

## TENNESSEE HIGHER EDUCATION COMMISSION

### Minutes of the Special Called Meeting

October 15, 2018 at 9:00 a.m. CDT  
Senate Hearing Room I, Cordell Hull Building  
425 5th Ave. N., Nashville, TN 37243

Link to recording:

<https://web.nowuseeit.tn.gov/Mediasite/Play/333b492aba2c434fb65feedd0cdb7af11d>

Chairman Evan Cope called the meeting to order at 9:00am.

<b>Member</b>	<b>PRESENT</b>	<b>ABSENT</b>
Chairman Evan Cope	X	
Commissioner Nancy Dishner	X	
Secretary Tre Hargett	X	
Commissioner Jimmy Johnston	X	
Commissioner Pam Koban	X	
Treasurer David Lillard	X	
Commissioner Sarah Morrison		X
Commissioner Mintha Roach	X	
Commissioner Vernon Stafford	X	
Commissioner Cara Sulyok	X	
Commissioner Frank Watson	X	
Commissioner AC Wharton	X	
Comptroller Justin Wilson	X	
Commissioner Winton	X	

Commissioner Roach arrived shortly after roll call. All 13 voting members were present, constituting a quorum.

Commissioner Wharton made the motion to adopt the agenda and Commissioner Koban seconded the motion. A voice vote was taken and the motion was passed unanimously.

#### **AGENDA ITEM**

#### **Letter of Notification to Develop a New Academic Program: Doctor of Jurisprudence**

THEC Executive Director Mike Krause summarized the approval process for new academic programs under Academic Policy A 1.0. Mr. Krause's presentation included a discussion of the letter of notification, the public comments, the process timeline and the external feasibility study research team.

Link to Combined Agenda Materials: [Combined Agenda Materials](#)

Jane Sadd Smalec, Senior Consultant for Aslanian Market Research presented the feasibility report. She discussed the timeline of the study, speaking with multiple stakeholders throughout the state, data analysis, case studies of law school ownership change, and the need for and nature of the proposed new program. The consultant's recommendation was that a new public law school in middle Tennessee should not be approved by the Commission.

Link to consultant's report: [Law School Feasibility Report \(October 2018\)](#)

The Commission heard from the following interested parties: 1). Dr. M. David Rudd, President of University of Memphis; 2). Dean Katharine Traylor Schaffzin, Interim Dean, University of Memphis; 3). Mr. Mike Sandler, Attorney, Nashville; 4). Mr. Ralph Schulz, President & CEO, Nashville Chamber of Commerce; 5.) Dean Melanie Wilson, Dean, UT Knoxville; and, 6). Dr. Glenda Glover, TSU President.

Chairman Cope introduced MTSU President Sidney McPhee who presented to the Commission reasons for the proposed law school. President McPhee stated this proposal aligns with MTSU's mission and with the state's master plan for higher education. He stated Valparaiso is an established law school with a long history and shares the mission and philosophy of MTSU. He stated Valparaiso has been continuously accredited by ABA since 1929 and the request for acquiescence documents have been submitted for review. President McPhee then spoke about the financial analysis. He stated this is a gift to the state and MTSU has completed due diligence. President McPhee presented several arguments for the proposed law school, several arguments against the consultant's report, and spoke about the need to act now.

After further discussion, Chairman Cope made a motion to support and approve the Letter of Notification. Commissioner Johnston seconded the motion and the vote was taken.

<b>Member</b>	<b>AYE</b>	<b>NAY</b>
Chairman Evan Cope	<b>X</b>	
Commissioner Nancy Dishner	<b>X</b>	
Secretary Tre Hargett		<b>X</b>
Commissioner Jimmy Johnston	<b>X</b>	
Commissioner Pam Koban		<b>X</b>
Treasurer David Lillard	<b>X</b>	
Commissioner Mintha Roach		<b>X</b>
Commissioner Vernon Stafford		<b>X</b>
Commissioner Cara Sulyok		<b>X</b>
Commissioner Frank Watson		<b>X</b>
Commissioner AC Wharton		<b>X</b>
Comptroller Justin Wilson		<b>X</b>
Commissioner Dakasha Winton	<b>X</b>	

The motion failed with 8 nays and 5 ayes. Chairman Cope adjourned the meeting.

Approved:

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Evan Cope, Chair

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AC Wharton, Secretary