

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
EXECUTIVE COMMITTEE
FEBRUARY 2020 SPECIAL CALLED MEETING

4:00-5:00pm ET
Tuesday
February 20, 2020

President's Conference Room
Burgin Dossett Hall
1276 Gilbreath Drive
Johnson City, TN

AGENDA

- I. Call to Order
- II. Roll Call
- III. Report from the President
- IV. [Review Termination Appeal from Former Faculty Member](#)
- V. Other Business
- VI. Adjournment

EAST TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES

ACTION ITEM

DATE: February 20, 2020

ITEM: Review Termination Appeal from Former Faculty Member

COMMITTEE: Executive Committee

PRESENTED BY: Adam Green
Secretary

Dr. Anthony Masino, a tenured faculty member who was terminated by the university on July 31, 2019, has petitioned the Board of Trustees, appealing the decision made by the university.

A packet of information was mailed directly to members of the Executive Committee which included the following documents:

- University Tenure Policy
- Appeals to the Board Policy
- A letter from Dr. Masinos's attorney requesting the appeal
- A response to this appeal request from the Office of the Tennessee Attorney General

The Appeals to the Board Policy outlines the following provisions that govern the review by the Committee of an appeal under this policy:

1. A decision may be remanded for further consideration upon a finding that it was not made in accordance with applicable state or federal law or ETSU procedures; provided, however, that the decision should not be remanded if the procedural error was not material to the decision and therefore constituted harmless error;
2. A decision may be modified or reversed only upon a finding that the decision constituted an abuse of discretion or was made in violation of applicable state or federal law or ETSU policies; provided, however, that the decision should not be modified or reversed if the violation of policy was not material to the decision and therefore constituted harmless error;
3. A decision should be affirmed in the absence of a finding of abuse of discretion or material violation of applicable state or federal law or ETSU policies or procedures.

4. Notwithstanding any provision herein to the contrary, any decision may be remanded by the Board for a resolution of the matter which is mutually acceptable to the parties or which is, in the best judgment of the Board, a fair and equitable resolution.

If the petition to appeal is granted, the Committee shall hear the appeal at a subsequent regularly scheduled meeting of the Committee and may request the person appealing to appear and present arguments on his or her behalf.

The Committee shall recommend action to the Board. The decision of the Board shall be final and binding for all purposes.