must be accompanied by supporting documentation listing the individual Gifts and total for reconciling purposes.
- In situations where an Internal Constituent receives a one-time Gift for any purpose for any college, department, administrative office, unit, or SSO within the University,

a Gift Receipt Report must be completed and submitted to the Office of Development and Alumni Engagement in Jones 324 within one (1) Business Day.

- An Internal Constituent may not accept a Gift In-Kind on behalf of the University without prior approval by the Office of Development and Alumni Engagement. For a pre-approved Gift In-Kind, a Gift Receipt Report and IRS Form 8283 must be completed and submitted to the Office of Development and Alumni Engagement in Jones 324 within one (1) Business Day.

### III. Registered Student Organizations (RSO)

- Sponsored Student Organizations (SSO) must follow Procedures I and II above with the exception that the Fundraising Authorization Form and written materials and publicity must be submitted to the Office of Development and Alumni Engagement a minimum of ten (10) business days prior to the planned implementation date.
- Voluntarily Affiliated Student Organizations (VSO), while not official agents of the University, are encouraged to follow the same procedures as SSO, therefore utilizing the Office of Development and Alumni Engagement as a resource to ensure compliance with Laws, Regulations, and Policies and potential tax implications that could affect those organizations. VSO may not accept tax-deductible contributions on behalf of the University and are required to include that information in publicity and inform donors and possible donors that contributions are not tax deductible through the University.

## Definitions

- **Business Days:** Regular business day is defined as Monday through Friday during the hours from 8:00 a.m. to 4:30 p.m.
- **Charitable Gaming:** Includes, but is not limited to bingo, raffles, and other games of chance conducted at charity Fundraising events and conducted for Fundraising purposes by a charitable organization.
- **External Constituents:** Individuals, groups, or organizations not affiliated or in partnership with the University.
- **Fundraising:** The act of requesting charitable support in the form of Gift or Gift In-Kind. This includes both formal and informal requests and those made in person, in writing, or through events or activities (e.g. Charitable Gaming).
- **Gift:** A voluntary, irrevocable transfer of something of value without consideration at the time of transfer or any time in the future.
- **Implementation Date:** The first day actual fundraising activities will begin.

- **In-Kind:** Property (other than cash or publicly traded securities) which includes but is not limited to real property, tangible property, or intellectual property (e.g. patents).
- **Internal Constituents:** University students, faculty, staff, academic departments and colleges, administrative offices and units, and Sponsored Student Organizations (SSOs). For the purposes of this policy only, Voluntary Student Organizations (VSOs) are NOT included in this definition.
- **Laws, Regulations, and Policies:** Federal or state laws, administrative regulations, and University policies, regulations, or procedures.
- **One-on-One Fundraising:** An internal constituent working with one individual or couple to solicit funds for the University.
- **Registered Student Organization (RSO):** A student organization operating on University Property that has met the minimum requirements to be recognized as one of the two types of student organizations as set forth in University Policy 5.1.2.
- **Sponsored Student Organization (SSO):** An RSO closely linked to the University having the greatest level of University support and benefits in exchange for significant accountability to the University in areas such as legal compliance, fiscal responsibility and adherence to established community standards.
- **Sponsoring Unit:** The University college, department, division, office, unit, or organization responsible for any Fundraising.
- **University:** The University college, department, division, office, unit, or organization responsible for any Fundraising.
- **University Community:** Students, faculty and staff.
- **University Property:** Any real property, buildings and facilities under the primary control of the University through ownership, lease, or other means.
- **Voluntarily Affiliated Student Organization (VSO):** An RSO having a basic level of access to University support and benefits in exchange for basic accountability to the University. These RSOs have chosen to affiliate with the University but are not agents of the University. For more information, see Policy 5.1.2, Student Organizations.

## Responsibilities

- Vice President for Development and Alumni Engagement
  - Oversight and administration of the policy

## Violations of the Policy

Failure to comply with this Policy may be in violation of Laws, Regulations, and Policies and will be handled through the normal University processes.

## Interpreting Authority

Vice President for Development and Alumni Engagement

## Statutory or Regulatory References

Association of Fundraising Professionals Code of Ethical Fundraising:

<http://www.afpnet.org/files/ContentDocuments/CodeofEthics.pdf>

Counsel for the Advancement and Support of Education Standards:

[http://www.case.org/Samples\\_Research\\_and\\_Tools/CASE\\_Reporting\\_Standards\\_and\\_Management\\_Guidelines.html](http://www.case.org/Samples_Research_and_Tools/CASE_Reporting_Standards_and_Management_Guidelines.html)

Donor Bill of Rights: <http://www.afpnet.org/files/ContentDocuments/DonorBillofRights.pdf>

Internal Revenue Service Publication 526: <https://www.irs.gov/uac/about-publication-526>

Internal Revenue Service Form 8283: <https://www.irs.gov/uac/about-form-8283>

Kentucky State Gaming Commission: <http://dcg.ky.gov/>

Kentucky State law:

<http://ag.ky.gov/family/consumerprotection/charity/Pages/registration.aspx>

University Policy 5.1.2P, Classification of Registered Student Organizations

## Policy Adoption, Review, and Approval

### Policy Issued

Date

Entity

Action



## Eastern Kentucky University Policy and Regulation Library

5.1.2  
Volume 5, Student Affairs  
Chapter 1, Student Life  
Section 2, Student Organizations  
Responsible Executive: Senior Vice President for  
Student Affairs and Institutional Effectiveness,  
Executive Vice President for Academic Affairs &  
Provost  
Responsible Office(s): Student Affairs  
Issued: September 24, 2010  
Effective:  
Next Review Date:

### Student Organizations

#### Statement

The University recognizes the role which organized student activities serve in enhancing the educational experience of the members of the University community. Intellectual and personal growth takes place in student organizations which have effective leaders and effective members. The University recognizes that students should have an avenue to form and join organizations to support their own personal and educational goals.

The purpose of registering with the University is to provide that opportunity for students, facilitate communications between the University and organizations, streamline interactions between the University and organizations and clearly define the lines of authority and responsibility. Some Registered Student Organizations (RSOs), enjoy more authority to choose their membership, leadership, use of funding, etc. than others. In those cases, where more autonomy is granted, more responsibility must also be accepted by the group.

This policy is designed to provide guidance as to the types and responsibilities of each type of RSO.

#### Entities Affected

All student organizations as well as those inside and outside the University which may be affiliated or conduct business with student organizations.

#### Procedures

All student organizations are required to complete an initial registration process including paperwork, training, etc. with Student Life and First-Year Experience in order to gain status as an RSO. All RSOs must complete reregistration with Student Life and First-Year Experience at the beginning of each subsequent semester to remain an active organization. RSOs who fail to complete these requirements will default into inactive status and be treated as External Constituents unless and until the requirements are met. There are two classifications of student organizations permitted to register with Student Life and First-Year Experience: Sponsored Student Organizations (SSO) and Voluntary Student Organizations (VSO). This classification defines the organization's relationship with the University.

#### **I. Sponsored Student Organization (SSO):**

These RSOs are categorized as such by the University and as a result have the greatest level of University support and benefits in exchange for the greatest level of accountability to the University.

To classify as an SSO, the RSO must:

- A. Be directly linked to a University Department or College.
  - 1. Obtain written authority by a Department Chair, Dean, or Director to operate as an extension of the specific University Department or College, and support that Department or College in its mission.
  - 2. Have an official University Advisor who has affirmed their role as such, and is a current University faculty or staff member within that Department or College, who has supervisory authority over the officers, operations, and activities planned by the SSO. SSOs may be required or permitted to have Volunteer Advisors as appropriate.
  - 3. Operate under all University Policies/Procedures and additional policies and procedures that are developed and administered by the University Department or College.
  - 4. Establish and adhere to a Constitution and By-Laws that are approved by the SSO's officers and University Advisor.
- B. Must complete the registration process with Student Life and First-Year Experience pursuant to this policy.
- C. Follow all requirements of the RSO Manual, as amended, housed in Student Life and First-Year Experience.

#### **II. Voluntarily-Affiliated Student Organization (VSO):**

These RSOs are categorized as such by the University. VSO's have a basic level of access to University support and benefits. These RSOs are not operated by nor affiliated with the University. The University does not control or accept responsibility for the activities nor endorse the programs or the members of any VSO. VSOs and its operations remain

independent and distinct from the University. Participation in a VSO is not considered as part of or equivalent to any education program or activity operated by the University.

To classify as a VSO, the RSO must:

- A. Be voluntarily registered with the University.
  - 1. Operate under all University Policies/Procedures.
  - 2. Establish and adhere to a Constitution and By Laws that are approved by the VSO's officers and Volunteer Advisor\*.
  - 3. Maintain the appropriate level of insurance (if insurance is required by the University, dependent upon the level of risk the group typically is involved in).
- B. Must complete the registration process with Student Life and First-Year Experience pursuant to this policy.
- C. Follow all requirements in the RSO Manual, as amended, housed in Student Life and First-Year Experience.

\*VSOs may choose to have advisors as appropriate. If such an advisor is appointed, they must register as a Volunteer with the University. University employees are not permitted to act as advisors to VSOs within the context of their University employment.

### **III. External Constituents of the University**

These student groups have no access to University support and/or benefit. These groups have chosen not to affiliate with the University and will be categorized as External Constituents under applicable University Policy. Thus, no registration process must be completed with Student Life and First-Year Experience.

### **IV. Requirements / Benefits:**

Dependent upon the category of RSO, each RSO must meet the following requirements in exchange for the benefits noted in the table below. This list is not exhaustive.

<b>Requirements</b>	<b>SSO</b>	<b>VSO</b>	<b>External Constituents</b>
Covered by University insurance	Yes	No	No
Maintain separate insurance policy as appropriate based on the level of activity risk*	No	Maybe	Maybe
Appropriate level of event specific insurance for on-campus events	No	Maybe	Yes

Written authority by a Department Chair, Dean, or Director to operate as an extension of the specific University Department or College	Yes	No	No
EKU Faculty/Staff University Advisor	Yes	No	No
Supplemental advisors	Optional	Optional	No
Required Advisor training	Yes	Yes	No
Operate under all University Policies and procedures	Yes	Yes	Yes
Establish and adhere to a Constitution and By-Laws approved by officers and advisors	Yes	Yes	No
<b>Benefits</b>			
Eligible for Student Government Association Funding	Yes	Yes	No
Ability to accept tax deductible contributions due to an affiliation with ECU	Yes (only with approval from sponsoring unit)	No	No
Participate in RSO management software	Yes	Yes	No
Reserve University space as an RSO (in compliance with the Scheduling of University Facilities Policy)	Yes	Yes	No (but can reserve as an External Constituent)
Office of Student Life RSO listings	Yes	Yes	No
Ability to create an official University logo in accordance with Communications and Brand Management standards	Yes	No	No
Advertise on Campus per University policy	Yes	Yes	Yes
Permission to fundraise (according to Univ. Policy)	Yes	Yes	Yes
Ability to bank on-campus	Yes	No	No

\* To be determined by the RSO Risk Management Committee

## Definitions

- **Advertise on Campus:** Includes, but is not limited to, flyers, electronic communications, postings, mailings, etc. For more information, see Policy 11.1.1, Signage, Bulletin Boards, and Posting Places.
- **Constitution and By-Laws:** Contains the fundamental principles that outline the purpose, structure, operating procedures, responsibilities, and limits of the student organization.
- **Office of Student Life RSO Listings:** The official listing of all RSOs found on the RSO management software.
- **RSO Risk Management Committee:** Committee comprised of representatives from the following areas: Campus Recreation, Risk Management & Insurance, Student Government, Office of Student Life and First-Year Experience, ECU Police, and others as deemed necessary and appropriate.
- **Volunteer Advisor:** An individual over 18 years of age who, in their personal capacity, oversees and/or advises the RSO. University employees are not permitted to act as advisors to VSOs within the context of their University employment. Volunteer Advisors must complete required training as specified by Student Life and First-Year Experience and if not employed by the University, must register as a Volunteer with the University. Volunteer Advisors may not be enrolled in an undergraduate program at ECU.
- **University Advisor (SSOs Only):** Must be a currently employed full or part-time ECU employee who, acting in their official capacity as an ECU employee, has direct job responsibilities that involve oversight of the SSO and who has completed required training as specified by the Office of Student Life and First-Year Experience.

## Responsibilities

- Director of Student Life and First-Year Experience
  - Oversee the administration of the policy as well as the implementation and the training aspects
  - Adjudicate violations of the policy in accordance with the procedures outlined in the RSO handbook
- Registered Student Organizations
  - Complete an initial registration process including paperwork, training, etc. with Student Life and First-Year Experience
  - Complete reregistration with Student Life and First-Year Experience at the beginning of each semester
  - Operate under all University policies and procedures

- Establish a Constitution and By-Laws that are approved by the RSO's officers and advisors, as appropriate.
- RSO Risk Management Committee
  - Approves recognition of all RSOs into appropriate category.
  - Assesses the level of risk of RSOs and determines the appropriate category and level of insurance for each.

## Violations of the Policy

Violations of this policy will be handled through the process outlined in the RSO Handbook.

## Interpreting Authority

Office of University Counsel

## Policy Adoption Review and Approval

### Policy Issued

<u>Date</u>	<u>Entity</u>	<u>Action</u>
September 24, 2010	Board of Regents	Adopted
September 8, 2010	President	Approved
September 7, 2010	Administrative Council	Approved



## Eastern Kentucky University Policy and Regulation Library

### 8.2.2

Volume 8, Human Resources

Chapter 2, Employee Benefits

Section 2, Employee Leave

Approval Authority: Board of Regents

Responsible Executive: Executive Director of Human  
Resources and Institutional Equity

Responsible Office(s): Human Resources

Effective:

Issued:

Next Review Date:

## Employee Leave

### Statement

Eastern Kentucky University provides leave to eligible employees, depending on the leave type and as set forth in this Policy, as follows:

- Bereavement Leave
- Court Leave
- Election Days
- Family Medical Leave
- Sick Leave
- Spousal/Sponsored Dependent Sick Leave Sharing
- Vacation Leave

Other instances of leave time may be provided in certain circumstances at the sole discretion of the University.

When an employee provides notice to the University of their intention to separate employment, the employee's notice period cannot be supplemented with available leave time covered by this Policy except in limited circumstances as approved by the supervisor, who shall consult with their area Vice President and Human Resources, or as required by law.

### Entities Affected

All Employees.

### Procedures

#### I. Bereavement Leave

Fully Benefited and Partially Benefited employees shall be allowed bereavement leave up to three days for the death of an immediate family member, including but not limited to:

- Parent or guardian;
- Sibling/step-sibling/half-sibling;
- Spouse/partner;
- Child/step-child/dependent child;
- Grandparent or grandchild; and
- In-laws of the same kind.

The employee shall notify their supervisor of the need for bereavement leave as soon as possible. Supervisors are responsible for the management of bereavement leave as outlined within this Policy.

Employees may work with their supervisors to utilize other leave balances as needed for relationships not covered by bereavement leave or instances where additional leave time is necessary, subject to other requirements of this Policy.

## **II. Court Leave**

All employees shall be entitled to paid time off while called for jury service or due to a subpoena or other requirement of a court to appear as a witness, except in cases where the employee or their child, parent, or spouse/sponsored dependent is a party in the court action. If the employee or family member specified herein is a party in the court action, the employee may work with their supervisor in advance to utilize other leave balances as needed and approved, subject to other requirements of this Policy.

Employees shall notify their supervisor of the need for court leave as soon as possible. Employees shall record court leave on time documents indicating authorized time away from work due to jury/court duty. Employees who have been dismissed from jury duty or who have been released as witnesses are expected to return to work.

## **III. Election Days**

All employees are strongly encouraged to participate in the democratic process by exercising their right to vote. Regular Full-Time employees shall be given up to four hours off to vote on election days or to appear before the county clerk to request an application for or to execute an absentee ballot, with one hour of such to be paid election leave, provided the employee schedules such time off with their supervisor prior to election days. All other employees may work with their supervisor in advance to utilize other leave balances to vote on election days as needed and approved, subject to other requirements of this Policy. In presidential election years, the University is closed on Election Day, which is recognized as a paid day off for Fully

Benefited and Partially Benefited Employees, and no additional paid election leave shall be granted.

According to KRS 118.035(4), “Any person selected to serve as an election officer shall be entitled to absent himself from any services or employment in which he is then engaged or employed for a period of an entire day to attend training or to serve as an election officer.” That statute also permits the University to specify the hours during which the employee may be absent. Any employee selected as an election officer shall work with their supervisor in advance to confirm, as the statute states, “the hours during which the employee may absent himself” as well as to utilize other leave balances as needed and approved, subject to other requirements of this Policy, to work on election days or engage in election officer training activities.

#### **IV. Family Medical Leave**

The Family and Medical Leave Act of 1993 (FMLA) provides eligible employees who have at least twelve months of service with the University and who have performed, in the twelve months prior to the start of FMLA leave at least 1,250 hours of service, with up to twelve weeks of job and benefit-protected, unpaid leave during a rolling twelve-month period. For more information, please see Policy 8.2.14.

#### **V. Sick Leave**

Fully Benefited and Regular Part-Time employees receive sick leave for personal illness, injury, additional bereavement leave, preventative medical care, or other short-term disability. Sick leave may be used for a child, parent, or spouse/sponsored dependent whose condition requires the employee’s direct care and in instances of qualified FMLA leaves. It is the responsibility of employees to inform their immediate supervisor whenever they cannot meet their responsibilities due to illness or other reasons covered by sick leave, and to enter sick time for any portion of the workday absent.

Fully Benefited employees shall receive accrued sick leave on the basis of one day per month. Regular Part-Time earn prorated sick leave based upon their part-time assignment. Sick leave accrues with each payroll. Periods of leave without pay earn no sick leave accrual. There is no maximum on the amount of sick time an employee can earn. Accrued but unused sick time is not paid to a separating employee. Under certain retirement systems, accumulated sick time can count towards years of service.

#### **VII. Spousal/Sponsored Dependent Sick Leave Sharing**

Employees may only transfer sick leave to their spouse or sponsored dependent. Sick leave may be transferred only if it has been accrued and is available. Requests for the

transfer of leave will not be processed retroactively except to cover the period between the date the request was submitted and the date of approval.

A day is defined as the number of regular work hours specified by the transferring employee's assignment. Leave will be transferred in blocks of at least five days but no more than ten days during any one fiscal year. Unused transferred leave will not be returned to the transferring employee. This benefit does not impact an employee's ability to apply for sick leave time from the sick leave bank. Transferee must maintain a minimum balance of ten sick leave days.

### **VIII. Vacation Leave**

Fully Benefited employees accrue vacation leave on a per pay period basis at the rates listed in the chart below. Partially Benefited employees earn prorated vacation leave based upon their part-time assignment. Faculty members do not earn vacation leave unless they are academic department heads or librarians on twelve-month assignments.

Maximum accrual is a one-year allotment as outlined in the chart below. Once an eligible employee reaches their maximum accrual of vacation leave, they stop earning additional vacation leave until their balance falls below the maximum accrual amount. It is the employee's responsibility to monitor their vacation balance.

<b>Years of Service</b>	<b>Vacation Days Per Year</b>
1-4	10
5-9	15
10-14	20
15+	22

Partially-Benefited staff earn a prorated vacation and are subject to a prorated maximum accrual based upon their part-time assignment.

Vacation leave accrues with each payroll but is not earned or available for use by a new employee until successful completion of the ninety-day orientation period. Vacation is not paid out to an employee who separates from the University during the orientation period. Periods of leave without pay earn no vacation leave accrual.

All vacation leave must be scheduled and approved in advance by the supervisor. The supervisor may deny a vacation request in circumstances where the absence of the employee would not be in the best interest of the unit. It is the employee's duty to



## Eastern Kentucky University Policy and Regulation Library

8.3.3

Volume 8, Human Resources

Chapter 3, Work Policies and Procedures

Section 3, Employee Conduct

Approval Authority: Board of Regents

Responsible Executive: Executive Director of Human  
Resources and Institutional Equity

Responsible Office(s): Human Resources

Effective:

Issued:

Next Review Date:

## Employee Conduct

### Statement

Eastern Kentucky University seeks to create an environment in which employees are civil, collegial, and respectful of individuals and individual differences. The University expects all employees to conduct themselves in such a way as to contribute to this environment. The intent of this Policy is to prevent improper conduct or, alternatively, stop and/or redress improper conduct as quickly as possible in a consistently fair manner while protecting academic freedom and advancing the mission and values of the University. Retaliation is prohibited.

Employees may pursue complaints of violations of this Policy through the appropriate grievance process. The University may also investigate and pursue possible violations of this Policy as well as disciplinary action without the filing of a formal grievance.

Matters implicating Policy 1.4.1, Discrimination and Harassment, shall be referred to the Office of Institutional Equity.

### Entities Affected

All University employees

### Procedures

#### Progressive Discipline

The University is an employment-at-will workplace. At-will employment is an employment relationship that may be terminated at any time by either the employee or the University. Unless other contractual obligations apply, using Progressive Discipline is at the sole discretion of the University. Tenured faculty may also see Policy 4.6.16, Dismissal of Faculty, which provides the process by which tenured faculty may be dismissed.

Unsatisfactory work performance occurs when overall job performance does not meet the University's minimum standards. When an employee's job performance is not satisfactory, the University may employ a system of Progressive Discipline. Generally, this discipline system is intended to provide employees with notice of unsatisfactory work performance and an opportunity to improve that performance to a satisfactory level through coaching or corrective action. The University is never obligated to utilize Progressive Discipline or corrective action. If corrective action is used and sufficient improvement is not demonstrated, additional measures of Progressive Discipline may be used, up to and including termination.

### **Work Rules for Employees**

The following four categories of behavior are set forth to inform all employees of examples of personal misconduct that could result in disciplinary action, ranging from, for example, verbal reprimand to immediate termination of employment, depending upon the specific form of conduct, the severity of the offense, and the number and dates of infractions. All disciplinary actions shall be appropriately documented and may be subject to the appropriate grievance policy. Supervisors are encouraged to work with Human Resources when implementing Progressive Discipline. While possible non-compliance under this Policy is reviewed, the appropriate supervisor, in consultation with Human Resources, may impose Interim Measures for the duration of the review.

The decision to terminate employment is subject to review, prior to termination, for reasonable grounds and recommendation of an appropriate level of discipline by Human Resources. Terminations are not grievable.

This Policy prohibits Retaliation against any person who reports possible non-compliance. Administrative actions taken by the University in response to Reports of non-compliance do not constitute Retaliation, and nothing in this policy is intended to interfere with legitimate employment, academic, or business decisions that are unrelated to the underlying complaint of Retaliation.

### **Gross Misconduct**

Grounds for immediate dismissal for misconduct, after due consideration to the nature and severity of the action or problem, include, but are not limited to the following. Acts of gross misconduct noted with an asterisk may result in the employee being ineligible for participation in COBRA benefits following termination.

- Insubordination, which includes, but is not limited to unwillingness or refusal to perform assigned duties and follow job instructions;
- Falsification of University documents or records, including, but not limited to, the application for employment as well as time records; \*

- Any act undertaken while in the employee's official university capacity that serves to defame or malign the reputation of the university;
- Dishonesty on the job;
- Theft; \*
- Imperiling the safety of University employees or the public; \*
- Possession of a firearm on University property other than staff employees authorized to possess a firearm such as police or military personnel in violation of the Weapons on Campus policy; \*
- Gambling on University property;
- Negligent destruction of University property;
- Illicit drug use, or the influence thereof, or the unauthorized use or consumption of, while on the job or while on University property;
- Alcohol use, or the influence thereof, or the unauthorized use or consumption of, while on the job or while on University property, except as otherwise noted in Policy 9.1.1, Service, Sale, and Consumption of Alcoholic Beverages;
- Acts that constitute a violation of local, state, or federal law on University property;
- Incarceration following a conviction of a misdemeanor or felony by a court of competent jurisdiction, which results in missing at least five (5) consecutive working days;
- Job Abandonment;
- Any action or creation or participation in a situation that recklessly or intentionally endangers mental or physical health;
- Bullying or other Harmful Conduct;
- Retaliation, as prohibited by Policy 1.4.1, Discrimination and Harassment;
- Fighting and/or physical assault on University property while on the job; \*
- Improper and unauthorized use of University Pro-card;
- Violation of the Policy 1.4.1, Discrimination and Harassment;
- Threatening, attempting, or doing bodily harm to another person; \*
- Threatening, intimidating, interfering with or using abusive language towards others; \*  
and
- Any act of violence. \*

The following sets of rules are set forth by Eastern Kentucky University to inform all employees of personal conduct considered unacceptable as a university employee. These rules are established so the University can attain its objectives in an orderly and efficient manner and are not intended to restrict the right of employees but rather to advise employees of prohibited conduct. Grounds for Progressive Discipline, after due consideration to the nature and severity of the action or problem, include, but are not limited to the following:

#### Work Performance

- Failure to comply with University policy;
- Loafing, loitering, and/or sleeping on the job;
- Engaging in unauthorized business;

- Unauthorized disclosure of confidential information or records;
- Knowingly providing false information to other state agencies or University employees or administrators responsible for record-keeping;
- Failure to provide accurate and complete information whenever such information is required by an authorized person;
- Failure to comply with health, safety, and sanitation requirements, rules, and regulations;
- Negligence in the performance of assigned duties;
- Discourteous or rude behavior toward other employees, students, visitors, or the general public;
- Failure to follow job instructions;
- Failure to perform duties in a timely, competent, and responsible manner;
- Conviction of any crime or behavior of any nature which reflects adversely on the University;
- Making false or malicious statements concerning other employees, supervisors, or students of the University;
- Use of tobacco products in violation of applicable University policy;
- Inappropriate dress or lack of personal hygiene which adversely affects the proper performance of duties or constitutes a health or safety hazard; and
- Unauthorized or improper use or possession of uniforms, identification cards, badges, or permits;

#### Attendance and Punctuality

- Failure to report promptly at the starting time of a shift or leaving before the scheduled quitting time without specific approval of the supervisor;
- Excessive absenteeism and/or tardiness;
- Failure to observe the time limits and scheduling of lunch or rest periods;
- Working overtime without the specific approval of the supervisor; and
- Failure to notify the supervisor promptly of absence or tardiness, including advance notice when anticipated.

#### Use of University Property

- Unauthorized or improper use of University property or equipment, including vehicles, telephones, computers, or mail;
- Unauthorized use of University resources for personal financial gain;
- Unauthorized possession or removal of University or another person's private property;
- Unauthorized posting, or removing notices, or signs from bulletin boards or other approved locations;
- Unauthorized use, lending, borrowing, or duplicating of University keys; and
- Unauthorized entry to University property, including unauthorized entry outside of assigned hours of work or entry to restricted areas.

## Definitions

- **Bullying:** Bullying is repeated unwelcome behavior that involves a real or perceived power imbalance that a reasonable person would find hostile, threatening, intimidating, or humiliating, or that isolates the targeted individual(s). Expectations for satisfactory job performance, performance reviews, and evaluation or feedback on job performance do not constitute Bullying. Bullying may take, but is not limited to, one or more of the following forms:
  - Cyberbullying;
  - Exclusion or isolation in the workplace;
  - Unwarranted physical contact; and/or
  - Verbal abuse.
- **Harmful Conduct:** Conduct or behaviors (including nonverbal) that a reasonable person would find hostile, threatening, intimidating, or humiliating.
- **Interim Measures:** Temporary arrangements made by the University pending review of noncompliance. These may include, but are not limited to:
  - Obtaining an agreement between the parties;
  - Physically separating the parties;
  - Changing reporting lines;
  - Referring the parties to counseling and coaching programs; and/or
  - Conducting or mandating targeted educational and training programs.
- **Job Abandonment:** When an employee fails to report to work without notice for three (3) consecutive days on which the employee is scheduled to work.
- **Laws, Regulations, and Policies:** Federal or state laws, administrative regulations, and University policies, regulations, or procedures.
- **Progressive Discipline:** A process for addressing job-related behavior that does not meet performance standards using increasingly severe measures. For illustrative purposes, Progressive Discipline may include oral warnings, written corrective action, probations, suspensions, and terminations. However, any of these steps may be omitted, depending on the severity or frequency of the infraction.
- **Report:** Disclosure of possible non-compliance with Laws, Regulations, and Policies.
- **Reporter:** Any University Community Member who possesses a reasonable, good faith belief that possible non-compliance with Laws, Regulations, and Policies has occurred and who make a Report.

- **Retaliation:** Intimidation, threats, coercion, or discrimination against any individual for the purpose of interfering with any right or privilege secured by applicable civil rights law and/or this Policy, or because the individual has made a Report or Complaint, testified, assisted, or participated or refused to participate in any manner in an investigation, proceeding, or hearing under applicable civil rights law and/or this Policy.

Retaliation includes intimidation, threats, coercion, or discrimination, including charges against an individual for code of conduct violations that do not involve discrimination or harassment, but arise out of the same facts or circumstances as a Report or Complaint of prohibited conduct, or a Report or Complaint of prohibited conduct, for the purpose of interfering with any right or privilege secured by Title IX or this Policy.

Retaliation does not include the exercise of rights protected under the First Amendment, good faith actions lawfully pursued in response to an allegation of a violation of this Policy, or charging an individual with a code of conduct violation for making a materially or deliberately false statement or accusation in the course of a proceeding under this Policy, provided that a determination regarding responsibility, alone, is not sufficient to conclude that any party made a materially false statement in bad faith.

Retaliation can be committed by or against any individual or group of individuals, including a Respondent or Complainant. Retaliation is still prohibited even when there is a finding of no responsibility for the allegation.

- **University Community Member:** All faculty, staff, students, and Board of Regents members, as well as anyone doing business for or with the University.

## Responsibilities

- Office of Human Resources
  - Responsible for providing oversight, guidance, and coordination of this Policy.
- Employees
  - Required to adhere to this Policy and other policies of the University and to perform their job in a professional and productive manner.
- Supervisors
  - Responsible for providing leadership to assigned employees and accountable for dealing with issues related to work performance or employee misconduct that affect the productivity and/or efficiency of the work setting.

## Violations of the Policy

Violations of this Policy shall be addressed in accordance with the procedures established above.

## Interpreting Authority

Office of University Counsel

## Policy Adoption Review and Approval

### Policy Issued

Date

Entity

Action

report absences approved as vacation leave. The University reserves the right to reduce the vacation balance of employees who fail to properly report use of leave.

Upon separation of the employee, individuals will be compensated for earned, unused vacation leave; however, individuals whose employment is contingent upon outside funds, such as grants or state contracts, shall not be paid for unused vacation hours upon separation.

## Definitions

- **Fully Benefited:** A regular, full-time employee or part-time employee who is regularly scheduled to work a minimum of 30 hours per week. These employees are eligible for all benefits provided by the University unless otherwise noted by policy.
- **Partially Benefited:** Part-time employees who are scheduled to work between 20-24 hours per week. These employees are eligible for pro-rated vacation, sick time, and holiday pay.
- **Regular Full-Time:** Employee in a position that is at least 30 hours per week for non-exempt employees or .70 FTE (full time equivalent) for exempt employees and are eligible to participate in all University provided benefits.
- **Regular Part-Time:** Employee in a position that is between 20 and 24 hours per week and are eligible to participate in the following benefit plans: supplemental tax deferred retirement plans, prorated vacation, sick time and holiday pay.
- **University:** Eastern Kentucky University (EKU).

## Responsibilities

- Employees
  - Communicating with supervisor to request leave time
  - Submitting leave requests in a timely and responsible manner
  - Maintaining and submitting appropriate documentation to support leave requests when necessary
  - Communicating with Human Resources as needed
- Supervisors and Managers
  - Verifying leave balances and approving leave time requests as appropriate
  - Communicating with Human Resources as needed
- Accounting and Financial Services Payroll Office

- Payroll acts as the auditor for time reporting and will question, modify and correct time as needed to fall in line with ECU policy
- Communicate with Human Resources when appropriate
- Human Resources
  - Implementation of this Policy

## Violations of the Policy

Violations will be handled under normal University procedures.

## Interpreting Authority

University Counsel

## Policy Adoption Review and Approval

Policy Issued

Date

Entity

Action



## Eastern Kentucky University Policy and Regulation Library

### 4.1.10

Volume 4, Academic Affairs  
Chapter 1, Academic Practices  
Section 10, First-Time Freshmen Admissions

**Approval Authority:** Board of Regents

**Responsible Executive:** Provost

**Responsible Office(s):** Office of Enrollment  
Management, Office of Admissions

**Effective:** Summer Term 2014

**Last Revised:** April 30, 2013

**Issued:** April 28, 2000

**Next Review Date:** ongoing

## First-Time Freshmen Admission

### Policy Statement

Based on statewide regulations, the University establishes qualifications for admission to the institution. The conditions and criteria for admission may vary depending on undergraduate or graduate status, but all applicants must provide an application and evidence of appropriate scholastic achievement through prior educational experience. Additionally, certain degree programs have special admission requirements. Admission to the University does not imply admission to a degree program.

This policy outlines conditions and criteria for admission to ECU as a first-time freshman.

### Entities Affected

- Persons matriculating to ECU as freshmen
- Office of Enrollment Management
- Office of Admissions

### Policy Background

In 2007, 13 KAR 2:020 (Guidelines for Admission to the State-Supported Postsecondary Education Institutions in Kentucky) defined new system-wide assessment and placement standards. ECU redefined its own admission criteria for Fall 2009 admissions and after in order to comply with the revised state-wide standards.

### Criteria

#### ADMISSION REQUIREMENTS FOR FIRST-TIME FRESHMEN

Students will be admitted into one of three categories: full admission, directed admission, and success first admission.

### FULL ADMISSION

Students who meet the following criteria will be granted full admission to the University:

Have graduate from an accredited high school earning a minimum cumulative high school grade point average of 2.5 on a 4.0 scale.<sup>1</sup>

OR

Have submitted a minimum ACT composite score of 20 or SAT combined verbal/critical reading score of 950 or higher.<sup>2</sup>

AND

Meet the Kentucky Pre-College Curriculum

AND

Have submitted an official six-semester high school transcript, or a General Equivalency Diploma (GED), or documentation indicating completion of an ECU approved home school or distance learning high school program.<sup>3</sup>

<sup>1</sup>All students must submit official test scores at the time of application.

<sup>2</sup>Adult Learners (*21 years of age or older*) may use Residual ACT, Compass Test, or University Placement Exam results in place of ACT or SAT scores.

<sup>3</sup>Students must submit final high school transcripts that show graduation.

### DIRECTED ADMISSION

Students who meet the criteria for full admission and have ACT (or equivalent SAT) subject scores **below** 18 in English or 20 in reading, or are missing Pre-College Curriculum requirements will be granted admission to the University in the category.

### SUCCESS FIRST ADMISSION

Students who do not meet the specified criteria for full or directed admission and have a high school GPA of 2.0 on a 4.0 scale may be granted admission to the University through the **Success First Initiative**. Students will be admitted to associate –level programs initially until they demonstrate academic success.

*Note: All admitted students must meet the state-mandated college readiness standards for all subjects prior to registering for classes, or they must enroll in required preparatory coursework beginning their first academic semester.*

## Procedures

### Prospective Students

To begin the undergraduate admission process to Eastern Kentucky University, students submit completed application materials, a copy of an official high school transcript with at least six semesters of coursework or a GED completion certificate, and the application fee to the Office of Admissions.

### ADMISSION ON APPEAL

Students who apply but are denied admission to the University may submit a written appeal to the Admissions Appeal Committee. The committee will carefully consider all aspects of the applicant's situation, including academic record and desire to attend ECU, as presented in the appeal request.

If granted admission by the committee, students will partner with an academic success coach and sign a Student Success Agreement specifying academic expectations and requirements for remaining enrolled at the University.

## Responsibilities

- Executive Director of Enrollment Management
  - Ensure that the University stays current and complies with state-defined criteria and regulations regarding admissions standards.
- Director of Admissions
  - Ensure that all admission counselors receive adequate training for any changes in admission criteria or categories.
- Office of Admissions
  - Review all submitted applications for admission to the University.
  - Determine the appropriate admission category.
  - Assist with designing promotional materials that accurately reflect admission criteria.

## Interpreting Authority

Executive Director of Enrollment Management

## Statutory or Regulatory References

- [13 KAR 2:020](#) (Guidelines for Admission to the State-Supported Postsecondary Education Institutions in Kentucky)
- [KRS 164.020 \(8\)](#) (Powers and Duties of the Council [on Postsecondary Education])

## Review and Approval

### Policy Revised

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
April 30, 2013	Board of Regents	Adopted
April 3, 2013	Provost Council	Approved
March 3, 2013	Faculty Senate	Approved
January 13, 2013	Council on Academic Affairs	Approved
September 6, 2008	Board of Regents	Adopted *
May 7, 2008	Provost Council	Approved
August 21, 2008	Council on Academic Affairs	Approved
September 15, 2008	Faculty Senate	Approved

\*Approved contingent on the recommendation of Faculty Senate

### Policy Issued

<u>DATE</u>	<u>ENTITY</u>	<u>ACTION</u>
April 28, 2000	Board of Regents	Adopted
February 17, 2000	Faculty Senate	Approved

**ASUN CONFERENCE NEW MEMBER AGREEMENT - EASTERN KENTUCKY UNIVERSITY**

This New Member Agreement (the “Agreement”) is made and entered into effective as of January 14, 2021, by and between Eastern Kentucky University (hereinafter “EKU”) and the ASUN Conference, a Georgia corporation (hereinafter the “ASUN” or the “Conference”).

**Background**

Eastern Kentucky University, located in Richmond, Kentucky, has expressed interest in the ASUN, and has applied to become a member of the Conference. EKU has reviewed the ASUN Constitution and Bylaws, and Administrative and Sports Policies (herein the “ASUN Governing Documents”), and EKU also recognizes and acknowledges that the ASUN is a party to an agreement with ESPN Enterprises, Inc. (herein the “Multimedia Agreement”) and from time-to-time may become party to various agreements pertaining to rights in the best interests of the Conference and Conference Institutions. The ASUN, by duly convened and proper action of the Presidents of its current member institutions in good standing, has voted to extend an invitation to EKU to become a member of the Conference, contingent upon execution of this Agreement by EKU and the Conference.

Now, therefore, the parties hereto agree as follows:

1. Membership

Effective as of July 1, 2021, and provided that EKU is not then in breach or violation of any of its warranties, obligations, and representations as set forth in Sections 2, 3, and 4 below, Eastern Kentucky University shall become and shall be a member of the Conference, pursuant to the terms, provisions, and conditions of the ASUN Governing Documents, shall enjoy all rights and privileges of a member of the Conference, and except as otherwise set forth in this Agreement, shall properly fulfill and discharge all obligations of a member of the Conference. Upon becoming a member of the Conference and thereafter while a member of the Conference, EKU shall be bound by and shall comply with the ASUN Governing Documents, and with any and all amendments thereto, and with all resolutions and decisions of the Presidents' Council of the Conference authorized by the ASUN Governing Documents.

2. Multimedia Agreement



- 2.1. ECU hereby agrees that it will take such actions and execute such documents as necessary or appropriate under existing conference agreements (including, but not limited to, granting and licensing broadcast rights, assigning copyrights, and licensing trade names, trademarks, service marks, logos and other identifying indicia, as set forth in Exhibit D, and will refrain from taking actions as reasonably necessary and appropriate, in order to ensure that ECU and the Conference can and will fully comply in all respects with their obligations under the Multimedia Agreement, and any amendments thereto (and under any and all new or subsequently-executed Multimedia Agreements, and any amendments thereto) (jointly referred to herein as the “Current and Future Multimedia Agreements”). Provided however, it is understood that any current multimedia agreement to which the Conference is a party does not include Football.
- 2.2. At the first opportunity to negotiate updated terms to Current and Future Multimedia Agreements, the Conference shall cause the Commissioner to undertake diligent efforts to reserve certain rights for ECU thereby granting it the ability to produce and co-distribute (i) a specified number of home Conference events annually via the medium of its choosing and (ii) unless otherwise waived, all non-conference football competitions. Any such rights deliverable to ECU shall be consistent with the manner and content in which the Conference delivers rights to all Football members of the Conference.
- 2.3. ECU shall continue to have the right to produce and distribute coaches’ shows and other original content on its own and as part of Current and Future Multimedia Agreements. The Conference shall undertake to cause such content to be further distributed under the Multimedia Agreement.
- 2.4. Notwithstanding anything herein or in any of the Conference governing documents to the contrary, it is agreed that should ECU have its football program become a part of the Football Bowl Subdivision, Current and Future Multimedia Agreements shall not apply to ECU football games, unless ECU expressly consents to such inclusion in writing. The Conference shall undertake a diligent effort to cause the Multimedia Agreements to incorporate the requirements of the foregoing sentence.
- 2.5. ECU agrees to contact and consult with the Conference before taking any action or entering into any agreement that might reasonably conflict with, result in a breach of, or otherwise impact adversely the ability of ECU or the Conference, or both, to perform any obligations imposed by any of the Current or Future Multimedia Agreements then in place. ECU also agrees not to enter into any agreement that is inconsistent with or conflicts in any respect with any of the Current or Future Multimedia Agreements then in place.
- 2.6. The Conference hereby understands and acknowledges that ECU has an agreement with Learfield Acquisitions, LLC, for multimedia rights through 2027.

### 3. Financial Obligations and Related Terms

- 3.1. Per the ASUN Constitution, Article 5.2.1, ECU has paid a non-refundable application fee of \$5,000 to the Conference and understands, acknowledges, and agrees that, in consideration

of being accepted as a member of the Conference, it shall also pay the buy-in fee outlined in Exhibit B, Financial Terms.

- 3.2. ECU understands, acknowledges, and agrees that it will begin paying ASUN annual dues to the Conference at a level established in this membership agreement as outlined in Exhibit B, Financial Terms.
- 3.3. ECU understands, acknowledges, and agrees that it will begin paying the ASUN annual operational assessment to the Conference, at the level established by the Presidents' Council for all members, for the 2021-22 academic year. The amount of the operational assessment shall be set annually by the Presidents' Council.
- 3.4. ECU shall be eligible to receive various net revenue sharing distributions as well as Conference Program Funds made available to Conference Members as presented in Exhibit B, Financial Terms. For clarity, good faith estimates of future Conference revenues essential to distributions as well as Conference program distributions have been provided to ECU in Exhibit B+ and it is understood that such estimates are not a guarantee of the amount of any particular type of distribution.
- 3.5. Notwithstanding anything to the contrary set forth in the ASUN Governing Documents, (i) ECU shall not be required to pay any assessments for expenses related to any loans that the Conference has provided to any of its member-institution(s) as of the date of this agreement (the "Existing Loans"), and (ii) ECU shall not receive and has no claim to any distributions that may be related to any Existing Loans. For loans made by the Conference after the date of this Agreement, the Conference hereby acknowledges and affirms that ECU does not have statutory authority to extend credit, does not have statutory authority to assume obligations of another entity, and that any loan or fee that is extended by the Conference is solely the obligation or liability of the Conference. ECU shall not be obligated to assume and is not assuming any liabilities or obligations of the ASUN or any member institution which relate to any ASUN or member institution business prior to the Effective Date of this Agreement or otherwise, whether known or unknown, fixed or contingent, certain or uncertain, and regardless of when they are or were asserted, and ASUN and its member institutions shall remain responsible for such liabilities. If ECU receives a subpoena for people or documents related to obligations or liabilities prior to the effective date of this Agreement, then the ASUN will hold ECU harmless for any costs and fees associated with such production.
- 3.6. Notwithstanding anything to the contrary set forth in the ASUN Governing Documents, (i) ECU shall not be required to pay any assessments for expenses related to concluding the relationship of the Conference with any former member(s) of the Conference as of the date of this agreement (the "Existing Former Members"), and (ii) ECU shall not receive and has no claim to any distributions that may result from concluding the relationship of the Conference with any Existing Former Member.
- 3.7. ECU agrees that, consistent with all Conference members, it will comply with the membership withdrawal terms as stated in the ASUN Constitution, Article 5.3.

- 3.7.1. ECU shall not be liable for any payments outlined in item 3.7 of this Agreement, or under ASUN Constitution Article 5.3, if ECU departs the ASUN Conference as part of a mutually agreeable plan for the Coastal Collegiate Sports Association to become an NCAA Core Conference.
- 3.7.2. ECU agrees to pay the amounts as outlined in 5.3 of the ASUN Constitution in recognition of and as compensation to the Conference for the additional costs, expenses, disruption, injury to reputation, impact on relationships with broadcasters and other third parties, and other detriments (including but not limited to the damage that could be caused to the Conference through possible loss of its automatic bid to the NCAA men's basketball tournament) that will be incurred by the Conference in connection with and as a result of ECU becoming a member of the Conference on a temporary basis (which ECU acknowledges are inherently difficult to calculate but are reasonably estimated by such additional payment).
- 3.8. In the event that (i) the Conference drops below seven (7) member institutions for any academic year and fails to meet the primary criteria to earn automatic qualification (AQ) into the NCAA Men's Basketball Championship, ECU shall afford the Conference a twenty-four (24) month grace period to increase its basketball membership to at least seven (7) member institutions on the condition that the Conference maintains its automatic qualifier status during this period through the NCAA grace period provisions. At the conclusion of the 24-month grace period and in the event the Conference does not maintain at least seven (7) member institutions and does not receive NCAA extension(s) of time to secure the additional member(s) while maintaining AQ status, if ECU chooses to withdraw from or otherwise discontinue its membership in the Conference effective after such defined period ends, ECU may at its sole and absolute discretion, terminate this Agreement and have no further obligation to the ASUN.
4. Other Warranties and Representations of Eastern Kentucky University
- ECU warrants and represents that: (a) each ECU signatory below is a duly authorized representative with full authority to execute this Agreement on behalf of and to bind ECU, and (b) by executing this Agreement and joining the ASUN Conference as a member, ECU will not breach or violate any laws of the Commonwealth of Kentucky.
5. Warranties and Representations of ASUN Conference
- The Conference warrants and represents that: (a) each ASUN signatory below is a duly authorized representative with full authority to execute this Agreement on behalf of and to bind the Conference, and (b) by executing this Agreement and adding ECU as a member, the Conference will not breach or violate any agreement or obligation to a person or entity not a party hereto.
6. Competition

- 6.1. ECU agrees to field a team and participate fully in the Conference sports set forth in Exhibit C (effective for each sport as of the date indicated thereon) pursuant to the schedule for regular season and tournament competition published by the Conference office.
- 6.2. The Conference will undertake reasonable efforts to schedule each regular season and tournament competition during the traditional semesters in which the competition has taken place for the respective sponsored sports. Should the Conference materially alter the traditional schedule of competition, ECU, in its sole and absolute discretion, may elect to opt out of the non-traditional schedule and participate in the sponsored sport(s) within the traditional semester in which the competition has taken place for the respective sponsored sports.
- 6.3. Except as otherwise provided in item 3.8 of this Agreement, in the event that the Conference maintains at least seven (7) member institutions, but does not have sufficient participation from the member institutions to schedule a conference season and/or tournament for the sports listed in Exhibit C, or sport subsequently added by ECU, the Commissioner shall undertake diligent efforts to assist the Athletics Director in creating short-term strategic partnerships that cause each sport to have a regular schedule of competition together with an opportunity for automatic qualification to NCAA sponsored events.
- 6.4. ECU shall be eligible for all Conference regular season and postseason competition, honors and awards, including academic honors and all sports race points, beginning with the 2021-22 academic year, consistent with the first-year effective date of competition for each sport as set forth in Exhibit C.
- 6.5. Notwithstanding the Conference sports required by the ASUN Governing Documents now in place, ECU shall be accepted into the ASUN with its current sports sponsorship for men's and women's sports. ECU shall make reasonable efforts to evaluate, consider, and, in its sole and absolute discretion, add sports, including without limitation, Swimming and Diving, Tennis, Rifle and Wrestling.
- 6.6. Except as provided in Exhibit C, any and all future changes in ECU sports sponsorship shall be governed by the ASUN Governing Documents then in place.

7. Additional Acknowledgements and Obligations

ECU and ASUN agree that the Additional Acknowledgements, Conditions and Obligations, as presented in Exhibit A, shall be part of this Membership Agreement.

8. Additional General Terms

8.1. Notices.

- 8.1.1. Transmission. All notices hereunder shall be in writing and shall be sent either by personal delivery, by first class registered or certified mail, by overnight courier, or through verified electronic delivery to the addresses of the parties set below, or such other address or addresses as may be designated by either party. Such notices shall

be deemed to have been given upon receipt of proof of delivery, or, in the case of personal delivery, delivered.

8.1.2. ASUN Contacts: Ted Gumbart, Commissioner  
3301 Windy Ridge Pkwy SE, Suite 350  
Atlanta, GA 30339  
(478) 747-4858

With a copy to: William Noland, Noland Law Firm  
5400 Riverside Dr., Suite 205  
Macon, GA 31210  
(478) 216-3043

8.1.3. EKU Contacts: David McFaddin, President  
Eastern Kentucky University  
521 Lancaster Ave.  
CPO 1A  
Richmond, KY 40475

With a copy to: Dana Fohl, University Counsel  
Eastern Kentucky University  
521 Lancaster Ave.  
CPO 1A  
Richmond, KY 40475

Lewis Diaz  
Dinsmore law offices  
City Center  
100 W. Main Street, Suite 900  
Lexington, KY 40507

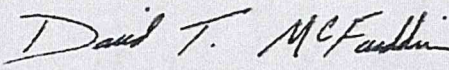
8.2. In the event that any act of nature, an order of the state or federal government declaring a state of emergency or an act of God prevents a party from exercising one of their respective rights or performing one of their respective duties under the agreement, the parties agree that the rights or duties shall be suspended until such time as they may be reasonably performed or exercised without an unreasonable burden upon either of the parties. Furthermore in case of such an event the parties agree to absolve liability during such a period in which performance or exercise becomes unreasonable.


8.3. This writing is intended by the parties to serve as a final expression of their agreement and is intended also as a complete and exclusive statement of the terms of their agreement. Acceptance or acquiescence in a course of performance rendered under this agreement shall not be relevant to determine the meaning of this agreement even though the accepting or acquiescing party has knowledge of the nature of the performance and opportunity for objection.

- 8.4. Construction. No amendment, modification, supplement or waiver of this Agreement shall be binding unless set forth in writing and signed by both parties. A waiver of any provision hereof or the breach of any provision by either party in one instance shall not be deemed a waiver of the same in any future instance. Provision headings are solely for convenience and have no legal significance. No rule of construction for or against a drafting party shall apply to the interpretation of this Agreement. In any case where this Agreement requires mutual consent, approval or agreement, failure to obtain such shall not affect the validity or enforceability of the remainder of the Agreement.
- 8.5. Severability and Survival. The provisions of this Agreement are severable. If any term or provision of this Agreement or the application thereof to any person or circumstance shall to any extent be held invalid or unenforceable by a court or arbitrator, the remainder of this Agreement or the application of such term or provisions to persons or circumstances other than those as to which it is held invalid or unenforceable shall not be affected, and each term and provision of this Agreement shall be valid and be enforced to the fullest extent permitted by law. Subsequent changes to the constitution, bylaws or other governing documents of the Conference made after the Effective Date of the Agreement shall have no binding effect of this Agreement, unless expressly waived, in writing, by ECU.
- 8.6. Public Announcement/Confidentiality. Except as otherwise required by state and federal law, no party to this Agreement (including, for the avoidance of doubt, any member institution approving and acknowledging this Agreement for the purposes set forth below) may distribute any press releases, announcements or public statements initially announcing the existence or disclosing the terms of this Agreement without the prior approval of all other parties to the Agreement.
- 8.7. Acknowledgement and Signatures
- [Signature page to follow]

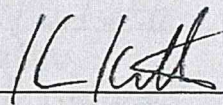
ASUN New Member Agreement: ECU  
Signature Page


Eastern Kentucky University, by and through the following  
individuals duly authorized and empowered to execute this  
Agreement on behalf of University

By:   
Dr. David McFaddin  
President

By:   
Matt Roan  
Director of Athletics

ASUN CONFERENCE, Inc., by and through the following  
individuals duly authorized and empowered to execute this  
Agreement on behalf of the Conference

By:   
Ken Kitts  
ASUN President

By:   
Ted Gumbart  
ASUN Commissioner

## **ASUN CONFERENCE NEW MEMBER AGREEMENT - EASTERN KENTUCKY UNIVERSITY**

### **EXHIBIT A - Additional Acknowledgements, Conditions and Obligations.**

This New Member Agreement (the “Agreement”) made and entered into effective as of January 14, 2021, by and between Eastern Kentucky University (herein “EKU”) and the ASUN Conference, (herein the “ASUN” or the “Conference”), shall include the following agreed upon obligations as conditions upon which this Agreement shall become binding. Failure of either party to fulfill any of the conditions accepted herein shall be cause for a breach of contract, permitting all subsequent actions and steps by either party that may be undertaken due to the breach of contract.

#### **1. Basic Agreement on Conditions**

- 1.1. Failure on the part of EKU to meet any of the stated agreement conditions outlined in this Exhibit A shall subject EKU to disciplinary action that may include ineligibility for some or all of ASUN Championship play, ineligibility for some or all of the revenue sharing that EKU would otherwise qualify for, ineligibility to host some or all of the ASUN Championship competition that EKU may have otherwise earned the right to host, and/or suspension of any membership rights, privileges or benefits as determined by the ASUN Presidents’ Council.
- 1.2. Failure on the part of ASUN to meet any of the stated agreement conditions outlined in this Exhibit A shall subject some or all of the terms in this Membership Agreement to become null and void, based upon the Additional General Terms as defined in item 8 of the Membership Agreement. Notwithstanding this section, EKU shall have full legal or equitable remedies under law.

#### **2. APR Achievement**

- 2.1. EKU shall recognize the importance of the NCAA Academic Progress Rate (APR) calculation in maintaining the academic progress of its student-athletes and agrees to participate in the ASUN initiative with Forward Progress to maximize the opportunity for EKU to qualify for APR points. EKU and ASUN shall each contribute 50% of the cost for the initial Forward Progress evaluation.
- 2.2. EKU agrees to participate in the ASUN ongoing APR evaluation program conducted by Forward Progress. After the initial evaluation and assessment as outlined in item 2.1 above, EKU shall participate in the ASUN program; ASUN will pay for any continued conference-wide support and APR review programming. Such payment is not transferred to the member institution and is not part of the annual Operational Assessment.
- 2.3. EKU and ASUN agree that EKU has participated in a preliminary audit conducted by Forward Progress and that it indicates EKU currently meets institutional criteria for NCAA APR Funds.

#### **3. Athletic Department Compliance with Title IX**

EKU affirms that compliance with Title IX shall be a part of every ASUN member institution's obligation. EKU will provide the ASUN with full documentation of its most recent Title IX evaluation and its plan for maintaining ongoing Title IX compliance. EKU agrees that it shall participate in the standard periodic Title IX evaluation as performed for all ASUN institutions. EKU will undertake reasonable efforts to implement any corrective action.

4. Code of Conduct - All Activity

EKU and ASUN understand and agree that all parties will abide by the ASUN Code of Conduct ("code") and that the code covers all interactions in all matters between and among EKU, its personnel and representatives, and other ASUN institutional and conference personnel.

5. ASUN Expansion to Twelve Members

EKU acknowledges and confirms that this Membership Agreement shall be conditional upon the ASUN receipt of, and approval of, full member applications from University of Central Arkansas (UCA), and from Jacksonville State University (JSU). Failure of the ASUN to approve membership applications from UCA and JSU shall relieve EKU of any obligation to fulfill this ASUN Membership Agreement.

6. Additional ASUN Commitments

6.1. The ASUN commits to undertake diligent work to reach an ASUN Football membership of at least six institutions at the earliest possible date; applications from any institution sponsoring FCS scholarship football will receive full consideration by the ASUN; both EKU and the ASUN acknowledge that 75% of the ASUN membership in good standing shall constitute support for any proposed new member and that upon execution of this Membership Agreement, EKU shall have full voting privileges on any FCS scholarship football institution's application for ASUN membership.

6.2. The ASUN commits to the full exploration of developing a new NCAA Division I Multisport Conference and applying for Core Conference status through the NCAA legislative process; should the ASUN build an option to create a new NCAA Multisport Conference by inviting a willing group of seven qualifying institutions to become all sports members of the Coastal Collegiate Sports Association (an existing NCAA Division I Conference), activation of such option will require 75% approval of the ASUN members in good standing; for the purpose of approving a proposal to create a new NCAA Division I Multisport Conference, EKU shall be a voting member immediately upon execution of this Membership Agreement.

6.2.1. Should the ASUN build a plan to create a new NCAA Division I Multisport Conference as outlined in 6.2 hereinabove, the ASUN agrees that in the unlikely case that the CCSA becomes recognized as a Multisport Conference, but is denied Core Member status in a vote by the Division I Board of Directors, the ASUN shall initiate legal action against the NCAA to grant Core Conference status in Division I, consistent with the Division I membership's precedent in granting the "Catholic 7" status as a Core Conference when the Big East split into two conferences (Big East and American Athletic Conference).

- 6.2.2. Should legal action become necessary in pursuit of Core Conference recognition for the CCSA, the ASUN shall permit ongoing access to NCAA Automatic Qualification (AQ) for all ASUN and CCSA members by treating the two conferences as one group for the purpose of competing for the AQ.
- 6.2.3. Should the ASUN (i) fail to build a plan to create a new NCAA Division I Multisport Conference as described in 6.2 hereinabove on or prior to June 30, 2023, or (ii) if upon delivery of a proposal to create a new NCAA Division I Core Conference as outlined in 6.2 hereinabove such vote fails to achieve the needed 75% support for approval, ECU shall have the option to submit a notice of withdrawal from the ASUN. If such notice of withdrawal is received between July 1, 2023 and July 15, 2023, then ECU shall be permitted to withdraw without any withdrawal fee, regardless of the Constitutional policy in ASUN Article 5.3.

7. Additional Conditions

- 7.1. No public announcement on the execution of this agreement shall be made unless and until a similar agreement for ASUN membership is executed by University of Central Arkansas and Jacksonville State University.
- 7.2. Any public announcement of this agreement shall be subject to the mutual agreement of ECU, University of Central Arkansas, and Jacksonville State University.

<ASUN>

## **ASUN CONFERENCE NEW MEMBER AGREEMENT - EASTERN KENTUCKY UNIVERSITY**

### **EXHIBIT B - FINANCIAL TERMS**

The New Member Agreement (the “Agreement”) made and entered into effective as of January 14, 2021, by and between Eastern Kentucky University (“EKU”) and the ASUN Conference, a Georgia corporation (herein the “ASUN” or the “Conference”), shall include the financial terms outlined herein Exhibit B, as referenced in item 3 of the New Member Agreement, Financial Obligations and Related Terms.

1. Dues. EKU shall pay annual dues in the total amount of \$55,000. This amount shall include two parts.
  - 1.1. All member dues. Part I of the annual dues amount shall be \$15,000. This is the amount that is paid by all members of the Conference. This amount may only change if the membership as a whole votes to change the level of annual dues.
  - 1.2. Football member dues. Part II of the annual dues shall be \$40,000. This amount shall be dedicated to new expenses the Conference will incur due to its launch of ASUN Football. This amount shall include, but is not limited to, payment for a coordinator of football officials, additional media relations staff dedicated to football coverage, and administrative support in the overall administration of ASUN Football. The ASUN shall maintain a ledger of all football expenses. Football annual dues may only be amended if approved by a majority of the members of the ASUN that are paying the football level dues.
2. Buy in Fee.

EKU shall pay a buy-in fee of \$5,000. This amount shall be paid in four equal installments of \$1,250 due and payable by September 1 in 2021, 2022, 2023, and 2024.
3. Football Reserve Fund.

EKU shall participate in funding the ASUN Football Reserve Fund. The fund goal is \$1,000,000. Sources of funds for the Football Reserve Fund shall include, but are not limited to, media contract revenue from football broadcast rights, FCS Revenue Distribution from the FBS, other media sponsorships such as naming rights for the planned ASUN Game Day program, and special assessments determined by the ASUN Football members. Uses of Football Reserve Fund may include, but are not limited to, support for hosting FCS play-off games, special investment in equipment for football, and special projects such as startup costs for the planned ASUN Game Day program. The ASUN Football members shall have full responsibility for management of the Football Reserve Fund.
4. Operational Assessment.

EKU shall participate in the ASUN Operational Assessment (OA) program. The OA is made up of fees the ASUN pays on behalf of the membership. The OA is reconciled one time at the end of the year and schools are only responsible for the expenses incurred. The current OA chart may be found here: 2019-20 ACTUAL; 2020-21 BUDGET.

5. Officiating Fees.

EKU shall participate in the ASUN Officiating Fee Payment Program. The ASUN will bill EKU prior to each season for an amount estimated to pay officials in each sport. The school remains the party that pays the officials' fees, while the Conference office will process all payments on behalf of the school. At the conclusion of the year, the ASUN will reconcile all officiating fees and settle to the actual amount due from the school. The current ASUN fee levels are HERE.

6. NCAA Funds. 2020 NCAA Revenue Distribution Plan.

6.1. Academic Enhancement Fund. ASUN member institutions receive 100% of the Academic Enhancement Fund. The ASUN will ensure that EKU receives its NCAA Academic Enhancement Funds on an annual basis and that such funds are not subject to being withheld by any conference.

6.2. Academic Performance Fund. ASUN members currently participate in a revenue sharing plan for Academic Performance Funds. As a new member, EKU shall be entitled to retain 90% of any APF unit earned. The ASUN shall retain 10% and dedicate such funds to ASUN SAAC programming. EKU shall receive its Academic Performance Funds in the same fiscal year as it is received by the ASUN from the NCAA. EKU shall not pay any Operational Assessment amount related to ASUN SAAC meetings.

6.3. Broad-based Distribution.

6.3.1. Sports Sponsorship. All ASUN institutions receive 100% of sports sponsorship funds, either directly payable by the NCAA to the school, or through the ASUN office as determined by the NCAA and the ASUN.

6.3.2. Grants-in-Aid. All ASUN institutions receive 100% of grant-in-aid funds, either directly payable by the NCAA to the school, or through the ASUN office as determined by the NCAA and the ASUN.

6.4. Student Assistance Fund.

6.4.1. Calculation. The NCAA Student Assistance Fund consists of two separate calculations, one based on the original need-based Special Assistance Fund, one based on the original Student-Athlete Opportunity Fund. Once the calculation is done, funds are awarded in one payment with one set of usage rules.

6.4.2. Distribution. ASUN members shall receive 100% of Student Assistance Funds for which it qualifies. Funds are distributed in two annual distributions by the ASUN. The first distribution of 50% of the amount due to the school is made annually by October 1. The second distribution of 50% of the school's fund is made annually by April 1. The amount due to the school is based on the amount received by the ASUN from the NCAA in the payment made most recently prior to September 1 each year.

7. ASUN Annual Revenue  
EKU shall be eligible for ASUN Annual Revenue sharing beginning July 1, 2021. EKU shall qualify

for ASUN Revenue distributions as outlined in the spreadsheet supplement to this Exhibit B, titled Exhibit B+ and linked [HERE](#).

## **ASUN CONFERENCE NEW MEMBER AGREEMENT - EASTERN KENTUCKY UNIVERSITY**

### **EXHIBIT C - COMPETITION**

The New Member Agreement (the “Agreement”) made and entered into effective as of January 14, 2021, by and between Eastern Kentucky University (“EKU”) and the ASUN Conference, a Georgia corporation (herein the “ASUN” or the “Conference”), shall include the sports sponsorship and first year of participation as outlined herein Exhibit C, as referenced in item 6. of the New Member Agreement, Competition.

1. **Football** - first year: 2021-22.  
EKU shall have no restriction on its selection of Division I subdivisional membership; the ASUN is the only conference in the country with member institutions at every level (no football, non-scholarship FCS football, scholarship FCS football, and FBS football) and the right of each ASUN member institution to determine what level of football serves its university the best shall remain an institutional decision. Membership in the ASUN for all sports shall not be conditional in any way upon an institution’s determination of what level of football it chooses to sponsor.
2. **Cross Country**
  - 2.1. Women’s Cross Country - first year: 2021-22
  - 2.2. Men’s Cross Country - first year: 2021-22
3. **Soccer.** Women’s Soccer - first year: 2021-22
4. **Volleyball**
  - 4.1. Women’s Court Volleyball - first year: 2021-22
  - 4.2. Women’s Beach Volleyball - first year: 2021-22
5. **Track & Field (Indoor and Outdoor)**
  - 5.1. Women’s Indoor Track & Field - first year: 2021-22
  - 5.2. Men’s Indoor Track & Field - first year: 2021-22
6. **Basketball**
  - 6.1. Women’s Basketball - first year: 2021-22
  - 6.2. Men’s Basketball - first year: 2021-22
7. **Golf**
  - 7.1. Women’s Gof - first year: 2021-22
  - 7.2. Men’s Golf - first year: 2021-22
8. **Softball** - first year: 2021-22
9. **Baseball** - first year: 2021-22

## **ASUN CONFERENCE NEW MEMBER AGREEMENT - EASTERN KENTUCKY UNIVERSITY**

### **EXHIBIT D - USE OF MARKS**

The New Member Agreement (the “Agreement”) made and entered into effective as of January 14, 2021, by and between Eastern Kentucky University (“EKU”) and the ASUN, shall include this Exhibit D, as referenced in item 2.1 of the New Member Agreement, under Multimedia Agreement.

EKU agrees to comply with the ASUN multimedia contract terms related to the usage of its institutional and athletic department marks as outlined below.

### **MARK USAGE GUIDELINES**

#### **1. Ownership of Marks**

ESPN acknowledges that the Conference or the applicable Conference Institution owns the trademarks, servicemarks, logos and other official identifiers of the Conference or the applicable Conference Institution (collectively, the “Marks”) and agrees that it will not take any action or omission inconsistent with such ownership. ESPN further agrees that all use of the Marks by ESPN, and all goodwill developed therefrom, shall inure to the benefit, and be on behalf, of the Conference and the Conference Institutions, as applicable. ESPN shall not challenge the Conference’s or Conference Institutions’ ownership of the Marks and shall not use (other than as expressly permitted hereunder) or register any name, trademark, service mark, logo or other indicia identical to, resembling or confusingly similar to any of the Marks. ESPN agrees that nothing in this Agreement shall give ESPN any rights, title or interest in the Marks other than the right to use the Marks in accordance with this Agreement. In connection with each use of a Mark, ESPN shall provide appropriate attribution of ownership of the Marks (e.g., through the use of the <sup>TM</sup> or <sup>®</sup> symbols, and appropriate notice regarding reservation of rights) as requested by the Conference, as well as any notices and legends that are required by applicable federal, state and local laws. ESPN must use the same style, color and appearance of the Marks in accordance with the then current Conference style manual or guidelines regarding Mark usage, and may not alter or modify such style, color or appearance (other than variations in the size as appropriate to conform with the particular use) of the Marks in any way without the prior written consent of the Conference.

#### **2. Quality Control Standards**

ESPN shall use the Marks solely in a manner that is of a quality consistent with the Conference’s and such Conference Institution’s past and current practice and such usage of the Marks by ESPN shall be of such quality that it will not injure or dilute the goodwill associated with the Conference, the Conference Institution or the Marks or conflict with the reputation or image promoted by the Conference or the Conference Institution. ESPN shall strictly conform to any standards established by the Conference, and of which ESPN is provided notice, in connection with the use of the Marks. ESPN shall cooperate with the Conference in facilitating the Conference’s monitoring and control of the nature and quality of any Distributions or other promotions or content productions bearing, or associated with, the Marks. If the Conference notifies ESPN that the use by ESPN of a Mark is not

in compliance with the Conference's standards or policies pertaining to such Mark, or is otherwise deemed unacceptable by the Conference, ESPN shall immediately cease such use, or conform any such use in accordance with the instructions from the Conference (which shall be included in the notification to ESPN).

### 3. Inspection

ESPN shall permit reasonable, periodic inspection of ESPN's uses of the Marks, at reasonable times and upon reasonable notice. Upon the Conference's request, ESPN shall provide the Conference, at no charge, with samples or specimens of any uses of the Marks for review, inspection and testing by the Conference to ensure compliance with the Conference's quality standards and policies. ESPN shall comply with all applicable laws, regulations and requirements and obtain all appropriate governmental approvals pertaining to use of the Marks.

### 4. Approval

Other than as part of a telecast expressly authorized by and in accordance with this Agreement or in a promotion for such telecast consistent with past practices, ESPN may not use any Mark until ESPN has provided the Conference with a copy of the proposed usage and/or materials and obtained the Conference's written consent to such use of the Mark. The Conference shall have ten (10) business days from the time of receipt to approve or disapprove of any such proposed usage. In the event the Conference does not disapprove any such proposed usage within such ten (10) day period, such proposed usage shall be deemed approved. Once any particular advertising, marketing or promotional use has been approved by the Conference, ESPN may not vary such use in any material respect without the prior written consent of the Conference. Uses of the Marks in the same manner as previously approved by the Conference shall be deemed to be approved for similar future use by ESPN until ESPN is advised in writing to the contrary by the Conference. The Conference agrees that any material submitted hereunder will not be unreasonably disapproved and, if it is disapproved, ESPN will be advised of the specific grounds for such disapproval.

<ASUN>

**EASTERN KENTUCKY UNIVERSITY**  
**BOARD OF REGENTS**  
**RESOLUTION REGARDING**  
**DELEGATION OF AUTHORITY AND APPROVAL**  
**FOR ALL**  
**COVID-RELATED SOURCES OF FUNDS**

**WHEREAS**, on March 6, 2020, the Governor of the Commonwealth of Kentucky declared a state of emergency related to the current COVID-19 pandemic;

**WHEREAS**, by way of the University State of Emergency Policy, the state of emergency was extended to the University;

**WHEREAS**, in response to the COVID-19 pandemic, the Congress passed a \$900 billion COVID-relief and \$1.4 trillion government funding package that gives critical pandemic aid to Americans;

**WHEREAS**, it is in the best interest of the University to pursue all COVID-related sources of funds, including all local, state and federal gifts, grants, aid, or loans, or other sources of funds so characterized;

**NOW, BE IT THEREFORE RESOLVED** that the Eastern Kentucky University Board of Regents hereby authorizes the President to pursue all sources of federal and state funds designated for COVID-19 pandemic relief during the period of emergency, with a report to be provided within seven (7) days of application to the Board, and with a full report and accounting to come before the full Board at the first meeting following the date of such application for funds.

Done this the Fourth Day of March, 2021, by the Board of Regents of Eastern Kentucky University.

---

LEWIS DIAZ  
CHAIR, BOARD OF REGENTS

---

BRYAN MAKINEN,  
SECRETARY, BOARD OF REGENTS