



Middle Tennessee State University Board of Trustees Summer Quarterly Meeting

Tuesday, June 18, 2019
1:00 p.m.

MEC Meeting Room
Miller Education Center
503 East Bell Street
Murfreesboro, Tennessee 37132



**Middle Tennessee State University
Board of Trustees**

Summer Quarterly Board Meeting

Tuesday, June 18, 2019
1:00 p.m.

AGENDA

Call to Order

Pledge of Allegiance

Introduction of Student-Veteran

Welcome and Opening Remarks

Roll Call

Approval of MinutesTab 1
April 3, 2019 Regular Session Board Meeting

Academic Affairs, Student Life, and Athletics Committee Report
and RecommendationsTab 2

1. Approval of Tenure and Promotion Candidates
2. Approval of Academic Degrees under Consideration
 - a. Bachelor of Science (B.S.) in Public Writing and Rhetoric
3. Rule Promulgation and Related Policy Revisions
 - a. Rule 0240-07-05 Student Conduct and Policy 540 Student Conduct

Audit and Compliance Committee Meeting held on May 29, 2019

Finance and Personnel Committee Report and RecommendationsTab 3

1. MTSU Foundation Agreement
2. Capital Outlay Project Submittal
3. Capital Maintenance Projects Submittal
4. Tuition, Fees, and Housing Rates
5. Operating Budgets
 - a. Estimated 2018-19 Budget
 - b. Proposed 2019-20 Budget
6. Compensation Recommendation

Board Secretary's ReportTab 4

President's Report

Student Trustee

Closing Remarks

Adjournment



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

DATE: June 18, 2019

SUBJECT: **Minutes of April 3, 2019
Spring Quarterly Board Meeting**

PRESENTER: Chairman Steve Smith

BACKGROUND INFORMATION:

Approval of minutes of April 3, 2019 Spring Quarterly Board Meeting

MIDDLE TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES
MINUTES

The Middle Tennessee State University Board of Trustees met on April 3, 2019, in the Miller Education Center Meeting Room at Middle Tennessee State University.

Call to Order and Pledge of Allegiance

Board Chair Steve Smith called the meeting to order at 1:00 p.m. Lt. Gen. Keith Huber was asked to lead the Pledge of Allegiance.

Introduction of Student Veteran

Gen. Huber introduced Manuel Doyle, a Command Sergeant Major, the highest rank of a non-commissioned officer in the armed forces of the United States. Command Sergeant Major Doyle enlisted in the Army in 1986 wanting to be a combat medic. He served for 30+ years. His overseas tours include Germany, Bosnia, Iraq, Afghanistan, and most recently, Africa, where he worked on battling the deadly impact of Ebola. He will graduate from MTSU this summer with a B.S. in Health Management.

Welcome and Opening Remarks

Board Chair Smith welcomed those present to the meeting of the Board of Trustees. Dr. Sidney A. McPhee, President, also welcomed those attending the meeting and acknowledged special guests in the audience, including Lauren Collier who is a liaison with THEC, and some of our coaches and student-athletes who he stated would be introduced later in the day.

Roll Call

The following trustees were in attendance: Andy Adams, J.B. Baker, Pete DeLay, Darrell Freeman, Sr., Joey Jacobs, Tony Johnston, Christine Karbowski, Stephen Smith, Peyton Tracy, and Pamela Wright. A quorum was declared. President Sidney A. McPhee; Alan Thomas, Vice President for

Business and Finance; Mark Byrnes, University Provost; Joe Bales, Vice President for University Advancement; Andrew Oppmann, Vice President for Marketing and Communications; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Deb Sells, Vice President for Student Affairs and Vice Provost for Enrollment and Academic Success; Brenda Burkhardt, Chief Audit Executive; Heidi Zimmerman, University Counsel and Board Secretary; and, Kim Edgar, Assistant to the President and Chief of Staff were also in attendance.

Public Comment

Board Chair Smith reported that Scott and Michelle Huddleston submitted a timely request to speak to the Board and were provided five (5) minutes for this purpose. Ms. Huddleston asked the Board to consider developing and adopting a professional coaching code of conduct. She referenced situations at Georgia Tech, the University of North Carolina, and Northern Kentucky where coaches were suspended and fired for verbal, mental, and emotional abuse. She stated that this is a widespread problem and a real concern. She stated that MTSU has Policy 10 for faculty, but felt that it is very generic and does not go deep enough for the situations that come up in coaching and athletics. She stated that people should be treated with decency and dignity; this is easy to understand in the educational situation where a professor does not call out a student who does poorly on a test and kick them out because they haven't worked hard enough, or ask them to turn their MTSU shirt inside out because they do not deserve to wear the logo. But those things in a coaching context are considered by some to be acceptable. Without any guidelines, the student-athletes have to accept whatever they are dealt because there is nothing saying they cannot be treated that way. Ms. Huddleston felt it would be in the best interest of the school and for the student-athletes, if policies were written that are very specific to coaching, that set standards that are enforceable and accountable, and that have means for reporting and observation. She also asked for consideration in adopting or implementing some of the NCAA best practices for mental health. Currently, MTSU has no services that are specifically for mental health for the student-athletes. Students need somebody who is not associated with the athletic department that they feel confident that they can go to when they need help because currently there is nothing there for them in those situations. And not only negative problems, just all the

stuff they have to deal with as far as being an athlete and being a student. She explained that having some mental health services could be beneficial for the coaches also because they can observe things and they can help the coaches to better reach a student, to be able to reach their full potential if they are struggling with performance anxiety and things like that. She reiterated her desire to see MTSU adopt a code of conduct for coaches specifically that would also be applicable to the whole athletic program. Ms. Huddleston sees this as a positive thing for everybody and feels that it needs to be done. She also feels the mental health issues really need to be addressed.

Board Chair Smith thanked Ms. Huddleston for taking the time to address the Board. He asked that the appropriate university staff take the time to review her suggestions.

Approval of Minutes

The first agenda item was approval of minutes from the December 11, 2018 Board meeting. Trustee Freeman made the motion to approve these minutes and Trustee Karbowski seconded the motion. A voice vote on the motion to approve the minutes of the December 11, 2018 Board meeting was taken and the motion carried unanimously. Trustee Baker asked about the status of the declaration of appreciation for Governor Haslam that is noted on Page 13 of the materials. Dr. McPhee replied that has not yet been done but it will be taken care of.

Committee Report: Academic Affairs, Student Life, and Athletics Committee

Committee Chair Pamela Wright gave the report from the March 18, 2019 meeting of the Academic Affairs, Student Life, and Athletics Committee. The meeting began with approval of the minutes from the November 13, 2018 Committee meeting. The Committee report contained three (3) action items to be considered and voted on by the Board, along with one (1) information item. Materials outlining the action items were made available for review prior to the Board meeting and are contained in the Board notebooks.

Rule Promulgation – Rule 0240-07-04 Academic Misconduct and Revisions to Policy 312

Academic Misconduct - Action

T.C.A. § 49-8-203(a)(1)(D) requires the promulgation of rules regarding student conduct which includes academic misconduct. Revisions to Policy 312 Academic Misconduct clarify the role of the Director of Academic Integrity, establish a revised process for faculty to refer students accused of academic misconduct, discuss possible sanctions for repeat offenders, and establish a procedure for adjudicating academic misconduct for graduate students. The content of the proposed rule and revised policy are consistent.

Trustee Freeman made a motion to approve promulgation of Rule 0240-07-04 Academic Misconduct and the revisions to Policy 312 Academic Misconduct. The motion was seconded by Trustee Baker. A roll call vote was taken. The vote to approve promulgation of Rule 0240-07-04 Academic Misconduct and the revisions to Policy 312 Academic Misconduct was nine (9) Aye and zero (0) No votes; the motion passed.

Rule Promulgation – Rule 0240-07-02 Residency Classification and Revisions to Policy 501

Residency Classification - Action

T.C.A. § 49-8-104 requires the Board to promulgate a rule defining residency of students to be used for the purpose of determining whether or not out-of-state tuition shall be charged to a student enrolling at MTSU. The proposed rule incorporates the criteria of § 49-8-104, as well as, additional criteria to define residency. The policy was recently reviewed by the Division of Student Affairs revealing a number of updates needed to reflect current policies and changes to state laws. These changes align the policy with current state and federal laws. The most significant changes to the policy relate to student veterans and the benefits they receive, requiring many of them to be classified as in-state for tuition and fee paying purposes. Other minor clarifications of existing criteria were made and the title of the policy was condensed. The content of the proposed rule and revised policy are consistent.

Trustee Freeman made a motion to approve promulgation of Rule 0240-07-02 Residency Classification and the revisions to Policy 501 Residency Classification. The motion was seconded by Trustee Wright. A roll call vote was taken. The vote to approve promulgation of Rule 0240-07-

02 Residency Classification and the revisions to Policy 501 Residency Classification was nine (9) Aye and zero (0) No votes; the motion passed.

Approval of Academic Program Modifications – Action

Several action items regarding academic programs were presented by Provost Mark Byrnes and approved by the Committee. This action item for Board consideration concerned academic program modifications to:

1. Elevate the Master of Education (M.Ed.) in Professional Counseling to Specialist in Education (Ed.S.) in Professional Counseling; and,
2. Change the Master of Science (M.S.) in Public Health to Master of Public Health (M.P.H.).

Approval of Academic Degree under Consideration – Action

Also approved by the Committee were academic degree programs under consideration which included:

1. Master of Science (M.S.) in Speech-Language Pathology;
2. Master of Science (M.S.) in Biomedical Sciences; and,
3. Master of Public Health (M.P.H.).

Notification of Academic Actions - Information

This item concerns the consolidation of the M.S.T. in Mathematics and the M.S. in Mathematics; and, termination of the post-Masters Certificate in Family Nurse Practitioner.

A motion to approve the remaining action items recommended by the Academic Affairs, Student Life, and Athletics Committee was made by Trustee Freeman, seconded by Trustee Karbowiak. A voice vote was taken; the motion to approve the remaining action items recommended by the Academic Affairs, Student Life, and Athletics Committee passed and the action was approved.

Committee Report: Audit and Compliance Committee

Committee Chair Chris Karbowskiak provided the report for the Audit and Compliance Committee which met on April 3, 2019. The Committee report contained one (1) action item to be considered and voted on by the Board, and five (5) information items. Materials outlining the action items were made available for review prior to the Board meeting and are contained in the Board notebooks.

Revisions to Policy 10 Ethics and Code of Conduct; and, Policy 12 Conflict of Interest – Action

Revisions to Policy 10 Ethics and Code of Conduct provide for the addition of an annual, mandatory ethics training for all employees, including student workers, where appropriate. In addition, a new section entitled “Healthy Workplace” was added to comply with the Healthy Workplace Act, T.C.A. § 50-1-50, which includes information about abusive conduct in the workplace. Greater clarity concerning reporting procedures for ethics violations (outside of abusive conduct which is handled by Human Resources) also is included in the policy as part of the revisions. Finally, inappropriate use or misuse of computer or information technology resources in violation of institutional policy was added to the section entitled, “Appropriate Use of University Resources” and more detailed information was included regarding the enforcement of the policy.

Revisions to Policy 12 Conflict of Interest include the following: (1) a change in the responsible office and officer of the policy from the Office of the University Counsel to the Office of Compliance and Enterprise Risk Management; (2) greater clarity concerning the process for new employees to disclose conflicts of interest; (3) revisions to the Conflict of Interest Checklist that faculty are required to utilize for any of their authored works used in class; and, (4) greater clarity and specificity regarding the process for conflicts of interest that primarily involve externally funded research which will be referred to the Office of Research and Sponsored Programs and/or the Division of Academic Affairs for review pursuant to Policy 404 Conflict of Interest for Externally Funded Projects.

Information items

The following were presented as Information Items:

1. A report of conflict of interest disclosures for 2018;
2. A review of the President's statement of disclosures of interest for 2019;
3. A report on compliance with the public records policy;
4. The result of external reviews including Comptroller of the Treasury Audit Report for Fiscal Year 2018, and the NCAA Agreed Upon Procedures for Fiscal Year 2018; and,
5. The quarterly report providing results of internal audit reports.

A motion was made by Trustee Freeman and seconded by Trustee Jacobs to approve the revisions to Policy 10 Ethics and Code of Conduct; and, Policy 12 Conflict of Interest. A voice vote was taken, and the motion to approve the revisions to Policy 10 Ethics and Code of Conduct and Policy 12 Conflict of Interest passed.

Committee Report: Executive and Governance Committee

Board Vice Chair Darrell Freeman provided the report for the Executive and Governance Committee which met on March 18, 2019. Minutes from meetings held on November 13, 2018 and November 27, 2018 were approved. The Committee report contained two (2) action items to be considered and voted on by the Board. Materials outlining the action items were made available for review prior to the Board meeting and are contained in the Board notebooks.

Institutional Mission Statement/Mission Profile - Action

T.C.A. § 49-8-101(d) requires the institution to annually submit its institutional mission statement to THEC for review and approval. On February 22, 2019, the University Planning Committee reviewed the mission statement and mission profile. It approved one correction of fact to keep the mission profile current. The mission statement and mission profile were reviewed and approved by the President, followed by review and approval by the Committee. Once approved by the Board, the mission statement and mission profile will be provided to THEC to fulfill this statutory requirement.

Establishment of Expense Limit for Spouse of University President - Action

At its December 11, 2018 meeting, the Board of Trustees approved the President's employment agreement. Provision 6.F. of that agreement states:

The Board recognizes that the spouse of the University President is often called upon to devote substantial time and energy to activities which benefit the University. Dr. McPhee's spouse is hereby authorized to serve when called upon as a representative of the institution, and to accept reimbursement from the University or Foundation for expenses incurred in connection with such activity, to the extent such reimbursements are requested by Dr. McPhee and must be approved for payment by the Vice President for Business and Finance, the Foundation, or the Chair of the Audit and Compliance Committee in writing and in advance of any reimbursement, and approved exceptions shall be reported by the Vice President for Business and Finance to the Audit and Compliance Committee at its next meeting. It is understood that Dr. McPhee's spouse may use facilities and other resources of the University in the same manner as an employee when involved in such activities. The institution shall also assume the travel expenses of Dr. McPhee's spouse on business trips to which she is officially invited or for which her presence is regarded by Dr. McPhee as necessary to carry out his official presentational duties to promote a favorable image of the institution. Dr. McPhee will be responsible for any tax consequences resulting from benefits provided to Dr. McPhee's spouse pursuant to this Section F. The Board of Trustees shall annually establish a reasonable cap on expenses allowed by this Paragraph F. From time to time, the Board Chair may increase the cap based on need. An annual accounting of expenses will be provided to the Audit and Compliance Committee.

Specifically, the provision provides: "The Board of Trustees shall annually establish a reasonable cap on expenses allowed by this Paragraph F." Based on an analysis of the past three years' expenses for Dr. McPhee's spouse, as included in the annual audit of the Office of the President, a \$5,000 annual cap is recommended by the Committee.

A motion was made by Trustee Karbowskiak to approve the actions of the Executive and Governance Committee, and seconded by Trustee DeLay. A voice vote was taken and the motion to approve the actions of the Executive and Governance Committee passed.

Committee Report: Finance and Personnel Committee

Committee Chair Joey Jacobs provided the report for the Finance and Personnel Committee which met on March 18, 2019. Minutes from the November 13, 2018 Finance and Personnel

Committee meeting were approved. The Committee report contained two (2) action items to be considered and voted on by the Board, and one (1) information item. Materials outlining the action items were made available for review prior to the Board meeting and are contained in the Board notebooks.

Rule Promulgation – Rule 0240-07-03 Traffic, Parking and Safety Enforcement and Revisions to Policy 775 – Traffic, Parking, and Safety Enforcement - Action

Current Policy 775 Traffic, Parking, and Safety Enforcement does not identify a specific duration for the awarding of a temporary disabled permit. The policy only states that such permits “will be issued for injuries or disabilities of limited duration as specified by a physician’s statement certifying an impairment.” The proposed revision to this policy will set the issuance duration to “a period not to exceed one (1) semester or four (4) consecutive months, whichever is of greatest benefit to the individual requesting the permit.” This revision will allow the University to be consistent with current per-semester permit issuances, and will eliminate the potential for oversight error by requiring matters concerning temporary disabled permits to be resolved by the conclusion of the current or upcoming term. Corresponding revisions to Rule 0240-07-03 were also proposed.

Trustee Freeman made a motion to approve revisions to and promulgation of Rule 0240-07-03 Traffic, Parking and Safety Enforcement and revisions to Policy 775 – Traffic, Parking, and Safety Enforcement. The motion was seconded by Trustee Baker. A roll call vote was taken. The vote to approve revisions to and promulgation of Rule 0240-07-03 Traffic, Parking and Safety Enforcement and revisions to Policy 775 – Traffic, Parking, and Safety Enforcement was nine (9) Aye and zero (0) No votes; the motion passed.

Building Naming – Stark Agriculture Center - Action

The faculty in the School of Agribusiness and Agriscience met on February 21, 2018 and voted to change the name of the department to the “School of Agriculture.” This was the name of the department prior to the name change in the late 1990’s. This change was approved and

became effective July 1, 2018. In alignment with the department name change, a request was made in October 2018 to change the name of the Stark Agribusiness and Agriscience Center back to the “Stark Agriculture Center”, which was the name given to the building when it was erected in 1978. As required by MTSU Policy 160, the request was submitted to the Building Name Advisory Committee for consideration and recommendation. The committee concurred with the request. The Finance and Personnel Committee approved the recommendation for the name change.

MTSU Foundation Agreement - Information

The last item on the Committee agenda was the approval of the MTSU Foundation Agreement. Upon recommendation, this item was deferred and the request was made for University Advancement Vice President Joe Bales to provide an overview of the relationship between the Foundation and the University. That presentation occurred just prior to this Board meeting.

A motion was made by Trustee DeLay and seconded by Trustee Baker to approve the remaining action items that were recommended by the Finance and Personnel Committee. A voice vote was taken and the motion to approve the remaining action items that were recommended by the Finance and Personnel Committee passed.

Report of the Board Secretary

Ms. Zimmerman reported on various minor revisions made to policy as provided in the Board materials. She noted that the changes concern titles, names of titles, or correcting errors. She also indicated as an item of information that a new policy has been established, Policy 608 Taxability of Employee Benefits. This is a President-approved policy.

Report of the President

Enrollment Update

Dr. McPhee gave an update on the Fall 2019 enrollment. He complimented faculty, staff, and administrators, particularly Student Affairs, for the tremendous work they have done on

recruitment. As of April 1, freshman applications are up by 12.0% and freshman admits are up by 16.8%. It is anticipated that the August number of new freshmen enrolled will be up by about 10% over Fall 2018. It is believed that these freshmen numbers are being driven up by the significant increase in the amount of the guaranteed freshman scholarship at the Presidential Level. The trend of increasing numbers is anticipated for Fall 2020 by also adding to the amount of the guaranteed freshman scholarship at the Trustee Level for Fall 2020. MTSU continues to be the number one destination for transfer students in the entire state. Transfer applications are up by 9.4% and transfer admits are up by 12.0%. The University has very strict, high guaranteed admission requirements. Only about 69-70% of all applicants are admitted. As of April 3, there are 10,870+ applications for 2019 and there are still about six or seven months to go as part of the application process. It appears applications will top 11,000 which will be a record number for the University. The increase in the number of transfer students is being driven by the on-going presence of MTSU transfer recruiters on-site at the major feeder community colleges. MTSU is very active in some of the community colleges and actually has office space for the MTSU recruiters and advisors. Dr. McPhee stated that every summer he makes a personal trip to every single community college to visit with the president and talk about how MTSU services and support can be improved. These partnerships continue to be strengthened through a very unique program that the Division of Student Affairs developed called the MTSU Promise Transfer Agreement; the community college presidents have been very positive about it. The community colleges that have signed include Motlow, Chattanooga, Columbia, Southwest, Cleveland, and Dyersburg. Nashville State will be signing in the next few months.

Dr. McPhee noted the initiative from the University of Tennessee – Knoxville in providing free tuition for families with income levels of \$50,000 and below. Due to the differential in average family income, it might be assumed the MTSU loan debt statistics would be higher than UTK. However, it was found through looking at income levels and PELL eligibility that while UTK is celebrating that 46% of their students graduate with no debt at all, MTSU can celebrate that 41% of its students do not take on any debt if MTSU is the only institution they attend. As concerns transfer students, who make up 50% of MTSU students, 38% graduate with zero debt.

Considering the disparity in median family income between a UTK student and a MTSU student, these results really show significant progress in that area.

Legislative Activity

On March 12 there was a very successful “MTSU Day on the Hill.” Trustees and staff members met with many members of the local legislative delegation as well as legislative committee chairs. On March 25, Dr. McPhee appeared before the House Finance Ways and Means Committee to present the MTSU budget. Each year, every institution has to defend its budget and that budget must be approved by these committees in order for the institution to be funded for the new year. That afternoon the MTSU Board of Trustee sunset bill was considered by the House Government Operations Committee. Every two years, the legislature requires the Board and the University to come before it in order for it to be continued. The committee passed this bill on to the House floor. On March 26, the MTSU budget was presented to the House Higher Education subcommittee and the presentation went very well. Finally, on March 27, Board Chair Smith and Vice Chair Freeman joined Dr. McPhee for the budget hearing before the Senate Education Committee. This meeting went exceptionally well, the budget was approved and will be considered by the full Senate within a few weeks. Dr. McPhee thanked the following staff members who did a great deal of preparation for the various hearings: Sondra Wade, John Hood, Joe Bales, Alan Thomas, and Kim Edgar. Finally, on February 26, Board Chair Smith and Dr. McPhee spent an entire day meeting various colleagues and legislators. Board Chair Smith stated that they met with the President of UT, Randy Boyd, Belmont President Dr. Fischer, and Dr. Loughry, President of Lipscomb University. He noted that we have exchange programs all over the world, but we don’t have one with Belmont, Lipscomb, or UT. He stated that we should be looking at ways to ensure that any students who transfer from one of those schools does well at MTSU. Discussions to this end have begun and are ongoing. Board Chair Smith also indicated that there were meetings with Speaker Glen Cassada, Lt. Gov. McNally, and Gov. Lee that he feels were beneficial. Lastly, Board Chair Smith stated that Trustee Adams asked how it can be judged if MTSU is doing good. This is a topic he and Dr. McPhee have discussed on numerous occasions. Dr. McPhee sent him a scorecard as a suggestion with three or four metrics. He stated the

challenge is to determine if there need to be additional metrics if the current ones are inadequate or if there are too many, that now is the time for the Board to weigh in on how you think MTSU should be measured. This will give the opportunity for comparisons against the other LGIs.

Student Recognition

Several outstanding students were recognized as representing the best of the best.

Kirsten Cunningham was accompanied by Dean Vile of the Honors College. Kirsten came to MTSU after two years of study at the University of Alaska at Anchorage and several years of work at an insurance company. A single mother who has overcome a serious health issue, Kirsten has earned a 4.0 GPA average in Chemistry and Biology with a concentration in Physiology and is graduating this spring. Last year she was named a national Goldwater Fellow and participated in a Research Experience for Undergraduates at Scripps Research Center in La Jolla, California. She has received the MTSU University Provost Award and the Outstanding Nontraditional Student Award, as well as, the Outstanding Senior Award from the Biology Department and several URECA and other travel awards to present her research at the American Society for Cell Biology. She received first place among presentations from the College of Basic and Applied Sciences at the 2017 Scholars Day and is a member of Phi Kappa Phi. She is the coauthor of articles in the Journal of Visualized Experiments and International Immunopharmacology and abstracts in Molecular Biology of the Cell. After being accepted into Scripps, Duke, and Princeton, she has decided to attend the Johns Hopkins School of Medicine in Baltimore, Maryland, where she has received full funding to pursue a Ph.D. either in biochemistry, cell and molecular biology, or cell and molecular medicine.

Robert Owen was accompanied by Dean Vile of the Honors College. Robert is an Honors Transfer Fellow who came to MTSU after attending Full Sail University and after serving as a pastor for several years. He is graduating with a degree in biology and is planning to go to medical school. He has already been accepted into the University of Alabama at Birmingham, is on the waiting list at the Mayo Clinic School of Medicine, and is awaiting an interview at New York University. He has participated in a number of research projects and has received a URECA grant and other scholarships to support his work. Robert is a recipient of the statewide Harold Love Award for

Outstanding Community Service, is an active member of a number of campus organizations and honor societies, has participated in numerous mission trips, and is MTSU's nominee for the Phi Kappa Phi Scholarship. He and his wife Ferris, who is undergoing treatment for cancer, have three children.

Alex Johnson was accompanied by Coach Insell. First Lady McPhee was very active in recruiting Alex. Murfreesboro native Alex recently completed one of the greatest individual careers of any Lady Raider in program history. The Blackman High School graduate finished her career ranking in the Top 10 of nine all-time categories at Middle Tennessee, including scoring, games started and field goal percentage, among others. Alex finished her career eighth on the Lady Raider all-time scoring list with 1,872 points. Additionally, Alex is among the Top 10 in five single-season categories. Alex's outstanding play on the court has been recognized by coaches and media as evidenced by nine different all-conference honors, including Conference USA Freshman of the Year, Conference USA Preseason Player of the Year and a three-time All-Conference USA performer. While Alex has been dominant on the court, she has also excelled in the classroom. Alex is graduating with a degree in Bio Chemistry with a Pre-Pharmacy emphasis. She has been named to the Conference USA Academic Honor Roll each year of her collegiate career. Alex has excelled in the classroom and on the court, doing so with humility, class and dignity.

Brent Stockstill was accompanied by his dad and coach, Rick Stockstill. Brent enjoyed a stellar collegiate career both in the classroom and on the football field during his time with the Blue Raiders. The Murfreesboro native was a three-time Conference USA All-Academic Team member, earned the 2017 C-USA Scholar-Athlete of the Year award, was one of just three players nationally last year who entered the season with a Master's degree already in hand, and was a semifinalist for the prestigious William V. Campbell Trophy. This award is given to the college football player with the best combination of academics, community service, and on-field performance. It is considered by many to be the "Academic Heisman". On the football field, the three-year permanent team captain and the 2018 Conference USA MVP, ended his career as the Middle Tennessee record holder in passing yards, touchdown passes, 300-yard passing games, 400-yard passing games, passing yards per game, completions and attempts. He also finished in the top 10, all-time in Conference USA history in touchdown passes, completions, attempts,

passing yards, completion percentage, and 300-yard passing games. Brent was also exceptional in community service and earned numerous honors for his efforts, including being named a member of the AFCA Allstate Good Works Team where he was honored on the field at the 2018 College Football Playoff semifinal in New Orleans. Board Chair Smith added notes of appreciation for both Rick and Brent Stockstill.

Faculty Trustee/Student Trustee

This was the final Board meeting for Peyton Tracy participating in his role as Student Trustee. Dr. McPhee expressed appreciation for the insight Peyton brought to the Board and wished him all the best. Applicants for a new student trustee are being reviewed, and the incoming student trustee will be introduced to the Board at its next meeting in June.

Dr. McPhee stated that this would also be the last Board meeting for the inaugural faculty trustee, Dr. Tony Johnston. Dr. McPhee said that Trustee Johnston has served as an outstanding representative of his peers and his engagement with this Board is appreciated. The Faculty Senate recently completed the process of electing a new faculty trustee. Dr. McPhee introduced the new Faculty Trustee, Dr. Mary Martin. Dr. Martin is a Professor in the Department of Mathematical Sciences. She earned her Bachelor's of Science in Mathematics at MTSU, she studied Commutative Ring Theory and earned her Master's and PhD at the University of North Carolina at Chapel Hill. In her 20th year at MTSU, Dr. Martin has taught undergraduate and graduate courses, managed multiple federal grants to benefit Tennessee middle and high school teachers, and served as the Faculty Senate President during the year of transition to the new Board. She brings a strong dedication to students and a broad faculty perspective with her as she assumes the role of the second Faculty Trustee to the Board. Dr. McPhee congratulated Dr. Martin and, on behalf of the Board, welcomed her.

Commencement

On Friday, May 3 at 3 p.m., a commencement ceremony for the College of Graduate Studies will take place. At that time, 400 students will receive either their master's, education specialist, or

doctoral degree. The guest speaker will be Dr. Judith Iriarte-Gross, MTSU Chemistry professor, Director of the Women in STEM Center at MTSU, and recipient of the MTSU Foundation's 2018 Career Achievement Award. On Saturday, May 4, more than 2,100 students will receive their bachelors degree. The morning speaker will be Trustee Chris Karbowiak and the afternoon speaker will be the Honorable Governor Bill Lee.

Concluding Remarks

Trustee Freeman thanked Dr. McPhee for sending out the dashboard of information and made note of several points: the number of degrees per FTE continues to climb, graduation rate continues to climb, and average ACT scores continue to climb. Over 4,000 degrees are conferred per year, and the lowest number of our students are receiving Pell grants. Trustee Freeman voiced his appreciation to the staff for all the work being done at the university to change the lives of young people who come through the halls every day. Board Chair Smith thanked all those who helped put the meeting on and thanked fellow trustees for their dedication to the work of this governing body.

Adjournment

Board Chair Smith adjourned the meeting at 2:11 p.m.

Respectfully Submitted,

Heidi Zimmerman
Board Secretary



**Middle Tennessee State University
Board of Trustees**

MEETING: Summer Quarterly Board Meeting

SUBJECT: **Academic Affairs, Student Life, and
Athletics Committee**

DATE: June 18, 2019

PRESENTER: Pam Wright
Committee Chair

-
- Approval of Tenure and Promotion Candidates
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 - Rule Promulgation and Related Policy Revisions
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**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Approval of Tenure**

BACKGROUND INFORMATION:

The following faculty applied for tenure in September 2018 and have been reviewed by their department chair/school director, department/school committee, college committee, and college dean according to MTSU Policy 204 Tenure and their respective college and department policies. The President and University Provost recommend the following faculty be granted tenure effective August 1, 2019.

Faculty Tenure Recommendations for 2019-20

	Name	Department
1	Aber, Jeremy	Geosciences
2	Babb, Tyler	Aerospace
3	Baird, Frank	Recording Industry
4	Baker, Grover	User Services
5	Bedekar, Vishwas	Engineering Technology
6	Bicker, Kevin	Chemistry
7	Bowen, Edward	Media Arts
8	Caukin, Nancy	Educational Leadership
9	Cui, Song	Agriculture
10	de Clercq, Trevor	Recording Industry
11	Dillard, Heather	Educational Leadership
12	Ding, Keying	Chemistry
13	Donham, Tammy	Recording Industry
14	Gardner, Grant	Biology
15	Gordon, Robert	Media Arts
16	Honaker, Kim	Accounting
17	Jin, Ying	Psychology
18	Kaplan, Jennifer*	Mathematical Sciences
19	King, Rebecca	Philosophy and Religious Studies
20	Koti, Francis*	Global Studies and Human Geography
21	Leander, Rachel	Mathematical Sciences
22	Levin, Darren	Theatre and Dance
23	Lischka, Alyson	Mathematical Sciences
24	Mangione, Katherine	Elementary and Special Education
25	Miller, Alissa	User Services
26	Morris, Pamela	University Studies
27	Nelson, David	Biology
28	O'Neill, Todd	Media Arts
29	Pantelides, Kate	English
30	Park, Hanna	Journalism and Strategic Media
31	Reed, Karen	User Services
32	Riley Sousa, Mary Ashley	History
33	Rust, Dianna	University Studies
34	Sanderson, Sonya*	Health and Human Performance
35	Satinover, Nicholas	Art and Design
36	Sikes, Kathryn	History
37	Stevens, Sandra	Health and Human Performance
38	Sutherland Duchacek, Suzanne	History
39	Wang, Zhen	Political Science and International Relations

* Expedited Tenure Review, pursuant to Policy 204 Tenure, Section V:

The University will sometimes find it necessary to expedite tenure review in order to recruit

high-quality faculty, especially when hiring for administrative positions. In these cases, the University's review will be based on the candidate's curriculum vitae rather than a traditional tenure application file. The request will originate with the Department Chair/Director and be reviewed by the department tenure and promotion review committee, the Dean, the college tenure and promotion review committee, the Provost, and the President. Because recruitment is often time-sensitive, the President will request approval from the Board through a special called meeting, if necessary.



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Approval of Promotion**

BACKGROUND INFORMATION:

The following faculty applied for promotion in September 2018 and have been reviewed by their department chair/school director, department/school committee, college committee, and college dean according to MTSU Policy 205 Promotion of Tenured and Tenurable Faculty and their respective college and department policies. The President and University Provost recommend the following faculty be granted promotion effective August 1, 2019.

Faculty Promotion Recommendations for 2019-20

	Name	Department	Proposed Rank	Current Rank
1	Aber, Jeremy	Geosciences	Associate Professor	Assistant Professor
2	Babb, Tyler	Aerospace	Associate Professor	Assistant Professor
3	Baird, Frank	Recording Industry	Associate Professor	Assistant Professor
4	Baker, Grover	User Services	Associate Professor	Assistant Professor
5	Bedekar, Vishwas	Engineering Technology	Associate Professor	Assistant Professor
6	Benson, Sandy	Accounting	Professor	Associate Professor
7	Bicker, Kevin	Chemistry	Associate Professor	Assistant Professor
8	Bowen, Edward	Media Arts	Associate Professor	Assistant Professor
9	Brooks, Juanita	Information Systems and Analytics	Professor	Associate Professor
10	Buckner, Laura	Marketing	Senior Instructor Coordinator	Instructor Coordinator
11	Caukin, Nancy	Educational Leadership	Associate Professor	Assistant Professor
12	Clanton, Beverly	Health and Human Performance	Senior Instructor Coordinator	Instructor Coordinator
13	Cui, Song	Agriculture	Associate Professor	Assistant Professor
14	de Clercq, Trevor	Recording Industry	Associate Professor	Assistant Professor
15	Dillard, Heather	Educational Leadership	Associate Professor	Assistant Professor
16	Ding, Keying	Chemistry	Associate Professor	Assistant Professor
17	Donham, Tammy	Recording Industry	Associate Professor	Assistant Professor
18	Doyle, Mark	History	Professor	Associate Professor
19	Dye, Meredith	Sociology and Anthropology	Professor	Associate Professor
20	Edmondson, Diane	Marketing	Professor	Associate Professor
21	Foley, Sean	History	Professor	Associate Professor
22	Foote, Rebecca	Accounting	Senior Instructor Coordinator	Instructor Coordinator
23	Foss, Katherine	Journalism and Strategic Media	Professor	Associate Professor
24	Gardner, Grant	Biology	Associate Professor	Assistant Professor
25	Geckle, Beverly	Collection Development and Management	Professor	Associate Professor
26	Gordon, Robert	Media Arts	Associate Professor	Assistant Professor
27	Gray, Helen Joey	Health and Human Performance	Professor	Associate Professor
28	Haines, Leslie	Journalism and Strategic Media	Professor	Associate Professor
29	Henderson, Frances	English	Senior Instructor	Instructor
30	Honaker, Kim	Accounting	Associate Professor	Assistant Professor
31	Houghton, Jarrod	Art and Design	Senior Instructor	Instructor
32	Houghton, Sisavanh	Art and Design	Professor	Associate Professor
33	Jessen, Jason	Biology	Professor	Associate Professor
34	Jin, Ying	Psychology	Associate Professor	Assistant Professor
35	Kates, Jennifer	English	Master Instructor	Instructor
36	King, Rebecca	Philosophy and Religious Studies	Associate Professor	Assistant Professor
37	Kissinger, Lori	Communication Studies	Senior Instructor	Instructor

	Name	Department	Proposed Rank	Current Rank
38	Korzaan, Melinda	Information Systems and Analytics	Professor	Associate Professor
39	Leander, Rachel	Mathematical Sciences	Associate Professor	Assistant Professor
40	Levin, Darren	Theatre and Dance	Associate Professor	Assistant Professor
41	Lischka, Alyson	Mathematical Sciences	Associate Professor	Assistant Professor
42	Listach, Natonya	Communication Studies	Senior Instructor	Instructor
43	Mangione, Katherine	Elementary and Special Education	Associate Professor	Assistant Professor
44	McCormick, Janet	Communication Studies	Professor	Associate Professor
45	McInturff, Adam	English	Senior Instructor	Instructor
46	Miller, Alissa	User Services	Associate Professor	Assistant Professor
47	Moonshower, Candace	English	Senior Instructor	Instructor
48	Morrell, Dan	Management	Professor	Associate Professor
49	Morris, Pamela	University Studies	Associate Professor	Assistant Professor
50	Nelson, David	Biology	Associate Professor	Assistant Professor
51	O'Neill, Todd	Media Arts	Associate Professor	Assistant Professor
52	Pantelides, Kate	English	Associate Professor	Assistant Professor
53	Park, Hanna	Journalism and Strategic Media	Associate Professor	Assistant Professor
54	Patterson, Patricia	Chemistry	Professor	Associate Professor
55	Paulauskas, Michael	History	Senior Instructor	Instructor
56	Pisut, Gina	Human Sciences	Professor	Associate Professor
57	Postlethwait, Ariana	Social Work	Professor	Associate Professor
58	Raffo, Deana	Management	Professor	Associate Professor
59	Reed, Karen	User Services	Associate Professor	Assistant Professor
60	Rennhoff, Adam	Economics and Finance	Professor	Associate Professor
61	Riley Sousa, Mary Ashley	History	Associate Professor	Assistant Professor
62	Rust, Dianna	University Studies	Professor	Associate Professor
63	Satinover, Nicholas	Art and Design	Associate Professor	Assistant Professor
64	Sawyer, Benjamin	History	Senior Instructor	Instructor
65	Sikes, Kathryn	History	Associate Professor	Assistant Professor
66	Smith, Carter	Criminal Justice Administration	Senior Instructor	Instructor
67	Stevens, Sandra	Health and Human Performance	Associate Professor	Assistant Professor
68	Stickle, Ben	Criminal Justice Administration	Associate Professor	Assistant Professor
69	Strayer, Jeremy	Mathematical Sciences	Professor	Associate Professor
70	Sutherland Duchacek, Suzanne	History	Associate Professor	Assistant Professor
71	Tormey, Warren	English	Master Instructor	Instructor
72	Vance, Jason	User Services	Professor	Associate Professor
73	Wang, Zhen	Political Science and International Relations	Associate Professor	Assistant Professor
74	Webber, Gretchen	Sociology and Anthropology	Professor	Associate Professor
75	Wilson, Jean	Management	Senior Instructor Coordinator	Instructor Coordinator



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting
DATE: June 18, 2019
SUBJECT: **Approval of Academic Degree
under Consideration**

BACKGROUND INFORMATION:

Per THEC Policy A1.0 (New Academic Programs: Approval Process), “upon consideration by an institution to develop a new academic program in excess of 24 SCH and notification to the institutional governing board, the institution may submit a Letter of Notification to THEC.”

The following academic program is under consideration. Pending the results of feasibility studies, the university may submit Letters of Notification to THEC.

B.S. in Public Writing and Rhetoric

This program would be a four-year interdisciplinary degree housed in the College of Liberal Arts. Similar to degrees offered at many institutions, this degree will provide students with in-depth training in writing and rhetorical studies, preparing them for a range of writing-focused careers that involve analysis, creation, and editing of texts as well as for graduate study. No such

degree programs currently exist in Middle Tennessee. The program of study is designed to allow students to pursue electives, minors, and second majors in other department and disciplines. It will be particularly attractive to students in other disciplines that require strong writing skills (the sciences, business, etc.). The major would draw on the expertise of faculty in such departments as English, communication studies, and journalism.



**Middle Tennessee State University
Board of Trustees**

**Action Item
Roll Call Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Rule Promulgation and Regulated Policy
Revisions**

BACKGROUND INFORMATION:

T.C.A. § 4-5-102(12)(B)(iv)(b) requires the promulgation of a rule regarding student conduct. The proposed rule, Rule 0240-07-05 Student Conduct, is drafted to comply with that requirement. It provides for specific conduct rules and sets out the process for discipline which includes accepted due process practices. It includes possible sanctions which may be imposed, along with appeal rights.

The corresponding policy, Policy 540 Student Conduct, is being revised to comply with T.C.A. §§ 49-7-1701, et. seq. Other revisions, in addition to editorial revisions, reflect changes to Policy 755 Alcoholic Beverages which allow for the sale and consumption of alcoholic beverages on campus, or consumption at approved events. A revision allows for imposition of an interim involuntary withdrawal or suspension to be considered should a student violate an interim or final “No Contact Directive” issued in conjunction with violation of the sexual harassment policy. Several additional revisions were proposed for purposes of clarity.

The provisions of the proposed rule and policy are consistent with each other.

**Department of State
Division of Publications**

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Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: _____
Rule ID(s): _____
File Date: _____
Effective Date: _____

Proposed Rule(s) Filing Form

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

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

Agency/Board/Commission:	Middle Tennessee State University
Division:	
Contact Person:	Heidi Zimmerman, University Counsel
Address:	1301 E. Main Street, CAB 209, Murfreesboro, TN
Zip:	37132
Phone:	615-898-2025
Email:	Heidi.zimmerman@mtsu.edu

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

Chapter Number	Chapter Title
0240-07-05	Student Conduct
Rule Number	Rule Title
0240-07-05-.01	Purpose
0240-07-05-.02	Definitions
0240-07-05-.03	Responsibility and Jurisdiction
0240-07-05-.04	Student Conduct Rules: Values and Behavioral Expectations
0240-07-05-.05	Classroom Misconduct
0240-07-05-.06	Disciplinary Sanctions
0240-07-05-.07	Student Conduct Hearing Officers and/or Boards
0240-07-05-.08	Disciplinary Procedures
0240-07-05-.09	Alternative Resolution of Disciplinary Incidents
0240-07-05-.10	Victim's Rights
0240-07-05-.11	Authority of the President

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-05
Student Conduct

New

Table of Contents is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

Table of Contents

0240-07-05.01 Purpose
0240-07-05.02 Definitions
0240-07-05.03 Responsibility and Jurisdiction
0240-07-05.04 Student Conduct Rules: Values and Behavioral Expectations
0240-07-05.05 Classroom Misconduct
0240-07-05.06 Disciplinary Sanctions
0240-07-05.07 Student Conduct Hearing Officers and/or Boards
0240-07-05.08 Disciplinary Procedures
0240-07-05.09 Alternative Resolution of Disciplinary Incidents
0240-07-05.10 Victim's Rights
0240-07-05.11 Authority of the President

0240-07-05-.01 Purpose is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.01 Purpose.

- (1) Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- (2) Student members of the University community are expected to uphold and abide by standards of conduct that form the basis of these rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- (3) The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- (4) The University is committed to respecting students' constitutional rights. These rules shall be interpreted in a way that does not violate students' constitutional rights, including, without limitation, the rights protected by the First Amendment to the United States Constitution.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.02 Definitions is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.02 Definitions.

- (1) Student. For the purposes of these rules, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. This shall include any period of time following admission and/or

registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the University. Finally, a student shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of these rules. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

- (2) Student organization. For the purposes of these rules, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- (3) University Official(s). For the purposes of these rules, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- (4) Notice. For the purposes of these rules, a notice is a written communication sent to a student or student organization as directed by these rules. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.03 Responsibility and Jurisdiction is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.03 Responsibility and Jurisdiction.

- (1) The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined in this rule at 0240-07-05-.02(3). The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with these rules. The University Officials shall implement policies and procedures for the administration of the student conduct program.
- (2) Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in University policy.
- (3) Students and student organizations are responsible for compliance with University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (4) Disciplinary action may be taken against a student or student organization for violations of these rules which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:

- (a) Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - (b) Any situation that significantly impinges upon the rights, property, or achievements of others;
 - (c) Any situation that is detrimental to the educational mission and/or interests of the University.
- (5) MTSU may enforce these rules regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 10-7-504(a)(4).

0240-07-05-.04 Student Conduct Rules: Values and Behavioral Expectations is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.04 Student Conduct Rules. Values and Behavioral Expectations. MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the Community Standards and expectations set forth by MTSU.

- (1) Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

- (a) Alcoholic Beverages.

- 1. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It will not be considered a violation of this rule if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this rule if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event.
- 2. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

- (b) Drugs.

- 1. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:

- (i) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (ii) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (iii) using a prescription drug that has not been prescribed to the individual.
2. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this rule.
 3. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- (c) Drug Paraphernalia. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. This offense includes, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
 - (d) Public Intoxication.
 1. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 2. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
 - (e) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used, as fireworks.
 - (f) Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page.
 - (g) Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
 - (h) Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events, or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 - (i) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but

not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.

- (j) Obstruction of or Interference with University Activities or Facilities. Any intentional interference with, or obstruction of, any University program, event, or facility including, but not limited to, the following:
 - 1. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - 2. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;
 - 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - 4. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - 5. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - 6. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
- (k) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.
- (l) Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University facilities and grounds is prohibited including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission.
- (m) Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (n) Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University Official upon proper request.
- (o) Gambling. Unlawful gambling in any form.
- (p) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University.
- (q) Litter. Dispersing litter in any form onto the grounds or facilities of the University.

- (r) Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 - (s) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- (2) Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
- (a) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
 - (b) Failure to Cooperate with University Officials. Failure to comply with directions or directives of University Officials acting in the performance of their duties.
 - (c) Providing False Information. Giving any false information to, or withholding necessary information from, any University Official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
 - (d) Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
 - (e) Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.
 - (f) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University Official or a constituted body of the University.
 - (g) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 - (h) Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 - (i) Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- (3) Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
- (a) Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation.
 - (b) Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies, as well as, state or federal law.

- (4) Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
- (a) Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
 - (b) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
 - (c) Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms, explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
 - (d) Sexual Misconduct.
 1. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault as defined by University policy.
 2. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-123(a)(1).

0240-07-05-.05 Classroom Misconduct is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.05 Classroom Misconduct.

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in Rule 0240-07-05-.04(1)(h), or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- (2) The instructor is expected to outline behavioral expectations for each class at the beginning of the academic term and as needed throughout the semester.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.06 Disciplinary Sanctions is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.06 Disciplinary Sanctions.

- (1) A disciplinary sanction is a consequence for being found in violation of University rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University Official.
- (2) Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- (3) Definition of Sanctions:
 - (a) Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, labor, or financial loss.
 - (b) Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this rule and provides notice that any further violation(s) may result in more serious consequences.
 - (c) Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
 - (d) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.
 - (e) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary violation.
 - (f) Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action being taken.
 - (g) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
 - (h) Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these rules. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these rules while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.

- (i) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these rules, as well as, University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs additional violations during the probationary period, the student may become a candidate for housing suspension.
- (j) Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
- (k) Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
- (l) Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
- (m) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
- (n) Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
- (o) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
- (p) Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these rules should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses

a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to MTSU policy concerning misconduct, discrimination, and harassment based on sex, including pregnancy, sexual orientation, and gender identity/expression may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University Officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

- (q) Temporary Student Organization Cease and Desist. A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-146.

0240-07-05-.07 Student Conduct Hearing Officers and/or Boards is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.07 Student Conduct Hearing Officers and/or Boards. Violations under these rules may be heard by the following administrative judge, hearing officers and/or boards:

- (1) The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- (2) The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection

procedures, qualifications, and vacancies can be found in the Student Government Association constitution.

- (3) The University Discipline Committee consists of eight (8) faculty members and six (6) students. The Committee determines whether or not a student is to be held responsible for violation(s) of these rules. If found responsible, the Committee recommends appropriate disciplinary sanctions to the Vice President for Student Affairs.
- (4) The Student Appeals Committee consists of four (4) faculty members and four (4) students, and hears appeals of disciplinary decisions rendered by the Student Judicial Board and the University Discipline Committee.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.08 Disciplinary Procedures is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.08 Disciplinary Procedures.

- (1) Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee. Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to MTSU policy. If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this rule.
- (2) Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this rule, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- (3) Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- (4) Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University Officials to determine the specific information that will be shared about the behavior or incident.
- (5) Notice of Disciplinary Charges and Disciplinary Conference.

- (a) A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization, and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:
1. The right to know what disciplinary violation(s) they have been charged with;
 2. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 3. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 4. The right to receive the decision and their imposed sanctions in writing.
- (b) The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
- (c) If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- (6) Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
- (a) Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
1. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

2. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.
 3. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Rule 0240-07-05-.08 (5)(a)) as well as the following additional rights, which shall be provided in writing:
 - (i) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - (ii) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (iii) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g)), and the federal regulations implementing that statute, as amended;
 - (iv) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody or control and may use to support claims or defenses, unless the use would be solely for impeachment;
 - (v) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - (vi) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - (vii) The right to question witnesses;
 - (viii) The right to be informed of an appeal option, if applicable.
- (b) Uniform Administrative Procedures Act.
1. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Rule 0240-07-05-.08 (E)(F).
 2. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an

administrative judge or a hearing officer. The President is responsible for appointing an administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.

3. The case will proceed pursuant to University policy and the UAPA.

(7) Separation of Functions

- (a) A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
- (b) A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.
- (c) A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
- (d) A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
- (e) Nothing in this Rule prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

(8) Interim Involuntary Withdrawal or Suspension Hearings.

- (a) Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:
 - 1. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
 - 2. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
 - 3. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
 - 4. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
- (b) If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

(9) Appeals

- (a) Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
- (b) It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
- (c) For UAPA decisions, the appeal procedures are set forth in University policy and the UAPA.
- (d) UDC decisions.

1. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided at 0240-07-05-.02(4) of this rule that the approving authority has affirmed the suspension or expulsion.
2. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (i) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (ii) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
3. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a rehearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

(10) Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a Disciplinary Conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

(11) Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7)

years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 4-5-301, et. seq.

0240-07-05-.09 Alternative Resolution of Disciplinary Incidents is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.09 Alternative Resolution of Disciplinary Incidents.

- (1) Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate University Official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 - (a) All parties involved must willingly agree to the mediation process;
 - (b) The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 - (c) The agreement reached through mediation is not subject to any appeals process;
 - (d) If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 - (e) If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- (2) Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.10 Victim's Rights is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.10 Victim's Rights.

- (1) Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- (2) Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within University policies. These victims are afforded the following rights:
 - (a) The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 - (b) The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 - (c) The victim shall be given an opportunity to submit a written account of the alleged incident;
 - (d) The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student

who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;

- (e) The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
- (f) The victim may reserve the right to decline to testify during a disciplinary hearing with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
- (g) The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.11 Authority of the President is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.11 Authority of the President. The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

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

Board Member	Aye	No	Abstain	Absent	Signature (if required)
Andy Adams					
J.B. Baker					
Pete DeLay					
Darrell Freeman, Sr.					
Joey Jacobs					
Christine Karbowskiak					
Stephen B. Smith					
Pamela Wright					
Mary Martin					

I certify that this is an accurate and complete copy of proposed rules, lawfully promulgated and adopted by the Board on June 18, 2019, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: 6/18/19

Signature: _____

Name of Officer: Heidi Zimmerman

Title of Officer: University Counsel

Subscribed and sworn to before me on: _____

Notary Public Signature: _____

My commission expires on: _____

Agency/Board/Commission: Middle Tennessee State University

Rule Chapter Number(s): Chapter 0240-07-05 Student Conduct

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

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

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

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

Impact on Local Governments

SS-7038 (November 2017)

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MTSU Board of Trustees Quarterly Meeting
June 18, 2019

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

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

Additional Information Required by Joint Government Operations Committee

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

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

This rule describes the expectations for student conduct and the disciplinary sanctions that MTSU may impose through the disciplinary procedures outlined in this rule. The procedures incorporate standards of due process including provisions for disciplinary hearings to be held pursuant to the Uniform Administrative Procedures Act.

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

T.C.A. 4-5-102(12)(B)(iv)(b) provides that the discipline of students is included in the definition of "rule." T.C.A. § 49-8-203(a)(1)(D) gives the MTSU Board of Trustees the power to promulgate a rule concerning the conduct of students.

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

MTSU students are most directly affected by this rule. The policy that mirrors the proposed rule is periodically reviewed by a campus committee that includes students. Further, policy revisions are provided to the entire campus community for input on revisions. The faculty, staff and students of MTSU urge adoption of this rule.

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

None

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

None

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

Heidi Zimmerman, MTSU University Counsel and Sarah Sudak, MTSU Dean of Students

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

Heidi Zimmerman, MTSU University Counsel and Sarah Sudak, MTSU Dean of Students

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

Heidi Zimmerman, MTSU University Counsel
SS-7038 (November 2017)

Sarah Sudak
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RDA 1693

1301 E. Main Street, CAB 209
Murfreesboro, TN 37132
615-898-2025
heidi.zimmerman@mtsu.edu

1301 E. Main St.
Murfreesboro, TN 37132
615-898-5297
sarah.sudak@mtsu.edu

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

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-05
Student Conduct

New

Table of Contents is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

Table of Contents

0240-07-05.01 Purpose

0240-07-05.02 Definitions

0240-07-05.03 Responsibility and Jurisdiction

0240-07-05.04 Student Conduct Rules: Values and Behavioral Expectations

0240-07-05.05 Classroom Misconduct

0240-07-05.06 Disciplinary Sanctions

0240-07-05.07 Student Conduct Hearing Officers and/or Boards

0240-07-05.08 Disciplinary Procedures

0240-07-05.09 Alternative Resolution of Disciplinary Incidents

0240-07-05.10 Victim's Rights

0240-07-05.11 Authority of the President

0240-07-05-.01 Purpose is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.01 Purpose.

- (5) Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- (6) Student members of the University community are expected to uphold and abide by standards of conduct that form the basis of these rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- (7) The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- (8) The University is committed to respecting students' constitutional rights. These rules shall be interpreted in a way that does not violate students' constitutional rights, including, without limitation, the rights protected by the First Amendment to the United States Constitution.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.02 Definitions is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.02 Definitions.

- (5) Student. For the purposes of these rules, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. This shall include any period of time following admission and/or

registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the University. Finally, a student shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of these rules. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.

- (6) Student organization. For the purposes of these rules, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- (7) University Official(s). For the purposes of these rules, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- (8) Notice. For the purposes of these rules, a notice is a written communication sent to a student or student organization as directed by these rules. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.03 Responsibility and Jurisdiction is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.03 Responsibility and Jurisdiction.

- (1) The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined in this rule at 0240-07-05-.02(3). The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with these rules. The University Officials shall implement policies and procedures for the administration of the student conduct program.
- (2) Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in University policy.
- (3) Students and student organizations are responsible for compliance with University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (4) Disciplinary action may be taken against a student or student organization for violations of these rules which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:

- (d) Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - (e) Any situation that significantly impinges upon the rights, property, or achievements of others;
 - (f) Any situation that is detrimental to the educational mission and/or interests of the University.
- (5) MTSU may enforce these rules regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- (6) Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 10-7-504(a)(4).

0240-07-05-.04 Student Conduct Rules: Values and Behavioral Expectations is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.04 Student Conduct Rules. Values and Behavioral Expectations. MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the Community Standards and expectations set forth by MTSU.

- (1) Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
 - (b) Alcoholic Beverages.
 - 1. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It will not be considered a violation of this rule if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event.
 - 2. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
 - (b) Drugs.
 - 1. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:

- (i) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (ii) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (iii) using a prescription drug that has not been prescribed to the individual.
- 2. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this rule.
- 3. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- (c) Drug Paraphernalia. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. This offense includes, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
- (d) Public Intoxication.
 - 1. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 - 2. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- (e) Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used, as fireworks.
- (f) Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page.
- (g) Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
- (h) Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events, or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
- (i) Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but

- not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.
- (j) Obstruction of or Interference with University Activities or Facilities. Any intentional interference with, or obstruction of, any University program, event, or facility including, but not limited to, the following:
1. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 2. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;
 3. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 4. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 5. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 6. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
- (k) Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.
- (l) Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University facilities and grounds is prohibited including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission.
- (m) Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
- (n) Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University Official upon proper request.
- (o) Gambling. Unlawful gambling in any form.
- (p) Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University.
- (q) Litter. Dispersing litter in any form onto the grounds or facilities of the University.

- (r) Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
- (s) Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- (2) Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
- (b) Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
- (b) Failure to Cooperate with University Officials. Failure to comply with directions or directives of University Officials acting in the performance of their duties.
- (c) Providing False Information. Giving any false information to, or withholding necessary information from, any University Official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
- (j) Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
- (k) Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.
- (l) Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University Official or a constituted body of the University.
- (m) Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
- (n) Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
- (o) Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- (3) Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
- (c) Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation.
- (d) Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies, as well as, state or federal law.

(4) Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

- (e) Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
- (f) Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
- (g) Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms, explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
- (h) Sexual Misconduct.
 1. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault as defined by University policy.
 2. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-123(a)(1).

0240-07-05-.05 Classroom Misconduct is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.05 Classroom Misconduct.

- (3) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in Rule 0240-07-05-.04(1)(h), or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- (4) The instructor is expected to outline behavioral expectations for each class at the beginning of the academic term and as needed throughout the semester.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.06 Disciplinary Sanctions is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.06 Disciplinary Sanctions.

- (4) A disciplinary sanction is a consequence for being found in violation of University rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University Official.
- (5) Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- (6) Definition of Sanctions:
 - (k) Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, labor, or financial loss.
 - (l) Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this rule and provides notice that any further violation(s) may result in more serious consequences.
 - (m) Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
 - (n) Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.
 - (o) Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary violation.
 - (p) Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action being taken.
 - (q) Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
 - (r) Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these rules. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these rules while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.

- (s) Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to these rules, as well as, University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs additional violations during the probationary period, the student may become a candidate for housing suspension.
- (t) Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
- (k) Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
- (l) Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
- (r) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
- (s) Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
- (t) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
- (u) Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these rules should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses

a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to MTSU policy concerning misconduct, discrimination, and harassment based on sex, including pregnancy, sexual orientation, and gender identity/expression may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University Officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

- (v) Temporary Student Organization Cease and Desist. A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 49-7-146.

0240-07-05-.07 Student Conduct Hearing Officers and/or Boards is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.07 Student Conduct Hearing Officers and/or Boards. Violations under these rules may be heard by the following administrative judge, hearing officers and/or boards:

- (1) The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- (2) The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection

procedures, qualifications, and vacancies can be found in the Student Government Association constitution.

- (3) The University Discipline Committee consists of eight (8) faculty members and six (6) students. The Committee determines whether or not a student is to be held responsible for violation(s) of these rules. If found responsible, the Committee recommends appropriate disciplinary sanctions to the Vice President for Student Affairs.
- (4) The Student Appeals Committee consists of four (4) faculty members and four (4) students, and hears appeals of disciplinary decisions rendered by the Student Judicial Board and the University Discipline Committee.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.08 Disciplinary Procedures is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.08 Disciplinary Procedures.

- (7) Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee. Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to MTSU policy. If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this rule.
- (8) Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this rule, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- (9) Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- (10) Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University Officials to determine the specific information that will be shared about the behavior or incident.
- (11) Notice of Disciplinary Charges and Disciplinary Conference.

(a) A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization, and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:

1. The right to know what disciplinary violation(s) they have been charged with;
2. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
3. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
4. The right to receive the decision and their imposed sanctions in writing.

(b) The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.

(c) If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.

(12)Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.

(a) Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.

1. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

2. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.
 3. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Rule 0240-07-05-.08 (5)(a)) as well as the following additional rights, which shall be provided in writing:
 - (i) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - (ii) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (iii) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
 - (iv) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody or control and may use to support claims or defenses, unless the use would be solely for impeachment;
 - (v) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - (vi) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - (vii) The right to question witnesses;
 - (viii) The right to be informed of an appeal option, if applicable.
- (b) Uniform Administrative Procedures Act.
2. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Rule 0240-07-05-.08 (E)(F).
 2. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an

administrative judge or a hearing officer. The President is responsible for appointing an administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.

3. The case will proceed pursuant to University policy and the UAPA.

(7) Separation of Functions

- (a) A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
- (b) A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.
- (c) A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
- (d) A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
- (e) Nothing in this Rule prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

(8) Interim Involuntary Withdrawal or Suspension Hearings.

- (a) Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:
 - 5. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
 - 6. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
 - 7. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
 - 8. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
- (b) If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

(9) Appeals

- (c) Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
- (d) It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.

(c) For UAPA decisions, the appeal procedures are set forth in University policy and the UAPA.

(d) UDC decisions.

1. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided at 0240-07-05-.02(4) of this rule that the approving authority has affirmed the suspension or expulsion.
2. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (i) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (ii) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
3. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

(10) Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a Disciplinary Conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

(11) Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7)

years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A); T.C.A. § 4-5-301, et. seq.

0240-07-05-.09 Alternative Resolution of Disciplinary Incidents is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.09 Alternative Resolution of Disciplinary Incidents.

- (3) Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate University Official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 - (f) All parties involved must willingly agree to the mediation process;
 - (g) The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 - (h) The agreement reached through mediation is not subject to any appeals process;
 - (i) If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 - (j) If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- (4) Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.10 Victim's Rights is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.10 Victim's Rights.

- (1) Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- (2) Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within University policies. These victims are afforded the following rights:
 - (a) The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 - (b) The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 - (c) The victim shall be given an opportunity to submit a written account of the alleged incident;
 - (d) The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student

who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;

(e) The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;

(f) The victim may reserve the right to decline to testify during a disciplinary hearing with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;

(g) The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).

0240-07-05-.11 Authority of the President is added to Chapter 0240-07-05 Student Conduct and shall read as follows:

0240-07-05-.11 Authority of the President. The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Authority: T.C.A. § 49-8-203 (a)(1)(D); T.C.A. § 49-8-101 (a)(2)(A).



540 Student Conduct

Approved by Board of Trustees

Effective Date: ~~June 18, 2019~~ ~~March 27, 2018~~

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students

I. Purpose

- A. Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- B. Student members of the university community are expected to uphold and abide by standards of conduct that form the basis of our Student Conduct Rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- C. The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- D. The University is committed to respecting students' constitutional rights. This policy shall be interpreted in a way that does not violate students' constitutional rights including, without limitation, the rights protected by the First Amendment to the United States Constitution.

II. Definitions

- A. Student. For the purposes of this policy, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the University. Finally, a student shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of this policy. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.
- B. Student organization. For the purposes of this policy, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- C. University Official(s). For the purposes of this policy, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- D. Notice. For the purposes of this policy, a notice is a written communication sent to a student or student organization as directed by this policy. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

III. Responsibility and Jurisdiction

- A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined above. The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the

conduct process consistent with this policy. The University Officials shall implement policies and procedures for the administration of the student conduct program.

- B. Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in [Policy 312 Academic Misconduct](#).
- C. Students and student organizations are responsible for compliance with University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- D. Disciplinary action may be taken against a student or student organization for violations of this policy which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:
 - 1. Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - 2. Any situation that significantly impinges upon the rights, property, or achievements of others;
 - 3. Any situation that is detrimental to the educational mission and/or interests of the University.
- E. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- F. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts.

IV. Student Conduct Rules: Values and Behavioral Expectations

MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the community standards and expectations set forth by MTSU.

- A. Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Alcoholic Beverages.

- a. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It will not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event. See Policy 755 Alcoholic Beverages.
- b. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

2. Drugs.

- a. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:

- (1) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (2) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (3) using a prescription drug that has not been prescribed to the individual.
- b. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this policy.
 - c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
3. Drug Paraphernalia. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. This offense includes, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
 4. Public Intoxication.
 - a. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 - b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which ~~c~~would cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.
6. Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page. These policies include, but are not limited to, the following:

[Policy 100 Use of Campus Property and Facilities Scheduling](#)

[Policy 312 Academic Misconduct](#)

[Policy 541 Residential Life and Housing Rules](#)

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic, Parking, and Safety Enforcement](#)

[Policy 910 Information Technology Resources](#)

7. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
8. Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
9. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.
10. Obstruction of or Interference with University Activities or Facilities. Any intentional interference with or obstruction of any University program, event, or facility including, but not limited to, the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - b. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;

- c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - d. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
11. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.
12. Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University facilities and grounds is prohibited including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission.
13. Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
14. Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University official upon proper request.
15. Gambling. Unlawful gambling in any form.
16. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the

intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University.

17. Litter. Dispersing litter in any form onto the grounds or facilities of the ~~campus~~University.

18. Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.

19. Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.

B. Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
2. Failure to Cooperate with University Officials. Failure to comply with directions or directives of University officials acting in the performance of their duties.
3. Providing False Information. Giving any false information to, or withholding necessary information from, any University official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
5. Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.

6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body of the University.
 7. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
1. Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation including, but not limited to, [Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination](#), [26 Discrimination and Harassment Based on Protected Categories Other Than Sex](#), and [27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#).
 2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies and state or federal law.
- D. Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
3. Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
4. Sexual Misconduct.
 - a. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) rather than the process specified in Section VIII of this policy.
 - b. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or

drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

V. Classroom Misconduct

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in this policy, or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- B. The instructor is expected to outline behavioral expectations for each class at the beginning of the semester/academic term and as needed throughout the semester.

VI. Disciplinary Sanctions

- A. A disciplinary sanction is a consequence for being found in violation of university rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University official.
- B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- C. Definition of Sanctions:
 - 1. Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, labor, or financial loss.

2. Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this policy and provides notice that any further violation(s) may result in more serious consequences.
3. Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
4. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.
5. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary violation.
6. Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action being taken.
7. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
8. Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these policies. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.
9. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs

additional violations during the probationary period, the student may become a candidate for housing suspension.

10. Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
11. Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
12. Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
13. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been permanently expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be permanently restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes

- to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
14. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
 15. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
 16. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to Policy 27 Misconduct, Discrimination, and Harassment Based on Sex, Including Pregnancy, Sexual Orientation, and Gender Identity/Expression may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given

notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or a student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

17. **Temporary Student Organization Cease and Desist.** A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

VII. Student Conduct Hearing Officers and/or Boards

Violations under this policy may be heard by the following [administrative judge](#), hearing officers and/or boards:

- A. The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- B. The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other

policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection procedures, qualifications, and vacancies can be found in the Student Government Association constitution (<http://www.mtsu.edu/sga/documents/constitution.pdf>).

- C. The University Discipline Committee. See [Policy 32 University Committees](#).
- D. The Student Appeals Committee. See [Policy 32 University Committees](#).

VIII. Disciplinary Procedures

- A. Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, set out with specificity in [Policy 312 Academic Misconduct](#). Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this policy.
- B. Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this policy, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- C. Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- D. Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed

prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University officials to determine the specific information that will be shared about the behavior or incident.

E. Notice of Disciplinary Charges and Disciplinary Conference.

1. A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:
 - a. The right to know what disciplinary violation(s) they have been charged with;
 - b. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 - c. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 - d. The right to receive the decision and their imposed sanctions in writing.

2. The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. ~~The University Official will explain the sanctions and options for case resolution.~~ The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
 3. If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- F. Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion, or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
1. Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
 - a. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

- b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.
- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Section VIII.E.1.) as well as the following additional rights, which shall be provided in writing:
- (1) ~~(1)~~ The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - (2) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (3) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
 - ~~(1)~~(4) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody or control and may use to support claims or defenses, unless the use would be solely for impeachment.;
 - ~~(5)~~2 The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - ~~(6)~~3 The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - ~~(7)~~4 The right to question witnesses;

~~(85)~~ The right to be informed of an appeal option, if applicable.

2. Uniform Administrative Procedures Act.

- a. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Sections VIII.E.1. a. – d. and VIII.F.1.c.(1)-(8).
- b. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an administrative judge or a hearing officer. The President is responsible for appointing an administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.
- c. The case will proceed pursuant to University policy and the UAPA.

G. Separation of Functions

1. A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
2. A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.

3. A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
4. A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
5. Nothing in this Section G. prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

HG. Interim Involuntary Withdrawal or Suspension Hearings.

1. Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:
 - a. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
 - b. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
 - c. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
 - d. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
2. If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

I. Appeals

1. Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
2. It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
3. For UAPA decisions, the appeal procedures are set forth in university policy and the UAPA.
4. UDC decisions.
 - a. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided in Section II.D. of this policy that the approving authority has affirmed the suspension or expulsion.
 - b. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (1) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (2) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

- c. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

- J. Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a disciplinary conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

- K. Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

IX. Alternative Resolution of Disciplinary Incidents

- A. Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 1. All parties involved must willingly agree to the mediation process;

2. The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 3. The agreement reached through mediation is not subject to any appeals process;
 4. If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 5. If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- B. Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

X. Victim's Rights

- A. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). These victims are afforded the following rights:
 1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 2. The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 3. The victim shall be given an opportunity to submit a written account of the alleged incident;
 4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an

- open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
 6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
 7. The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

XI. Authority of the President

The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Forms: none.

Revisions: June 5, 2017 (Original); March 27, 2018; [June 18, 2019.-](#)

References: Family Educational Rights and Privacy Act of 1974; Tennessee Open Records Act; T.C.A. § 4-5-301, et. seq.; § 10-7-504(a)(4); § 49-7-123(a)(1); § 49-7-146; [§§ 49-7-1701, et. seq.](#); Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination; 26 Discrimination and Harassment Based on Protected Categories Other Than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 32 University Committees; 100 Use of Campus Property and Facilities Scheduling; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 312 Academic Misconduct; 541 Residential Life and Housing Rules; 705 Weapons on Campus; 750 Tobacco-Free Campus; 775 Traffic, Parking, and Safety Enforcement; 910 Information Technology Resources.



540 Student Conduct

Approved by Board of Trustees

Effective Date: _____, 2019

Responsible Division: Student Affairs

Responsible Office: Dean of Students' Office

Responsible Officer: Dean of Students

I. Purpose

- A. Middle Tennessee State University (MTSU or University) is committed to fostering a campus environment that is devoted to learning, growth, and service. We accept and practice the core values of honesty and integrity, respect for diversity, positive engagement in the community, and commitment to non-violence. The Office of Student Conduct was created to uphold these values, educate the community about behavioral expectations, and hold members of the student community accountable to these rules and expectations.
- B. Student members of the university community are expected to uphold and abide by standards of conduct that form the basis of our Student Conduct Rules. Each member of the University community bears responsibility for their conduct. When community members fail to exemplify and uphold these standards of conduct, student conduct procedures are used to assert and uphold these standards.
- C. The student conduct process at MTSU exists to protect the interests of the University community and the individual student while striking a balance between these two interests. Students and student organizations that do not act in accordance with MTSU rules and expectations will be challenged and may be sanctioned accordingly. Sanctions are designed to assist students and student organizations in achieving acceptable standards of behavior while providing tools and resources for life-long learning and conflict resolution.
- D. The University is committed to respecting students' constitutional rights. This policy shall be interpreted in a way that does not violate students' constitutional rights including, without limitation, the rights protected by the First Amendment to the United States Constitution.

II. Definitions

- A. Student. For the purposes of this policy, a student shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the University. Finally, a student shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of this policy. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.
- B. Student organization. For the purposes of this policy, a student organization is a group consisting primarily of currently enrolled students which has become officially recognized by the University following successful completion of the registration process.
- C. University Official(s). For the purposes of this policy, a University Official is an administrator within the Office of Student Conduct, specifically, the Assistant Dean for Student Conduct and/or the Student Conduct Coordinator.
- D. Notice. For the purposes of this policy, a notice is a written communication sent to a student or student organization as directed by this policy. A notice provided to a student will be sent via the student's official MTSU email account as well as a hard copy letter sent via first class USPS mail to the student's local address as indicated in the student information system. A notice sent to a student organization will be sent to the organization's president at that student's MTSU email address and his/her local address. Students have the responsibility to regularly check their University-issued email accounts and to ensure that the local address on file with MTSU is current. The requirement to provide notice will be satisfied when sent as indicated and any period for response will begin on the date the email and/or letter is sent, whichever is sent first.

III. Responsibility and Jurisdiction

- A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are University Officials as defined above. The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the

conduct process consistent with this policy. The University Officials shall implement policies and procedures for the administration of the student conduct program.

- B. Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in [Policy 312 Academic Misconduct](#).
- C. Students and student organizations are responsible for compliance with University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- D. Disciplinary action may be taken against a student or student organization for violations of this policy which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:
 - 1. Any situation where a student's conduct may present a danger or threat to the health or safety of others;
 - 2. Any situation that significantly impinges upon the rights, property, or achievements of others;
 - 3. Any situation that is detrimental to the educational mission and/or interests of the University.
- E. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the University with University disciplinary action pending, the student's record may be encumbered by the appropriate University office until the proceedings have been concluded. The University may take action even if a student is absent from the proceeding.
- F. Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education records" and are confidential within the meaning of those Acts.

IV. Student Conduct Rules: Values and Behavioral Expectations

MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the community standards and expectations set forth by MTSU.

- A. Community Standard: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Alcoholic Beverages.

- a. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption. It will not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol purchased from a third-party vendor during approved events taking place at a sports authority facility so long as the beverage is consumed within the sports authority facility. It will also not be considered a violation of this policy if a student of legal drinking age possesses or consumes alcohol provided at an event approved by the President to serve alcoholic beverages so long as the beverage is consumed within the confines of the designated area of the event. See Policy 755 Alcoholic Beverages.
- b. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

2. Drugs.

- a. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:

- (1) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
 - (2) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
 - (3) using a prescription drug that has not been prescribed to the individual.
- b. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this policy.
 - c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
3. Drug Paraphernalia. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. This offense includes, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
 4. Public Intoxication.
 - a. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance to the degree that the individual may be endangered; there is endangerment to other persons or property; or, the individual unreasonably annoys people in the vicinity.
 - b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which could cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.
6. Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page. These policies include, but are not limited to, the following:

[Policy 100 Use of Campus Property and Facilities Scheduling](#)

[Policy 312 Academic Misconduct](#)

[Policy 541 Residential Life and Housing Rules](#)

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic, Parking, and Safety Enforcement](#)

[Policy 910 Information Technology Resources](#)

7. Violation of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.
8. Disorderly Conduct. Any behavior that unreasonably disrupts the academic environment (e.g., including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on University owned or controlled property, or during a University event. This includes, but is not limited to, unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
9. Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, University keys, library materials, and/or safety devices.
10. Obstruction of or Interference with University Activities or Facilities. Any intentional interference with or obstruction of any University program, event, or facility including, but not limited to, the following:
 - a. Any unauthorized occupancy of facilities owned or controlled by the University or blockage of access to or from such facilities;
 - b. Interference with the right of any University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University;

- c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
 - d. Participation in, or inciting others to participate in, activities that substantially impede University operations;
 - e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
 - f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
11. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.
12. Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University facilities and grounds is prohibited including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission.
13. Pornography or Obscenity. Public display on property owned, leased, or controlled by the University of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
14. Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University official upon proper request.
15. Gambling. Unlawful gambling in any form.
16. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the

- intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University.
17. Litter. Dispersing litter in any form onto the grounds or facilities of the University.
 18. Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.
 19. Graffiti. Damage or defacement of MTSU property by painting, chalking, writing, stenciling, or by any other means of application on such property.
- B. Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
 2. Failure to Cooperate with University Officials. Failure to comply with directions or directives of University officials acting in the performance of their duties.
 3. Providing False Information. Giving any false information to, or withholding necessary information from, any University official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
 4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
 5. Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.

6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body of the University.
 7. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.
 8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
 9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following may be considered as being in violation of this Community Standard.
1. Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation including, but not limited to, [Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination](#), [26 Discrimination and Harassment Based on Protected Categories Other Than Sex](#), and [27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#).
 2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies, as well as state or federal law.
- D. Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.
3. Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
4. Sexual Misconduct.
 - a. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) rather than the process specified in Section VIII of this policy.
 - b. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or

drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

V. Classroom Misconduct

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in this policy, or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- B. The instructor is expected to outline behavioral expectations for each class at the beginning of the academic term and as needed throughout the semester.

VI. Disciplinary Sanctions

- A. A disciplinary sanction is a consequence for being found in violation of university rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University official.
- B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- C. Definition of Sanctions:
 1. Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, labor, or financial loss.

2. Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this policy and provides notice that any further violation(s) may result in more serious consequences.
3. Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.
4. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.
5. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary violation.
6. Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action being taken.
7. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
8. Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these policies. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.
9. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs

additional violations during the probationary period, the student may become a candidate for housing suspension.

10. Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
11. Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.
12. Suspension. Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
13. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been permanently expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The

- Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
14. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
 15. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
 16. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. Violation of an interim or final "No Contact Directive" or other restriction issued in conjunction with an investigation conducted pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex, Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) may result in temporary discipline up to and including an interim involuntary withdrawal or suspension being imposed on the violating student. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given

notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or a student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

17. **Temporary Student Organization Cease and Desist.** A temporary organizational cease and desist is instituted when the University has received information indicating that the continued activity of the student organization could (1) potentially put students or the community at risk; (2) cause irreparable harm to the University or student organization; (3) influence the integrity of an investigation; and/or (4) increase the student organization's or University's fault or liability. A temporary student organization cease and desist can be issued by the University alone or in conjunction with a national/regional organization cease and desist. The Office of Student Conduct will notify the parent office (i.e. Student Organizations and Service and/or Fraternity and Sorority Life) and the designated student representative that the student organization has been temporarily restricted from conducting business. During the time of the temporary cease and desist, the student organization will be prohibited from conducting organizational business including, but not limited to, organizational meetings, social activities, philanthropic activities, and representation of the University. The cease and desist duration will be determined on a case by case basis.

VII. Student Conduct Hearing Officers and/or Boards

Violations under this policy may be heard by the following administrative judge, hearing officers and/or boards:

- A. The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- B. The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other

policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection procedures, qualifications, and vacancies can be found in the Student Government Association constitution (<http://www.mtsu.edu/sga/documents/constitution.pdf>).

- C. The University Discipline Committee. See [Policy 32 University Committees](#).
- D. The Student Appeals Committee. See [Policy 32 University Committees](#).

VIII. Disciplinary Procedures

- A. Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, set out with specificity in [Policy 312 Academic Misconduct](#). Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this policy.
- B. Standard of Proof. The standard of proof utilized in all student disciplinary matters is the preponderance of the evidence. Students should be aware that the student conduct process is different from criminal and civil court proceedings. The student conduct process is built on fundamental fairness. Due process, as defined in this policy, includes written notice of the student conduct rules that are in question and an opportunity to be heard by an objective decision-maker. Students will only be found in violation of the student conduct rules when it is more likely than not that a violation occurred. This is called a preponderance of the evidence. Sanctions will be fundamentally proportional to the severity of the violation, the student's willingness to comply with student conduct rules in the future, and the cumulative conduct history of the student.
- C. Disciplinary Referral. Reports of behaviors and incidents involving students may be referred for evaluation and possible disciplinary action by the University Police, residence hall staff members, faculty, staff, students, and other members of the University and city community. Referrals should be in writing and should be directed to the Assistant Dean for Student Conduct. A hard copy of a written referral may also be dropped off at the Office of Student Conduct. Contact information and email and office addresses can be located on the Office of Student Conduct website.
- D. Preliminary Review. All disciplinary referrals will undergo a preliminary review. The appropriate University Official will review the referral to determine if the possibility exists that a student conduct rule was violated, if additional information is needed

prompting an investigation, if immediate action is warranted, and if there are other University entities that need to be put on notice that the behavior has occurred. If the University Official determines that there is a possibility that a student conduct rules violation has occurred and additional information is not needed, he/she will issue a disciplinary charge(s) against the student or student organization. If the University Official determines that additional information is needed, he/she will conduct an investigation. If immediate action is needed, the University Official will consult with the appropriate University Officials such as, but not limited to, the Office of the University Counsel, to determine the best course of action. If other entities need to be informed of the matter, the University Official will consult with the appropriate University officials to determine the specific information that will be shared about the behavior or incident.

E. Notice of Disciplinary Charges and Disciplinary Conference.

1. A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations must be notified in writing that they are afforded the following rights in the disciplinary conference:
 - a. The right to know what disciplinary violation(s) they have been charged with;
 - b. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
 - c. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
 - d. The right to receive the decision and their imposed sanctions in writing.

2. The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
 3. If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.
- F. Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. If the recommended sanction is suspension, expulsion, or revocation of recognition of the student organization, the student or student organization has two (2) choices regarding resolution of the disciplinary case. The first choice is to request a hearing before the University Discipline Committee. The second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The University Official will explain the two (2) choices, and the student or student organization will indicate his/her/its selection in writing. Once the selection is made, the student or student organization cannot elect another option or revert back to the original decision rendered by the University Official. In addition, the Office of Student Conduct can refer a matter to a hearing when the case is unusually complex and/or problematic.
1. Student Judicial Board (SJB) and University Discipline Committee (UDC) hearings.
 - a. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

- b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.

- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference (see Section VIII.E.1.) as well as the following additional rights, which shall be provided in writing:
 - (1) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
 - (2) The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 - (3) The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended;
 - (4) The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody or control and may use to support claims or defenses, unless the use would be solely for impeachment;
 - (5) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
 - (6) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
 - (7) The right to question witnesses;

(8) The right to be informed of an appeal option, if applicable.

2. Uniform Administrative Procedures Act.

- a. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student/student organization wishes to pursue the case administratively or through the UDC, he/she/it must waive the right to a UAPA hearing in writing. Prior to making this decision, the University Official assigned to the matter will explain the differences between the hearing options and will provide to the student/student organization a document setting out the student/student organization's rights as are found in Sections VIII.E.1. a. – d. and VIII.F.1.c.(1)-(8).
- b. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before an administrative judge or a hearing officer alone or a Hearing Committee presided over by an administrative judge or a hearing officer. The President is responsible for appointing an administrative judge, a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.
- c. The case will proceed pursuant to University policy and the UAPA.

G. Separation of Functions

1. A person who has served as an investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer, or assist or advise an administrative judge or hearing officer in the same proceeding.
2. A person who is subject to the supervision, direction or discretion of one who has served as investigator, University Official or advocate in a student disciplinary matter may not serve as an administrative judge or hearing officer or assist, or advise an administrative judge or hearing officer in the same proceeding.

3. A person may serve as an administrative judge or hearing officer at successive stages of the same disciplinary matter, unless a party demonstrates grounds for disqualifications in accordance with T.C.A. § 4-5-302.
4. A University Official may serve on the hearing committee, or as an administrative judge or hearing officer in the UAPA hearing where authorized by law and not subject to disqualification or other cause provided in T.C.A. Title 4, Chapter 5.
5. Nothing in this Section G. prohibits an attorney for the University from providing legal advice to multiple University employees who serve in different roles in the process of disciplining a student.

H. Interim Involuntary Withdrawal or Suspension Hearings.

1. Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:
 - a. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
 - b. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
 - c. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
 - d. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
2. If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

I. Appeals

1. Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
2. It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
3. For UAPA decisions, the appeal procedures are set forth in university policy and the UAPA.
4. UDC decisions.
 - a. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided in Section II.D. of this policy that the approving authority has affirmed the suspension or expulsion.
 - b. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
 - (1) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
 - (2) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

- c. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a re-hearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

- J. Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a disciplinary conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

- K. Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

IX. Alternative Resolution of Disciplinary Incidents

- A. Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. The following conditions must be accepted by the parties:
 1. All parties involved must willingly agree to the mediation process;

2. The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
 3. The agreement reached through mediation is not subject to any appeals process;
 4. If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
 5. If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- B. Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

X. Victim's Rights

- A. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
- B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). These victims are afforded the following rights:
1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
 2. The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
 3. The victim shall be given an opportunity to submit a written account of the alleged incident;
 4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an

- open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
 6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
 7. The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

XI. Authority of the President

The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

Forms: none.

Revisions: June 5, 2017 (Original); March 27, 2018; _____, 2019.

References: Family Educational Rights and Privacy Act of 1974; Tennessee Open Records Act; T.C.A. § 4-5-301, et. seq.; § 10-7-504(a)(4); § 49-7-123(a)(1); § 49-7-146; §§ 49-7-1701, et. seq.; Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination; 26 Discrimination and Harassment Based on Protected Categories Other Than Sex; 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression; 32 University Committees; 100 Use of Campus Property and Facilities Scheduling; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 312 Academic Misconduct; 541 Residential Life and Housing Rules; 705 Weapons on Campus; 750 Tobacco-Free Campus; 775 Traffic, Parking, and Safety Enforcement; 910 Information Technology Resources.



**Middle Tennessee State University
Board of Trustees**

MEETING: Summer Quarterly Board Meeting

SUBJECT: **Audit and Compliance Committee**

DATE: June 18, 2019

PRESENTER: Christine Karbowskiak
Committee Chair



**Middle Tennessee State University
Board of Trustees**

MEETING: Summer Quarterly Board Meeting

SUBJECT: **Finance and Personnel Committee**

DATE: June 18, 2019

PRESENTER: Joey Jacobs
Committee Chair

-
- MTSU Foundation Agreement
 - Capital Outlay Project Submittal
 - Capital Maintenance Projects Submittal
 - Tuition, Fees, and Housing Rates
 - Operating Budgets
 - a. Estimated 2018-19 Budget
 - b. Proposed 2019-20 Budget
 - Compensation Recommendation



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **MTSU Foundation Agreement**

BACKGROUND INFORMATION:

In order to support philanthropic investments in our colleges and universities, Tennessee state law - T.C.A. § 49-7-107 – calls for the governing board of each institution to enter into agreement with the institution’s foundation to encourage and support private investment in our institutions. The MTSU Foundation’s relationship to the University is based upon a shared interest in the University’s development and the success of the University’s mission. It is recognized that University participation in and support of Foundation operations are appropriate and desirable. While the MTSU Foundation operates independently, by law, from the University, it is prudent and beneficial to have a clear statement, agreed upon by both parties, of their specific responsibilities, authority, and the relationship between the University and the Foundation. This agreement will also define and establish the

standards and procedures related to accounting and auditing of accounts of the Foundation, while at the same time preserving the private and independent status of the Foundation.

With the approval of this Agreement, the Board of Trustees of the University designates the MTSU Foundation to receive all private gifts for support of the University, except any gift for which the donor has specifically directed in writing that the gift be received and held by the University. In such case, it is understood and agreed that the University may name the Foundation as the fiduciary manager of such gifts.

This Agreement will renew annually on July 1st of every year for a period not to exceed ten (10) years unless terminated by either party with a sixty (60) days' notice.

A copy of the proposed Agreement is included in these materials for your review and approval.

AGREEMENT BETWEEN
MIDDLE TENNESSEE STATE UNIVERSITY
AND
MIDDLE TENNESSEE STATE UNIVERSITY FOUNDATION

THIS AGREEMENT made by and between Middle Tennessee State University (hereinafter referred to as the “University”) and Middle Tennessee State University Foundation (hereinafter referred to as the “Foundation”). This Agreement supersedes all prior agreements between the Foundation and the Board of Education, and between the Foundation and the Tennessee Board of Regents.

The University is a public institution of higher education created by T.C.A. § 49-8-101 and governed by the authority of a local governing board of trustees.

The Foundation is a private, non-profit corporation existing by virtue of T.C.A. § 49-7-107 and T.C.A. § 48-51-101 *et seq.* (Tennessee Nonprofit Corporation Act), is tax-exempt under Section 501(c)(3) of Internal Revenue Code, and is organized in concert with the University. The Foundation is established by Articles of Association dated December 12, 1961 and its Charter filed on December 30, 1961, and revised on November 22, 1986 and November 23, 1993. The current Foundation Bylaws are dated May 10, 2010. Copies of the current documents are attached hereto as Exhibit A, and its purpose is as stated therein. The Foundation exists to receive, hold, invest, and administer private gifts and other private resources solely for the benefit of the University.

The Foundation’s relationship to the University is based upon a shared interest in the University’s development and the success of the University’s mission. Therefore, University participation in and support of Foundation operations are appropriate and desirable. Because of the close, but independent, association of the Foundation with the University, it is prudent and beneficial to have a clear statement, agreed upon by the parties, of the responsibilities, authority, and the relationship of the University and the Foundation and to agree on the standards and procedures for accounting for and auditing of accounts of the Foundation, while at the same time preserving the private and independent status of the Foundation.

By its approval of this Agreement, the Board of Trustees of the University designates the Foundation to receive all private gifts for support of the University, except any gift for which the donor has specifically directed in writing that the gift be received and held by the University. It is understood that the University may name the Foundation as the manager of such a gift.

THE PARTIES HEREBY AGREE AS FOLLOWS:

I. FOUNDATION POWERS, DUTIES, AND RESPONSIBILITIES

1. **Foundation Charter and Bylaws.** The Foundation is responsible for the performance and oversight of all aspects of its operations based on a comprehensive set of bylaws and policies that clearly address the MTSU Foundation Board of Trustee's fiduciary responsibilities.

The Foundation shall file its initial and amended foundation charters and bylaws with the Secretary of State of the State of Tennessee, and University president will submit copies to the University's legal counsel.

2. **Ethics Policy.** The Foundation shall adopt an ethics policy complying with T.C.A. § 49-7-107 that applies to and governs the conduct of all members of the Foundation's governing body. Members must review and acknowledge the code of ethics annually.
3. **Foundation Business Affairs.** The Foundation's Board shall develop policies and procedures concerning the conduct of its business affairs and to assure appropriate reporting of financial and other activities. Such policies and procedures shall implement sound business practices, provide for appropriate checks and balances and ensure prudent use of Foundation funds. Additionally, and as applicable and appropriate, the Foundation shall ensure that its policies are not in conflict with state policies.
 - a. Budget Preparation. With the assistance of University administrative personnel, the Foundation will create the Foundation's annual budget.
 - b. Procurement and Contracting. The Foundation's Board shall develop policies and procedures that address procurement and contracting activities. When practicable, the Foundation shall use competitive procurement methods. Such policies must include a process for determining authority for authorizing contracts on behalf of the Foundation and for authorizing expenditure of Foundation funds. Authority for these functions cannot be delegated solely to an employee of the University absent specific delegation by the Foundation's Board.
 - c. Contracts. The Foundation does not have any authority to obligate the University in any manner. A contract may not be entered into in the names of both the Foundation and the University or in the name of either entity "on behalf of" the other. If a transaction involves both the Foundation and the University, both must be parties to the contract and it must be executed by authorized representatives of both.
 - d. Administration of Donations to the Foundation. The Foundation shall develop policies and procedures that address the management and investment of contributions to the Foundation, subject to the requirements of the Uniform Prudent Management of Institutional Funds Act, T.C.A. § 35-10-2.

- e. Records. Maintain records concerning gifts and contributions to the Foundation and the University.
- f. Document Retention Policy. The Foundation shall have a written mandatory document retention and periodic destruction policy that complies with Sarbanes-Oxley requirements. The policy should include guidelines for handling electronic files and voice mail, as well as paper documents. The Foundation's policy will prohibit document purging if an official investigation is anticipated or underway.
- g. Reports. The Foundation shall issue reports to the president of the University, at least annually, on the activities of the Foundation. The Foundation is a nonprofit organization that reports under Financial Accounting Standards Board (FASB) standards. An annual financial report shall be issued, prepared in accordance with FASB standards, including all required note disclosures. The report must be issued in a timely manner to be included as a component unit in the University's financial statement.

The Foundation shall provide the University with its annual report and other information that may be publicly released. The Foundation will be treated as a component unit in the University's financial statements in accordance with accounting principles general accepted in the United States of America. Financial statements shall include, as applicable and according to appropriate accounting principles, the value of in-kind services provided by the University. The Foundation will strive for transparency and strong internal controls.

The management of the Foundation will perform regular, documented assessments of the Foundation's risk of fraud, waste, and abuse. The management of the Foundation will establish and implement a system of internal controls that adequately mitigates those risks and ensures compliance with all applicable laws and regulations. Management of the Foundation will submit the risk assessment and the documented mitigating controls to the Foundation's Finance committee for review and approval.

- 4. **Solicitation, Acceptance and Administration of Contributions.** The Foundation is hereby designated as the sole entity responsible for promoting and generating private sector, charitable support for the University. The Foundation may collect contributions for the University's charitable, scientific, and educational purposes. The Foundation shall provide leadership and assistance to the University and its departments in their fundraising activities, capital campaigns, and development programs with individuals, corporations, foundations, and other organizations. The Foundation shall develop policies and procedures addressing the solicitation and acceptance of contributions to the Foundation, incorporating sound business principles and safeguarding compliance with donor intent and conditions. Prior to accepting any donation that will require substantial University support such as staff, financial assistance, storage, on-going

maintenance, etc., approval must be obtained from the president of the University and, if applicable, from the Board of Trustees.

5. **Confidentiality of Donor Information.** The University and the Foundation may share employees and services, including information on donors. As used herein, the Foundation's "donor information" includes, but is not limited to, a compilation of contributors, prospects, alumni, friends, and supporters of the University. These records, as well as all other data, materials, and information belonging to the Foundation pertaining to past, current, and prospective donors are proprietary to the Foundation and constitute its confidential information and trade secrets. The University and the Foundation shall comply with the provisions of T.C.A. § 49-7-140 regarding the confidentiality of gift records. Subject to those provisions, the Foundation may disclose confidential information from time to time to authorized University personnel (to include authorized volunteers) for purposes of cooperative planning and implementation of activities, as authorized by the Foundation. University personnel shall preserve the confidentiality of such shared information.

6. **Use of University Name and Marks.**

- a. The Foundation may, in connection with its lawful business and activities, use the name of the University as well as the University's logo, seal, and other symbols and marks. The President of the University reserves the right to object to any particular use by the Foundation, and in the event of such an objection, the Foundation shall cease and desist the use and cooperate with the University to achieve an acceptable use.
- b. The Foundation shall not delegate the authority to use the University's name or marks without written approval of the University's president and shall not permit the University's name or marks to be used in connection with advertising of non-University or non-Foundation products or services unless such use is consistent with policies of the University. All correspondence, solicitations, activities and advertisements concerning the Foundation shall be clearly discernable as being from the Foundation and not the University.
- c. The Foundation agrees to cease using the University's name and marks in the event:
 - i. The Foundation dissolves;
 - ii. The Foundation ceases to be a non-profit corporation or ceases to be recognized by the Internal Revenue Service as described in Section 501(c)(3) of the Internal Revenue Code; or
 - iii. The Foundation or the University terminates this Agreement.

7. **Operational Support from the University.** The University may not transfer state or University funds to the Foundation; however, the University may provide in-kind services to Foundation as consideration for services rendered by the Foundation to the University. “In-kind services” include, but are not limited to, the provision of office space, administrative support and other staff.
8. **Respect for University’s Personnel Administration.** Foundations must respect the Board of Trustees and University authority over personnel administration. Foundation expenditures for compensation and other payments to, or for the benefit of, University personnel and reportable as income to the recipient, such as salary, expense accounts, automobiles, club or other organization memberships and dues, etc., must be approved in advance, annually, by the University president, unless the salaries funded by the Foundation are in accordance with the University’s compensation plan and included in the University’s personnel budget. Advance approval of the Board of Trustees shall be required if payments outside the University’s compensation plan are made to, or for the benefit of, any University employee, including the president, and if the aggregate value of such payments to any individual University employee exceeds one thousand five hundred dollars (\$1,500.00) per fiscal year. This provision does not apply to reimbursement of business expenses incurred by University employees or to non-taxable recognition awards given to University employees.
9. **Taxes.** The Foundation shall be responsible for compliance with all applicable state and federal tax laws. If the University provides in-kind services to assist with the preparation and filing of required tax forms and returns, the Foundation shall supply all necessary information in a timely manner.
10. **Compliance with Applicable Laws.** The Foundation agrees to comply with all executive orders, federal, state, and local rules, regulations, and laws applicable to similar non-profit corporations.
11. **Compliance with Middle Tennessee State University Policy.** The Foundation agrees to comply with MTSU Policy 130 Foundations.
12. **Hold Harmless.** The Foundation shall indemnify and hold harmless the University, its governing board, officers, employees, agents, and students, in their official and individual capacities, from and against any and all claims of liability, injury, damages, expenses, demands, and judgments, including court costs and attorneys’ fees, arising out of the Foundation’s performance of this Agreement, except for injury or damage caused by the sole negligence of the University, and furthermore, this provision shall survive the termination or expiration of this Agreement.
13. **Foundation Legal Counsel.** The Foundation shall be responsible for providing its own legal counsel.

14. Dissolution of Foundation. Consistent with provisions of the Foundation's bylaws, should the Foundation cease to exist or cease to be an Internal Revenue Code 501(c)(3) nonprofit corporation, the Foundation will transfer its assets and property to the University, to a reincorporated successor Foundation, to another 501(c)(3) organization affiliated with the University, or to the state or federal government for public purposes, in accordance with the law and donor intent.

The University will honor to the extent possible any donor restrictions on assets held by the Foundation, including, but not limited to, retaining endowment funds as permanent endowments for the purposes specified by the donor. If a donor agreement limits or precludes any portion of the Foundation's assets from matriculating to the University, the Foundation Board of Directors shall make all available effort to effectuate the transfer of such assets to the University.

Prior to the permanent dissolution or liquidation of the Foundation, a complete accounting of the Foundation will be attested to by the Foundation's independent accounting firm.

II. UNIVERSITY POWERS, DUTIES, AND RESPONSIBILITIES

1. **Independence of Foundation.** The University agrees to encourage and maintain the independence of the Foundation and, at the same time, foster the cooperative relationship between the University and Foundation.
2. **General Powers of the University.** The University may:
 - a. Provide the professional services of its employees, within the scope of their employment with the University;
 - b. Review the financial records of the Foundation to determine that the Foundation is adequately capitalized for any activities undertaken in the name of, for the benefit of, or in conjunction with the University.
 - c. Request or require evidence satisfactory to the president or president's designee of insurance or self-insurance adequate in form and amounts to cover foreseeable liability arising from activities undertaken in the name of, for the benefit of, or in conjunction with the University;
 - d. Request periodic review of any written general agreement or memorandum of understanding between the University and the Foundation to ensure that it describes each party's responsibilities in a manner that makes it clear to third parties dealing with the cooperative organization that the organization is acting as a legal entity separate from the University; and

- e. Take any action necessary to ensure that the actions of the University's officials, faculty, staff, or employees relative to the Foundation are consistent with policies established by the University regarding conflicts of interest, outside activities, and other matters.
3. **University Services to Foundation.** In consideration of the services provided to the University by the Foundation and as set forth herein, the University may assist the Foundation in the following:
 - a. Provision of office space, telephones, computers, supplies, etc. for personnel. These will be considered in-kind services from the University.
 - b. Provision of clerical and administrative support services through the University's Development Office.
 - c. Provision of designated financial services including financial record keeping.
 4. **Audit of Foundation Records.** In accordance with T.C.A. § 49-7-107(b), all annual reports, books of account and financial records of the Foundation shall be subject to audit by the Comptroller of the Treasury of the State of Tennessee. Records and accounts maintained by the Foundation shall be audited on the same cycle as the University audit performed by the Comptroller, or, with the approval of the Comptroller, an independent public accountant may perform such an audit. The contract between the independent public accountant and the Foundation shall be approved in advance by the Board of Trustees and the Comptroller and shall be on forms prescribed by the Comptroller. All annual reports, books of account and financial records of the Foundation shall be available for audit by the internal auditors of the University.
 5. **Confidential Records.** Confidential Records. The University acknowledges that under T.C.A. § 49-7-140, personally identifiable records and information concerning gifts received by both the University and the Foundation are protected against disclosure.

III. MUTUAL ACKNOWLEDGEMENTS AND OBLIGATIONS

1. **Termination.** Either party may terminate this agreement upon sixty (60) days' notice.
2. **Term.** This Agreement is based upon the University's fiscal year, which is July 1 through June 30. The term of this Agreement shall commence on July 1, 2019 and expire on June 30, 2020. If neither party gives notice of termination, as provided in Paragraph 1 above, prior to the expiration of the Agreement, it will continue on year-to-year basis for a period not to exceed ten (10) years. If this Agreement is terminated by either party, all funds, assets, data, and information in the possession of the Foundation will be transferred to the University as soon as is practicable.

3. **Entire Agreement/Modification.** This Agreement contains all the terms between the parties. It may be amended only in writing signed by legally authorized representatives of all parties.

APPROVED:

Middle Tennessee State University Foundation

By: _____
William J. Bales, Executive Director

_____ Date

Middle Tennessee State University

By: _____
Sidney A. McPhee, President

_____ Date

ACKNOWLEDGED AND APPROVED:

Middle Tennessee State University Board of Trustees

By: _____
Stephen B. Smith, Chairman

_____ Date



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Capital Outlay Project Submittal**

BACKGROUND INFORMATION:

As part of the annual Capital Budget request process, institutions of higher education must submit their capital outlay project requests for state funding to the Tennessee Higher Education Commission (THEC) and the Tennessee Department of Finance and Administration. THEC ranks these project requests and issues project selection recommendations to the Governor based on their rankings.

The proposed MTSU capital outlay project for FY 2020-21 is the Applied Engineering Building that will provide lab, classroom, office space, and common space for the degree areas of Mechatronics Engineering (B.S.) and Engineering Technology (B.S. & M.S.). These programs accounted for 106 of the total degrees conferred by the University during the 2017-2018 academic year. The following materials provide a brief summary of the work and are being submitted to the Board of Trustees for review and approval.

Applied Engineering Building

Proposed FY 2020/2021 Capital Outlay Project

Gross Square Footage: 88,000 Square Feet

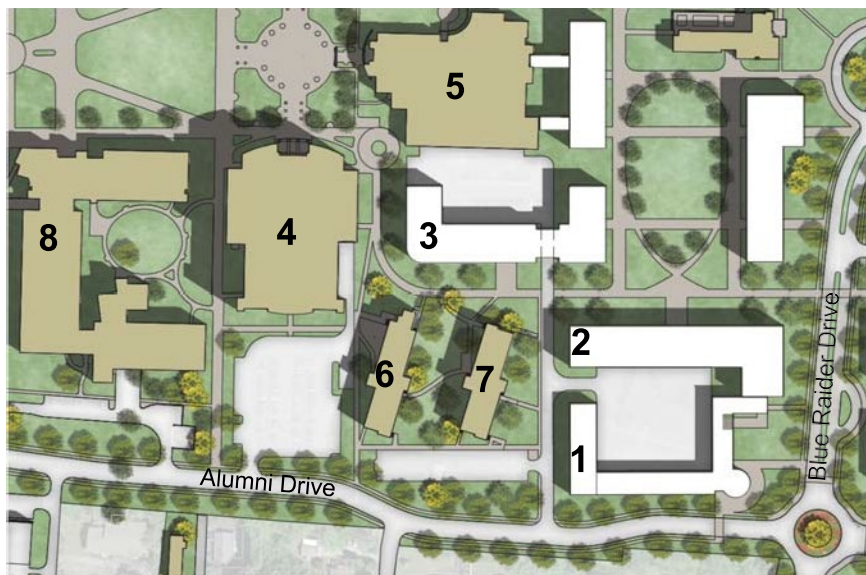
Estimated Construction Cost: \$40,000,000

Estimated Total Project Cost: \$51,000,000

University Match funding (10%): \$ 5,100,000 (\$2,040,000 in gift funding)

This project provides a new center for the Applied Engineering programs including Engineering Technology and Mechatronics Engineering. These highly related, integrative programs are currently located in multiple buildings across campus. This new facility will provide critically needed classrooms, offices, and labs designed to serve a technologically rich and collaborative pedagogy. The Applied Engineering Building is listed as a **“high priority”** item in the current Campus Master Plan.

The applied engineering programs are currently located in Voorhies and Midgett buildings. In a scale from A-D, Voorhies is rated a “C” in academic program suitability and a “D” in physical building condition rating in the Master Plan. The Midgett Building is rated a “D” in academic suitability and a “D” in physical building condition. The new Applied Engineering Building along with School of Concrete and Construction Management allows for the future demolition of the Voorhies building and the Midgett building. These demolitions are listed as **“high priority”** projects in the Campus Master Plan.



Site Vicinity Plan - East Quad

Future Buildings:

1. CCM Building
- 2. Applied Engineering**
3. Math & Computer Science

Existing Buildings:

4. Walker Library
5. Bragg Media
6. Deere Hall
7. Nicks Hall
8. Science Building

The proposed new location of the Applied Engineering Building is identified in the Campus Master Plan at the southern end of the East Quad. This location will group the future home of the School of Concrete and Construction Management and proposed Math and Computer Science and Applied Engineering buildings along with the existing Science Building together to create an **academic neighborhood focused on STEM disciplines.**

3.1 DB70

1 **Department:** Tennessee Higher Education Commission
Institution: Middle Tennessee State University
Project: Applied Engineering Building
City/County: Murfreesboro, Rutherford County

2 **Fiscal Year:** 2020 / 2021

3		New		Reno/Maint
<input checked="" type="checkbox"/>	Capital Outlay			0
<input type="checkbox"/>	Capital Maintenance	88,000	Gross Sq.Ft.	0
<input checked="" type="checkbox"/>	Disclosure	49,000	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	454.55	Cost/Sq.Ft.	0.00

4 Project Description:

Design and construct a new center for the Applied Engineering programs. The new facility provides critically needed classrooms, offices, and labs designed to serve technologically rich and collaborative programs.

5	Total Project	This Request	Estimated Building Construction Cost:	40,000,400
	40,000,000	40,000,000	Building Construction	
	1,500,000	1,500,000	Site & Utilities	
	200,000	200,000	Built-in Equipment	
	41,700,000	41,700,000	Bid Target	
	2,000,000	2,000,000	Contingency:	4.80 percent
	43,700,000	43,700,000	MACC (Maximum Allowable Construction Cost)	
	2,356,528	2,356,528	Fee:	35/LogP-1.15= 5.39251215 New
	4,000,000	4,000,000	Movable Equipment	
	420,000	420,000	first other	Pre-Con, Commissioning
		0	second other	
	523,472	523,472	Administration & Miscellaneous	
	51,000,000	51,000,000	Total Cost	

6 Funding Request:	THIS REQUEST
45,900,000	45,900,000
0	0
5,100,000	5,100,000
	STATE funds
	FEDERAL funds
	Local and Institutional Funds
	Plant Funds, Gifts

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
plus This Request	0	
51,000,000	0	

8 **SBC Action:** If an existing project, SBC Project No.: NA

9 **Designer:** NA



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Capital Maintenance Projects Submittal**

BACKGROUND INFORMATION:

The Board of Trustees is charged with approving the Capital Maintenance Project requests for Middle Tennessee State University for FY 2020-21 in conjunction with instructions received from the Tennessee Higher Education Commission (THEC).

This presentation provides the documentation to be submitted to THEC including:

- Summary of Capital Maintenance potential project requests for five years, FY 2020-21 thru FY 2024-25
- Capital Maintenance requests for six (6) projects for FY 2020-21 totaling \$10,050,000.

In addition to the project request documentation, this presentation provides the THEC FY 2020-21 Governing Board Maintenance Pools and Allocation(s).

**THEC FY 2020-21 Governing Board
Maintenance Pools and Allocations**

(Total Recommendation \$150,000,000/\$120,000,000)

Governing Board	Maintenance Pool (%)	Maintenance Allocation (\$)	Maintenance Allocation (\$)
MTSU	6.7%	\$10,050,000	\$8,040,000
APSU	3.1%	\$4,670,000	\$3,740,000
ETSU	7.3%	\$10,960,000	\$8,770,000
TSU	5.2%	\$7,810,000	\$6,250,000
TTU	5.2%	\$7,870,000	\$6,290,000
UoM	12.3%	\$18,380,000	\$14,700,000
SPA/LGI Subtotal	39.8%	\$59,740,000	\$47,790,000
UT System Subtotal	40.0%	\$60,010,000	\$48,010,000
TBR System Subtotal	20.2%	\$30,240,000	\$24,190,000
Grand total	100%	\$150,000,000	\$120,000,000

Note: Recent MTSU Capital Maintenance Allocation by FY
 FY 2019-20; \$4.7million (5 projects)
 FY2018-19; \$8.2million (7 projects)
 FY2017-18; \$8.9million (5 projects)
 FY2016-17; \$6.7million (5 projects)
 FY2015-16; \$2.6million (1 project)
 FY2014-15; \$1.3million (1 project)

Capital Maintenance Request: FY 2020-21

Governing Board: 2020-21 Maint Allocation:	Middle Tennessee	Maintenance Request Level from Governing System Pools tab
	\$10,050,000	\$150,000,000

FY	Priority*	SPA	Project	Project Description**	Project Cost
2020-21	1	MTSU	Murphy Center Window Repair/Replacement	Replace the window/wall system for Murphy Center.	\$ 4,600,000
2020-21	2	MTSU	Elevator Modernization Phase III	Modernization of elevators in several buildings to improve reliability and address current codes.	\$ 2,000,000
2020-21	3	MTSU	Water & Sewer System Updates Phase II	Repairs/Replacement of existing sewer and domestic water system sections across campus.	\$ 490,000
2020-21	4	MTSU	Several Buildings Roof Replacements	Replace roofs for various buildings that are out of warranty and in need of major repairs. (Ingram, Blue Warehouse, Cope)	\$ 950,000
2020-21	5	MTSU	Steam/Condensate & Manhole Repair/Replacement Phase III	Replacement of aged steam/condensate lines and rebuild manholes.	\$ 1,400,000
2020-21	6	MTSU	Sidewalk Repair/Replacement Phase I	Repairs & replacement of sidewalks to improve safety and address codes. Repair and replace seating walls, hardscapes and pave areas.	\$ 610,000
Total Cost of FY 20-21 Maintenance Projects					\$ 10,050,000

Capital Maintenance Out-Years: FY 2021-22 through 2024-25

FY	Priority*	SPA	Project	Project Description	Project Cost
2021-22	1	MTSU	Underground Electrical Update	Move overhead lines underground, reconfigure main feeder circuits for redundancy, remove/replace switch gear, remove dip poles etc.	\$ 1,200,000
2021-22	2	MTSU	Life Safety Fire Alarm System Upgrades Phase II	Fire alarm system upgrades and testing.	\$ 900,000
2021-22	3	MTSU	Elevator Modernization Phase IV	Modernization of elevators in several buildings to improve reliability and address current codes.	\$ 1,400,000
2021-22	4	MTSU	Several Buildings Window Replacement	Replace aging windows due to age and inefficiencies. (Complete prior to HVAC project)	\$ 1,550,000
2021-22	5	MTSU	Several Buildings Roof Replacements	Replace roofs, for various buildings, that are out of warranty and in need of major repairs.	\$ 1,400,000
2021-22	6	MTSU	Several Building Pneumatic Controls Replacements	Replacement of aged pneumatic control systems and devices with electronic ddc devices in several buildings.	\$ 650,000
2021-22	7	MTSU	Pump and VFD Replacement Phase I	Replacement of pump & VFD systems for utility systems.	\$ 1,000,000

Capital Maintenance Out-Years: FY 2021-22 through 2024-25

FY	Priority*	SPA	Project	Project Description	Project Cost
2022-23	1	MTSU	KUC Mechanical and HVAC Upgrades Phase II	Upgrade distributed mechanical and HVAC systems including piping systems and control devices.	\$ 1,500,000
2022-23	2	MTSU	Steam/Condensate & Manhole Repair/Replacement Phase IV	Replacement of aged steam/condensate lines and rebuild manholes.	\$ 1,500,000
2022-23	3	MTSU	Several Buildings Plumbing & Restroom Upgrades	Plumbing & restroom upgrades, in several buildings, to improve functionality and meet current codes.	\$ 2,950,000
2022-23	4	MTSU	Several Buildings Roof Replacement	Replace roofs, for various buildings, that are out of warranty and in need of major repairs.	\$ 750,000
2022-23	5	MTSU	Domestic Water & Sewer System's Updates Phase II	Repairs/replacement of existing sewer and domestic water system sections across campus.	\$ 650,000
2022-23	6	MTSU	Elevator Modernization Phase V	Modernization of elevators in several buildings to improve reliability and address current codes.	\$ 750,000
2023-24	1	MTSU	JUB Building Mechanical HVAC, Windows & Ceiling Upgrades	Mechanical & HVAC upgrades and ceiling replacements in building to improve reliability and meet codes (coordinate with window project)	\$ 2,550,000
2023-24	2	MTSU	Life Safety Fire Alarm System Upgrades Phase III	Fire alarm system upgrades and testing.	\$ 850,000
2023-24	3	MTSU	Elevator Modernization Phase V	Modernization of elevators in several buildings to improve reliability and address current codes.	\$ 1,500,000
2023-24	4	MTSU	Campus Stormwater BMP Phase II	Stormwater improvements to meet best management practices.	\$ 650,000
2023-24	5	MTSU	Womack Lane Switchgear Replacement	Replace primary electrical switchgear.	\$ 900,000
2023-24	6	MTSU	Sidewalk Repair/Replacement Phase II	Repairs & replacement of sidewalks to improve safety and address codes.	\$ 700,000
2023-24	7	MTSU	Several Buildings Roof Replacements	Replace roofs, for various buildings, that are out of warranty and in need of major repairs.	\$ 950,000
2024-25	1	MTSU	Pump and VFD Replacement	Replacement of pump & VFD systems for utility systems.	\$ 1,200,000
2024-25	2	MTSU	Jones Hall Mechanical, HVAC, Lighting, Ceiling Upgrades	Mechanical and HVAC upgrades and ceiling replacements in building to improve reliability and meet codes. (coordinate with window project)	\$ 2,500,000
2024-25	3	MTSU	Several Buildings Plumbing Upgrades	Plumbing upgrades, in several buildings, to improve functionality and meet current codes.	\$ 1,250,000
2024-25	4	MTSU	PMH Gear Replacement	Replace pad mounted electrical switchgear.	\$ 938,000
2024-25	5	MTSU	Several Building Mechanical, HVAC, Lighting, Ceiling Upgrades	Mechanical and HVAC upgrades and ceiling replacements in buildings to improve reliability and meet codes. (coordinate with window project)	\$ 2,500,000

3.1 DB70

1 **Department:** Tennessee Higher Education Commission
Institution: Middle Tennessee State University
Project: Murphy Center Window Repair/Replacement
City/County: Murfreesboro/Rutherford

2 **Fiscal Year:** 2020 / 2021

3		New		Reno/Maint
<input type="checkbox"/>	Capital Outlay			
<input checked="" type="checkbox"/>	Capital Maintenance	235,654	Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	18.03	Cost/Sq.Ft.	0.00

4 Project Description:

Replace antiquated curtain wall system with modern curtain wall, along with exterior repairs and all related work.

5	Total Project	This Request	Estimated Building Construction Cost:	4,248,842
	3,860,000	3,860,000	Building Construction	
	0	0	Site & Utilities	
	0	0	Built-in Equipment	
	3,860,000	3,860,000	Bid Target	
	390,000	390,000	Contingency:	10.10 10.10 percent
	4,250,000	4,250,000	MACC (Maximum Allowable Construction Cost)	
	271,521	271,521	Fee:	35/LogP-1.15= 6.38873954 New
	0	0	Movable Equipment	
	0	0	first other	
	0	0	second other	
	78,479	78,479	Administration & Miscellaneous	
	4,600,000	4,600,000	Total Cost	

6 Funding Request:	THIS REQUEST
4,600,000	4,600,000
0	0
0	0
	STATE funds
	0 FEDERAL funds
	0 Local and Institutional Funds

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
0	0	
plus This Request	0	
4,600,000	0	

8 **SBC Action:** If an existing project, SBC Project No.: **NA**

9 **Designer:** **NA**

3.2 Project Support Documentation sheet 1

Institution: Middle Tennessee State University

Project: Murphy Center Window Repair/Replacement

A. Architectural Program Scope

Replace antiquated curtain wall system with modern curtain wall, along with exterior repairs and all related work.

B. Evidence of Physical Facility Need

The window wall system at the Murphy Center is original to the structure. The existing window wall is showing signs of deterioration. The glazing is cracked in several areas, several of the seals have been compromised, and some of the gaskets are dry and failing. New curtain wall system will provide better insulation and also help in reducing energy costs for the University.

C. Historical Profile

Murphy Center was constructed in 1970. In addition to the 10,000 seat arena, the facility is the home of the Health and Human Performance (HHP) academic programs, and the Athletic Department administrative offices and programs. Overall the building is in serviceable condition, but the growth of the University over the past 40 years has created space constraints with overcrowding. Recent upgrades to the building include ADA updates to the restrooms in 2006 and updating the fire alarm system 2009.

D. Summary Results and Date of Physical Facilities Survey

2019 - Exterior enclosure - 60

3.3 Project Support Documentation sheet 2

Institution: Middle Tennessee State University

Project: Murphy Center Window Repair/Replacement

E. Cost Basis for Construction Estimate and Other Costs

Building construction cost was determined using 2019 RSMeans data for curtain wall and glazed assemblies taking local construction costs and indices (\$100 sq.ft.). The cost was validated by an independent wall system vendor.

F. Project Schedule

The project will be submitted for approval at the July 2020 SBC and July 2020 ESC Meeting for designer selection. It is anticipated that design will be completed in four months and the project will be bid in the December 2020 timeframe. The actual construction will be scheduled and coordinated with specific events and venues booked at Murphy Center. Weather consideration will be addressed in the overall construction duration.

G Campus or Architectural Program Impact

Murphy Center is located at one of the main gateways of the Campus and presents a significant positive image of the MTSU Campus. The building architecture, specifically the glazing/window system, gives the building its character and notoriety for every Campus visitor. The Murphy Center hosts many City of Murfreesboro civic events, including high school graduations and sporting events. The Murphy Center is also visited by anyone attending graduation at MTSU providing, at times, the last glimpse of the Campus to our graduates and their families.

Exterior Enclosure	Value	Campus Rating	Campus Score	Review Rating	Review Score
B20	7	60	4.2	100	7.0

Items

Wall Condition	2	****
Caulking	3	***
Cleaning & Pointing	3	***
Painting	2	****
Window Condition	4	**
Exterior Door Condition	3	***
Exterior Hardware	3	***

Description

The structural exterior wall system is reinforced concrete columns and reinforced concrete walls with light steel frame.
 The non-structural consist of concrete block, limestone and glass curtain panel
 Windows have been replaced

Condition / Recommendation

General cleaning needed
 Caulking needed at window condition
 Door hardware showing signs of age
 Concrete cracking west elevation
 Windows need cleaning Some are in bad shape
 Concourse doors need replacement or major rework.

SP100303 Replace 7 banks of doors/Murphy Center 2010
 SP100304 Install security system on windows & doors for after hour use/Ticket Office 2010

2014 review- no changes

2019 review - the existing window wall system is deteriorating with cracking condition and seals failing. Further investigation may be needed and repairs required.



3.1 DB70

1 Department: Tennessee Higher Education Commission
 Institution: Middle Tennessee State University
 Project: Elevator Modernization Phase III
 City/County: Murfreesboro/Rutherford

2 Fiscal Year: 2020 / 2021

3		New		Reno/Maint
<input type="checkbox"/>	Capital Outlay			
<input checked="" type="checkbox"/>	Capital Maintenance	0	Gross Sq.Ft.	756,876
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft.	2.35

4 Project Description:

Continuation of modernization of elevators from previous phases. This phase includes the Miller Education Center (2 of 2 elevators in the West Building), James Walker Library (2 in back of house elevators of 6 total in building), Business & Aerospace Building (3 of 3 elevators), and Cason Kennedy Nursing (1 of 1 elevator).

5	Total Project	This Request	Estimated Building Construction Cost:
	12,725,000	1,636,000	1,778,659
	0	0	
	12,725,000	1,636,000	
	1,275,000	164,000	
	14,000,000	1,800,000	
	1,021,493	154,252	
	0	0	
	100,000	20,000	
	0	0	
	278,507	25,748	
	15,400,000	2,000,000	

THIS REQUEST		
1,636,000	Building Construction	
0	Site & Utilities	
0	Built-in Equipment	
1,636,000	Bid Target	
164,000	Contingency:	10.02 percent
1,800,000	MACC (Maximum Allowable Construction Cost)	
154,252	Fee:	35/LogP-1.15= 7.29637522
0	Movable Equipment	
20,000	first other	Haz Mat Abatement
0	second other	
25,748	Administration & Miscellaneous	
2,000,000	Total Cost	

6 Funding Request:	THIS REQUEST
15,400,000	2,000,000
0	0
0	0

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	550,000	18-19 CFCM (A)
550,000	0	
plus This Request	0	
2,000,000	0	

8 SBC Action: If an existing project, SBC Project No.: 366/009-09-2018

9 Designer: NA

3.2 Project Support Documentation sheet 1

Institution: Middle Tennessee State University

Project: Elevator Modernization Phase III

A. Architectural Program Scope

To provide necessary modernization of passenger elevators in the Miller Education Center (west side), James Walker Library (2 back of house elevators), Business & Aerospace, and Cason Kennedy Nursing buildings.

B. Evidence of Physical Facility Need

A review of the facilities' elevator inventory for these buildings, combined with past work order history, visual inspections, occurrence of repair, and lack of available replacement parts demonstrates the need for modernization. Reliable vertical circulation is critical to the operations of all buildings on Campus. Accessibility to all floor and building areas is paramount to the academic success of students and faculty's support of students efforts.

C. Historical Profile

Elevators in the Miller Education Center were installed in 1997.
Elevators in the James Walker Library were installed in 1997.
Elevators in the Business & Aerospace building were installed in 1997.
Elevator in the Cason Kennedy Nursing Building were installed in 1994.

D. Summary Results and Date of Physical Facilities Survey

2019 - Miller Education Center - 70
2019 - James Walker Library - 70
2019 - Business & Aerospace Building - 70
2019 - Cason-Kennedy Nursing Building - 70

3.3 Project Support Documentation Sheet 2

Institution: Middle Tennessee State University

Project: Elevator Modernization Phase III

E. Cost Basis for Construction Estimate and Other Costs

The cost for each site specific elevator modernization has been developed with information from recently bid capital maintenance projects involving similar size and scope elevator. Additional cost information was provided by the Campus elevator vendor/contactor who currently holds the five year annual maintenance agreement.

F. Project Schedule

The project will be presented for approval at the July 2020 SBC Meeting, and July 2020 ESC Meeting for designer selection. The design will have a duration of approximately five months and the project will be bid in the January 2021 timeframe. Construction activities, expected to have a duration of four months, will be scheduled around the academic year calendar and specific accessibility needs at each building.

G Campus or Architectural Program Impact

Vertical circulation and access to all floors of all building is an inherent need of every student, visitor, and faculty. Elevators are a critical component of the operational requirements of any building on Campus. Beyond the immediate obvious accessibility need, elevators represent compliance to national accessibility requirements critical to the success of everyone on Campus.

Conveying	Value	Campus Rating	Campus Score	Review Rating	Review Score
D10	3	70	2.1	100	3.0

Items

Elevator Condition	S	*****
Elevator Suitability	S	*****
Other Conveying	NA	
ADA Compliance	S	*****

Description

2014- two Northern passenger elevators. Capacity 6000 lbs each and speed of 350.
Four elevators in building.

Condition / Recommendation

2014 Review - Building to undergo renovation. No recommendations.
2017 review- Modernization and repairs are recommended to address mechanical and code deficiencies.
2019 review- modernization and repairs needed

Conveying	Value	Campus Rating	Campus Score	Review Rating	Review Score
D10	3	70	2.1	100	3.0

Items

Elevator Condition	3	***
Elevator Suitability	3	***
Other Conveying	NA	
ADA Compliance	S	*****

Description

6 passenger elevators (Automatic)
2500 lbs capacity

2014 review- 5 passenger elevators automatic 2500 lbs, 1 freight automatic 4500 lbs
New hydraulic elevator soft start installed on all 6 elevators. All Hydros.

Condition / Recommendation

no recommendations

2014 review- no recommendations
2019 review- Freight and staff elevators: mechanical parts are worn and controller is obsolete. Need to replace the control system and moving mechanical parts. Door operator was replaced in 2019 on freight elevator #5. The recommendation is for freight and staff elevators only. Elevators are approximately 23 years old.

Conveying	Value	Campus Rating	Campus Score	Review Rating	Review Score
D10	3	70	2.1	100	3.0

Items

Elevator Condition	3	***
Elevator Suitability	3	***
Other Conveying	NA	
ADA Compliance	S	*****

Description

2 elevators
 1--3500 lbs
 carpet
 plastic laminate walls
 stainless steel door
 Lay in ceiling
 All Hydros

2-- 5000 lbs
 Brand- Automatic (3)

Condition / Recommendation

no recommendations
 2014 review- no changes
 2019- mechanical parts worn and controller obsolete. Recommend modernization on all 3 elevators. Elevators are approximately 24 years old.

Conveying	Value	Campus Rating	Campus Score	Review Rating	Review Score
D10	3	70	2.1	100	3.0
Items					

Elevator Condition	3	***
Elevator Suitability	3	***
Other Conveying	NA	
ADA Compliance	S	*****

Description

One hydraulic passenger elevator
 2014 review- 2500 lb ESCO Brand

Condition / Recommendation

Elevator is in good condition

2014 review- no changes
 2017 review- elevator electrical control equipment is outdated, cannot be replaced if breakdown occurs. Age 23 years. Modernization and repairs are recommended to address mechanical and code deficiencies.
 2019 review- same recommendation, but now 25 years old.

3.1 DB70

1 **Department:** Tennessee Higher Education Commission
Institution: Middle Tennessee State University
Project: Water and Sewer System Updates Phase II
City/County: Murfreesboro/Rutherford

2 **Fiscal Year:** 2020 / 2021

3		New		Reno/Maint
<input type="checkbox"/>	Capital Outlay			
<input checked="" type="checkbox"/>	Capital Maintenance	0	Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft.	0.00

4 **Project Description:**

Phase II of a multi-phased project to repair or replace aging sewer and domestic water systems across campus, and all related work.

5	Total Project	This Request	Estimated Building Construction Cost: <input type="text" value="0"/>	
	0	0	Building Construction	
	1,770,000	400,000	Site & Utilities	
	0	0	Built-in Equipment	
	1,770,000	400,000	Bid Target	
	180,000	40,000	Contingency:	10.17 10.00 percent
	1,950,000	440,000	MACC (Maximum Allowable Construction Cost)	
	132,781	34,272	Fee:	35/LogP-1.15= 6.80929267 <input type="text" value="New"/>
	0	0	Movable Equipment	
	0	0	first other	
	0	0	second other	
	67,219	15,728	Administration & Miscellaneous	
	2,150,000	490,000	Total Cost	

6 Funding Request:	THIS REQUEST	
2,150,000	490,000	STATE funds
0	0	FEDERAL funds
0	0	Local and Institutional Funds

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	1,010,000	18-19 CFCM (A)
1,010,000	0	
plus This Request	0	
490,000	0	

8 **SBC Action:** If an existing project, SBC Project No.:

9 **Designer:**

3.2 Project Support Documentation sheet 1

Institution: Middle Tennessee State University

Project: Water and Sewer System Updates Phase II

A. Architectural Program Scope

To make repairs as needed to the existing sewer and domestic water systems. Many of the existing sanitary sewer lines date back to the early period of the original campus and are clay. Backflow preventers are needed to maintain compliance. Water system upgrades are necessary to keep buildings functioning.

B. Evidence of Physical Facility Need

Due to age, settling and localized disturbances to the sanitary sewer lines have become damaged and are at risk for failure. In addition, local failures at various sections have resulted in sewer back-up into buildings. A survey completed by the Murfreesboro Water Resources Dept. in 2003 show numerous points around campus that need to be addressed. Domestic water pumps in older buildings are aged and need upgrades.

C. Historical Profile

Campus water and sewer line installs date back to 1911. Other sewer lines needing improvement are over 50 years old and clay pipe was installed which is prone to damage and makes repairs difficult.

D. Summary Results and Date of Physical Facilities Survey

N/A

3.3 Project Support Documentation Sheet 2

Institution: Middle Tennessee State University

Project: Water and Sewer System Updates Phase II

E. Cost Basis for Construction Estimate and Other Costs

Estimates were based on the current capital maintenance sewer project costs, validated by the current designer. Updates to the systems were selected based on a prioritized list that cataloged the deterioration of the system. Additional costs were added for anticipated rock excavation and other site constraints.

F. Project Schedule

The project will be presented at the July 2020 SBC Meeting for approval, and July 2020 ESC Meeting for designer selection. The design has an expected duration of five months and the project will be bid in the January 2021 timeframe to provide ample time for coordination of traffic and closures during the summer months.

G. Campus or Architectural Program Impact

Water service and sanitary sewer are critical infrastructure elements required for basic Campus operations. Any disruption of services will be immediately reflected in the need to vacate buildings or reschedule critical activities and limiting use of the overall Campus.

Water and Sewer System Updates Phase II		
Priority	Location	Description
1	From Peck Hall, along Old Main Circle to parking lot behind dorms	Sewer Line Rehabilitation Needed
2	Lyon Complex	Sewer Line Rehabilitation Needed
3	One Section of Womack Ln Apts (Could be done in-house)	Sewer Line Rehabilitation Needed
4	Tucker Theater	Sewer Line Rehabilitation Needed
5	Rutledge Complex and Vorhees	Sewer Line Rehabilitation Needed
6	Reynolds Complex	Sewer Line Rehabilitation Needed
7	Maintenance Complex	Sewer Line Rehabilitation Needed
8	Womack Lane Apts entire section	Sewer Line Rehabilitation Needed
9	Blue Warehouse	Needs a backflow
10	KOM	Needs a backflow

3.1 DB70

1 **Department:** Tennessee Higher Education Commission
Institution: Middle Tennessee State University
Project: Several Buildings Roof Replacements
City/County: Murfreesboro/Rutherford

2 **Fiscal Year:** 2020 / 2021

3		New		Reno/Maint
<input type="checkbox"/>	Capital Outlay			
<input checked="" type="checkbox"/>	Capital Maintenance	37,912	Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	22.15	Cost/Sq.Ft.	0.00

4 Project Description:

Roof replacement for several buildings that are out of warranty and in need of major repairs along with refurbishing of wall panels and all related work. The buildings included in the project are the Cope Administration Building, Sam Ingram and the Storage Warehouse.

5	Total Project	This Request	Estimated Building Construction Cost:	839,751
	763,500	763,500	Building Construction	
	0	0	Site & Utilities	
	0	0	Built-in Equipment	
	763,500	763,500	Bid Target	
	76,500	76,500	Contingency: 10.02 percent	10.02
	840,000	840,000	MACC (Maximum Allowable Construction Cost)	
	61,580	61,580	Fee: 35/LogP-1.15=	7.33094943
	0	0	Movable Equipment	New
	0	0	first other	Haz Mat Abatement
	0	0	second other	
	48,420	48,420	Administration & Miscellaneous	
	950,000	950,000	Total Cost	

6 Funding Request:	THIS REQUEST
950,000	950,000
0	0
0	0

STATE funds
 FEDERAL funds
 Local and Institutional Funds

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
plus This Request	0	
950,000	0	

8 **SBC Action:** If an existing project, SBC Project No.: NA

9 **Designer:** NA

3.2 Project Support Documentation sheet 1

Institution: Middle Tennessee State University
Project: Several Buildings Roof Replacements

A. Architectural Program Scope

Roof replacement for several buildings that are out of warranty and in need of major repairs along with refurbishing of wall panels. These buildings are the Cope Administration Building, Sam Ingram and the Storage Warehouse.

B. Evidence of Physical Facility Need

Due to age and numerous reoccurring leaks, these roofs need to be replaced. Roof replacement will eliminate any physical damage caused by roof leaks or water migration through flashings.

C. Historical Profile

Cope Administration Bldg. - Last replaced in 2000
Storage Warehouse - Original metal roof/1978
Sam Ingram Building - shingled roof/unknown

D. Summary Results and Date of Physical Facilities Survey

2019 - Cope Administration Building - 60
2019 - Sam Ingram Building - 60
2019 - Storage Warehouse - 50

3.3 Project Support Documentation Sheet 2

Institution: Middle Tennessee State University

Project: Several Buildings Roof Replacements

E. Cost Basis for Construction Estimate and Other Costs

Metal roof pricing is calculated by using historical data from 2012 for the Sam Ingram Building plus accounting for inflation and estimates from current designers. Metal roof cost per sq. ft. is \$17. EPDM roofing costs are from current roofing costs and designer estimates for the latest roof replacement projects on Campus. Cost per sq. ft. is \$16.

F. Project Schedule

The project will be presented at the July 2020 SBC Meeting and July 2020 ESC Meeting for designer selection. The design phase will have an expected duration of five months and the project will be bid on the January 2021 timeframe. Construction period will not be affected by the academic calendar or Campus activities.

G. Campus or Architectural Program Impact

Roof basically protect the building content and supports on ongoing and uninterrupted activities. Leaking roofs cause considerable damage to interior finishes requiring relocation of staff and activities. Roof replacement will assure that several recent interior renovations will be safeguarded from water intrusion.

Roofing	Value	Campus Rating	Campus Score	Review Rating	Review Score
B30	7	60	4.2	90	6.3
Items					

Roofing	3	***
Parapets	S	*****
Flashing	S	*****
Drainage	2	****

Description

Flashing is aluminum.
 Installed in 2000.

FEA- EPDM fully adhered on upper roof and lower roofs. (Both East and West wings)

Condition / Recommendation

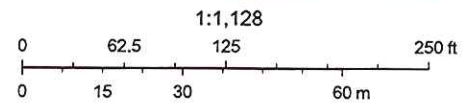
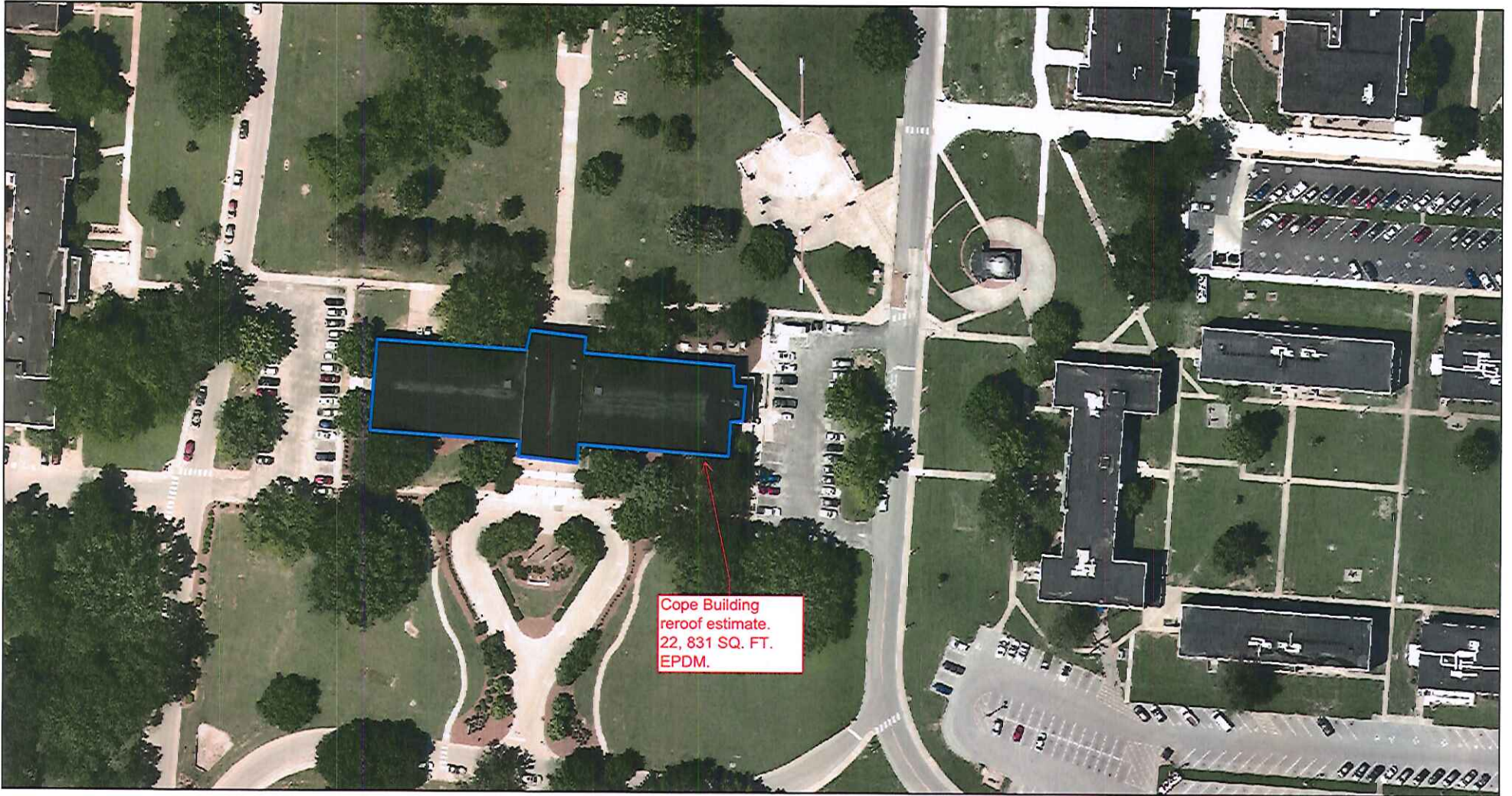
In good condition.

FEA- Upper roof and lower roof- ponding, clogged roof drains. See photo.
 2014 review- no changes
 2019 review- this roof is out of warranty and is currently leaking in many areas.

Roof Information

Type	Manufacturer	Location	Area	Year New	Warranty End	
EPDM Fully Adhered System	Firestone	Center	4,790	2000	2010-05-23	Y
EPDM fully Adhered System	Firestone	East Wing from Center Section	8,867	2000	2010-05-23	
EPDM Fully Adhered System	Firestone	West Wing from Center Section	8,888	2000	2010-05-23	
EPDM Fully Adhered System	Firestone	East Stair/Ramp Cover	254	2000	2006-05-23	

Cope Administration Building



Roofing Value Campus Rating Campus Score Review Rating Review Score
 B30 7 60 4.2 100 7.0
 Items

Roofing	3	***
Parapets	NA	
Flashing	2	****
Drainage	S	*****

Description

Roof system:
 Composition shingles; wood deck
 Gutters and downspouts; aluminum
 2014 Review-New roof; MT Conference Center; SBC 166/009-06-07

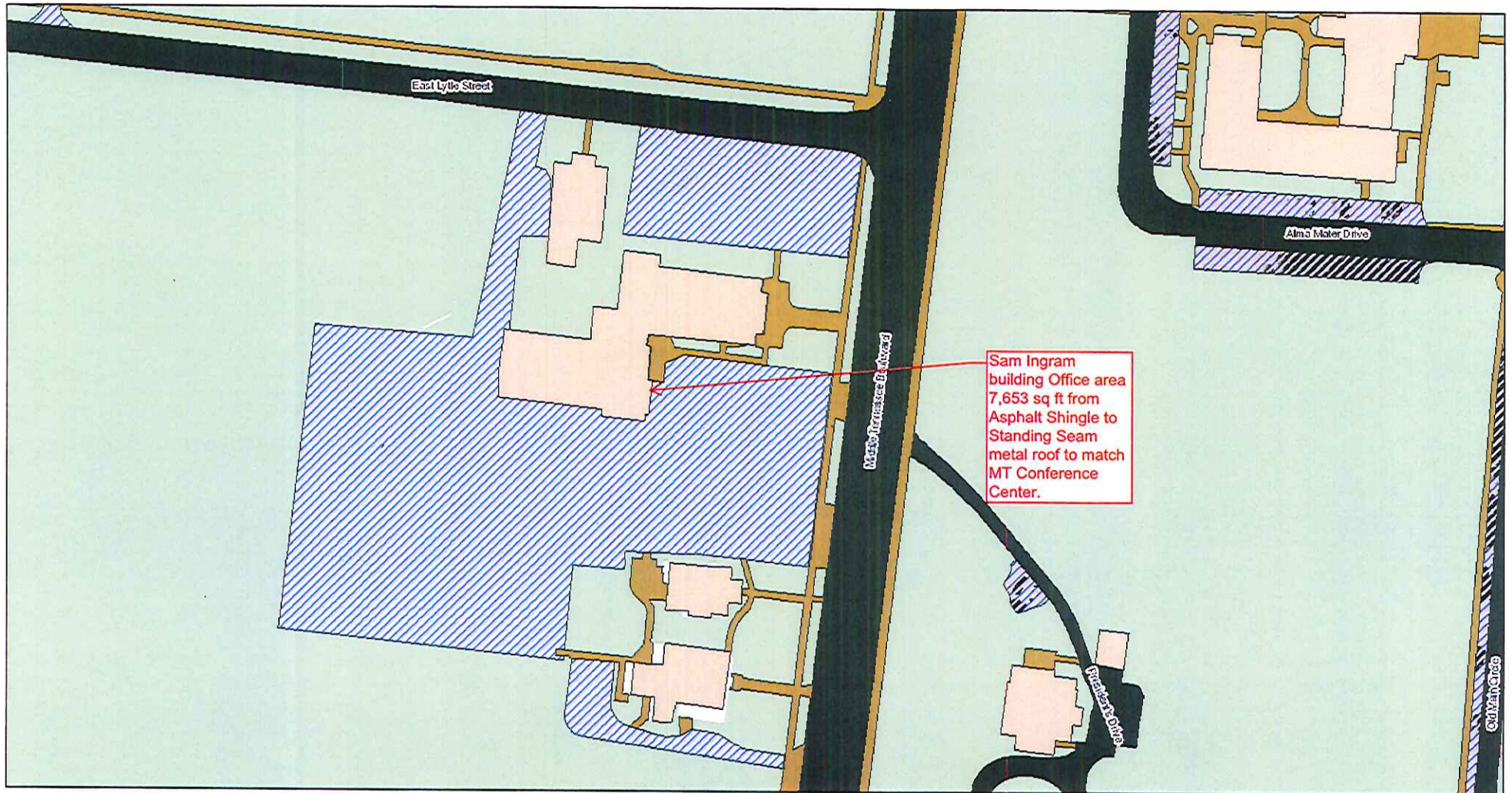
Condition / Recommendation

N/A
 2014 Review - No recommendations
 2019 review- age of existing roof is unknown, existing with MTSU purchase of the building. Roof has leaks and needs to be replaced using standing seam metal to match other roof area replaced.

Roof Information

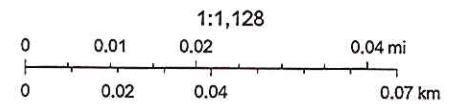
Type	Manufacturer	Location	Area	Year New	Warranty End	
Asphalt shingles	Carlisle		13,748			
(unknown)		South Section	900			Y
Standing seam metal	Dimensional Metals	Ingram Training Center(old sanctuary)	0	2013	2033-07-28	Y

Sam Ingram Building



5/2/2019 10:49:07 AM

- Facility
- Parking Lots
- Grass
- Roads
- Sidewalks





Roofing	Value	Campus Rating	Campus Score	Review Rating	Review Score
B30	7	50	3.5	100	7.0

Items

	Roofing	3	***
	Parapets	NA	
	Flashing	NA	
	Drainage	S	*****

Description

Roof system: metal- steel trusses with purlins; insulation- 2" fiberglass, vinyl covered; no parapet.
 Area= 7200 SF

Condition / Recommendation

no recommendations

2014 Review - no recommendations

2019 review- current roof is 90% rusted, discolored, and leaks in several areas. Needs replacement.

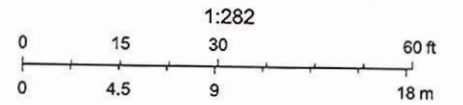
Roof Information

Type	Manufacturer	Location	Area	Year New	Warranty End
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Storage Warehouse



Blue Storage Warehouse 7,428 Sq. Ft. replace old metal roof with new Metal Roof.



3.1 DB70

1 **Department:** Tennessee Higher Education Commission
Institution: Middle Tennessee State University
Project: Steam Lines & Manhole Repair and Replac. Phase III
City/County: Murfreesboro/Rutherford

2 **Fiscal Year:** 2020 / 2021

3		New		Reno/Maint
<input type="checkbox"/>	Capital Outlay			
<input checked="" type="checkbox"/>	Capital Maintenance	0	Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft.	0.00

4 **Project Description:**

Phase III of a multiple phase project to replace steam and condensate lines which are showing signs of leaking underground and to repair manholes associated with lines, and all related work.

5	Total Project	This Request	Estimated Building Construction Cost:	
	0	0		0
	5,727,000	1,127,000	Building Construction	
	0	0	Site & Utilities	
	5,727,000	1,127,000	Built-in Equipment	
	573,000	113,000	Bid Target	
	6,300,000	1,240,000	Contingency: 10.01 10.03 percent	
	487,889	109,742	MACC (Maximum Allowable Construction Cost)	
	0	0	Fee: 35/LogP-1.15= 7.74426672	Renovation
	0	0	Movable Equipment	
	0	0	first other	
	0	0	second other	
	362,111	50,258	Administration & Miscellaneous	
	7,150,000	1,400,000	Total Cost	

6	Funding Request:	THIS REQUEST	
	7,150,000	1,400,000	STATE funds
	0	0	FEDERAL funds
	0	0	Local and Institutional Funds

7	Previous SBC Approved Funding:	fund year	description
	already approved for existing SBC project	2,350,000	18-19 CFCM(MP) (A)
	2,350,000	0	
	plus This Request	0	
	1,400,000	0	

8 **SBC Action:** If an existing project, SBC Project No.: 366/009-05-2018

9 **Designer:** NA

3.2 Project Support Documentation sheet 1

Institution: Middle Tennessee State University

Project: Steam Lines & Manhole Repair and Replac. Phase III

A. Architectural Program Scope

To replace aging steam & condensate lines which are showing signs of leaking underground. Also, to repair manholes associated with these lines to reduce/prevent rainwater infiltration that damages insulation etc.

B. Evidence of Physical Facility Need

Infrared surveys has shown evidence of steam/condensate leaks underground. These leaks are preventing condensate return to the Central Utilities Plant and result in an increase in local work orders and projects. Lack of condensate return is very costly to the University. The lines that are leaking are some of the oldest lines on campus. Rainwater infiltration into manholes compromises the insulation diminishing the energy performance of the system.

C. Historical Profile

2016 Master Plan and 2016 infrared reports. (See thermal image)

D. Summary Results and Date of Physical Facilities Survey

N/A

3.3 Project Support Documentation Sheet 2

Institution: Middle Tennessee State University

Project: Steam Lines & Manhole Repair and Replac. Phase III

E. Cost Basis for Construction Estimate and Other Costs

The cost of this project is based on historical data from a previous phase and validated by the current project, along with budget considerations.

F. Project Schedule

The project will be presented at the July 2020 SBC Meeting and July 2020 ESC Meeting for designer selection. The design phase will have an expected duration of five months and the project will bid in the January 2021 timeframe. Construction period will be coordinated with Campus traffic and academic calendar.

G. Campus or Architectural Program Impact

Steam service affects all buildings on Campus and environmental quality since it supports heating and domestic hot water supplies. The steam infrastructure is critical to the operations of the Campus and the quality of life for staff, faculty and students. Beyond the service reliability, condensate leaching into the ground is detrimental to the environment.



MTSU 2016_IR

3.1 DB70

1 Department: Tennessee Higher Education Commission
Institution: Middle Tennessee State University
Project: Sidewalk Repair and Replacement Phase I
City/County: Murfreesboro/Rutherford

2 Fiscal Year: 2020 / 2021

3		New		Reno/Maint
<input type="checkbox"/>	Capital Outlay			
<input checked="" type="checkbox"/>	Capital Maintenance	0	Gross Sq.Ft.	0
<input type="checkbox"/>	Disclosure	0	Net Sq.Ft.	0
<input checked="" type="checkbox"/>	Designer Required	0.00	Cost/Sq.Ft.	0.00

4 Project Description:

Phase I of a mutple phase project for repairs and replacement of sidewalks, hardscape, steps, stairs, walls and handrails to improve safety and improve accessibility, and all related work.

5	Total Project	This Request	Estimated Building Construction Cost:
	0	0	0
	1,074,000	500,000	Building Construction
	0	0	Site & Utilities
	0	0	Built-in Equipment
	1,074,000	500,000	Bid Target
	108,000	50,000	Contingency: 10.06 10.00 percent
	1,182,000	550,000	MACC (Maximum Allowable Construction Cost)
	84,041	41,936	Fee: 35/LogP-1.15= 7.11003854 <input type="text" value="New"/>
	0	0	Movable Equipment
	0	0	first other
	0	0	second other
	43,959	18,064	Administration & Miscellaneous
	1,310,000	610,000	Total Cost

6 Funding Request:	THIS REQUEST
1,310,000	610,000
0	0
0	0
0	0

7 Previous SBC Approved Funding:	fund year	description
already approved for existing SBC project	0	
0	0	
plus This Request	0	
610,000	0	

8 SBC Action: If an existing project, SBC Project No.: NA

9 Designer: NA

3.2 Project Support Documentation sheet 1

Institution: Middle Tennessee State University

Project: Sidewalk Repair and Replacement Phase I

A. Architectural Program Scope

Repair and replacement of aged and deteriorated sidewalks and hardscape areas. Repair of steps and guardrails and walls at sidewalks to address accessibility codes and requirements.

B. Evidence of Physical Facility Need

Sidewalks are used by students, faculty, and staff trying to access all the buildings and grounds. Sidewalks are at the heart of campus accessibility and require constant maintenance and replacement once they outlasted their useful life. ADA requirements will be incorporated in any new sections of sidewalks. Steps and level changes in the sidewalk paths continue to deteriorate and require attention to avoid tripping hazards or uneven surfaces.

C. Historical Profile

The Campus sidewalk network has been developing for years and addresses established paths taken by students, faculty, and staff trying to access specific buildings or site features. Although properly installed and maintained, concrete continues to deteriorate and eventually fails requiring replacement of entire or partial sections of sidewalks.

D. Summary Results and Date of Physical Facilities Survey

Ongoing traffic and landscaping activities deteriorate the sidewalk network.

3.3 Project Support Documentation Sheet 2

Institution: Middle Tennessee State University

Project: Sidewalk Repair and Replacement Phase I

E. Cost Basis for Construction Estimate and Other Costs

The budget was derived from previous capital projects that included earlier sidewalk deterioration or site accessibility throughout Campus. This project budget is more predictable since it will replace existing sidewalks and hardscapes avoiding unknown underground obstruction or infrastructure.

F. Project Schedule

The project will be presented at the July 2020 SBC Meeting and July 2020 ESC Meeting for designer selection. The design phase will have an expected duration of six months and the project will be bid in the February 2021 timeframe. The construction phase will be scheduled during the summer of 2021 to take advantage of favorable weather conditions and reduced traffic from staff, students, and faculty.

G Campus or Architectural Program Impact

Sidewalk and hardscape network is at the heart of Campus accessibility and is used constantly by everyone on Campus. Deterioration of surfaces must be addressed in order to avoid tripping hazards or inaccessible routes. Sidewalks and hardscapes provide access to various housing and academic buildings not served by vehicular traffic and accessibility is paramount their operations and usefulness on Campus.



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Tuition, Fees, and Housing Rates**

BACKGROUND INFORMATION:

Under the FOCUS Act, the Tennessee Higher Education Commission (THEC) now sets a binding range in which institutions can increase in-state tuition, as well as a binding range for the combined in-state tuition plus mandatory fees. For 2019-20, THEC approved both of these ranges at 0 – 2.5% at its May 17, 2019 Commission meeting.

Attached is a calculation of the University's unmet financial needs for 2019-20. The amount represented is net of funds provided through new state appropriations. This additional financial need is comprised of funding related to (1) employee salary increases, including faculty promotions and adjustments to adjunct salaries; (2) scholarships and increased scholarship levels; (3) new academic programs and student success initiatives; and (4) fixed cost increases for software maintenance agreements, utilities and

maintenance, and tuition discounts.

Included in the materials for this section are several comparisons of MTSU's historical fee rates to other public institutions in Tennessee, as well as comparisons to our THEC peers. The University is proposing a 2.36% increase in tuition for undergraduate students, which complies with THEC's binding range of 0 – 2.5%. The University is recommending an additional 3% increase in graduate tuition. Schedules are provided showing the effect on current in-state and out-of-state rates for students taking 15 credit hours.

An adjustment is being recommended to the Corporate Partnership Rate. Currently, in-state students pay the undergraduate in-state tuition rate; however, the rate for out-of-state students is tied to the e-Rate. The University is recommending charging the in-state tuition rate for all students who are employed by companies with a formal partnership with MTSU to develop and deliver a degree completion program.

In addition to tuition, materials are provided for both mandatory and non-mandatory fee requests, as well as housing rates. Only mandatory fees are subject to THEC's binding range. Non-mandatory fees and housing rates are only subject to approval by the MTSU Board of Trustees.

A summary of fees is provided at the end of this section for your approval. The total impact of the combined increase in undergraduate tuition and mandatory fees is a 2.37% increase on students taking 15 hours, which complies with THEC's total guidance of 0 – 2.5%.

In-State and Out-of-State Tuition

Suggested Student Revenue Increase

	<u>Amount</u>
2.0% Salary Pool, including benefits Faculty	\$ 3,200,000
Promotions	549,000
Adjunct Salaries	511,500
Scholarships & Discounts	1,538,800
Software Maintenance Agreements New	796,348
Academic Programs	171,057
Utilities and Maintenance Cost Increases	400,000
Other Fixed Costs and Student Success Initiatives	223,695
FY 19-20 Budget Need	<u>\$ 7,390,400</u>
State Appropriations	<u>3,778,900</u>
FY 19-20 Funds Available	<u>\$ 3,778,900</u>
Unmet Need	\$ 3,611,500
Tuition Increase Needed	2.36%

Tuition and Fees Comparison

	Tuition & Fees 18-19	Peer Tuition & Fees 18-19	+/- %	TN Rank ¹	Peer Max	Peer Min
APSU	\$8,471	\$8,490	-0.2%	7	\$10,615	\$5,775
ETSU	\$9,277	\$8,150	13.8%	6	\$10,872	\$5,775
MTSU	\$9,206	\$8,944	2.9%	7	\$12,462	\$6,093
TSU	\$8,007	\$8,766	-8.7%	8	\$11,060	\$5,775
TTU	\$9,103	\$7,843	16.1%	4	\$10,714	\$5,775
UM	\$9,701	\$10,775	-10.0%	10	\$15,324	\$6,410
UTC	\$8,664	\$7,485	15.8%	4	\$10,183	\$5,775
UTK	\$13,006	\$11,290	15.2%	4	\$16,520	\$6,380
UTM	\$9,194	\$9,674	-5.0%	7	\$15,730	\$6,808

Universities are ranked 1-13, with 1 being highest tuition and fees and 13 being lowest tuition and fee

Source: THEC-Defined Peers

MTSU Peers

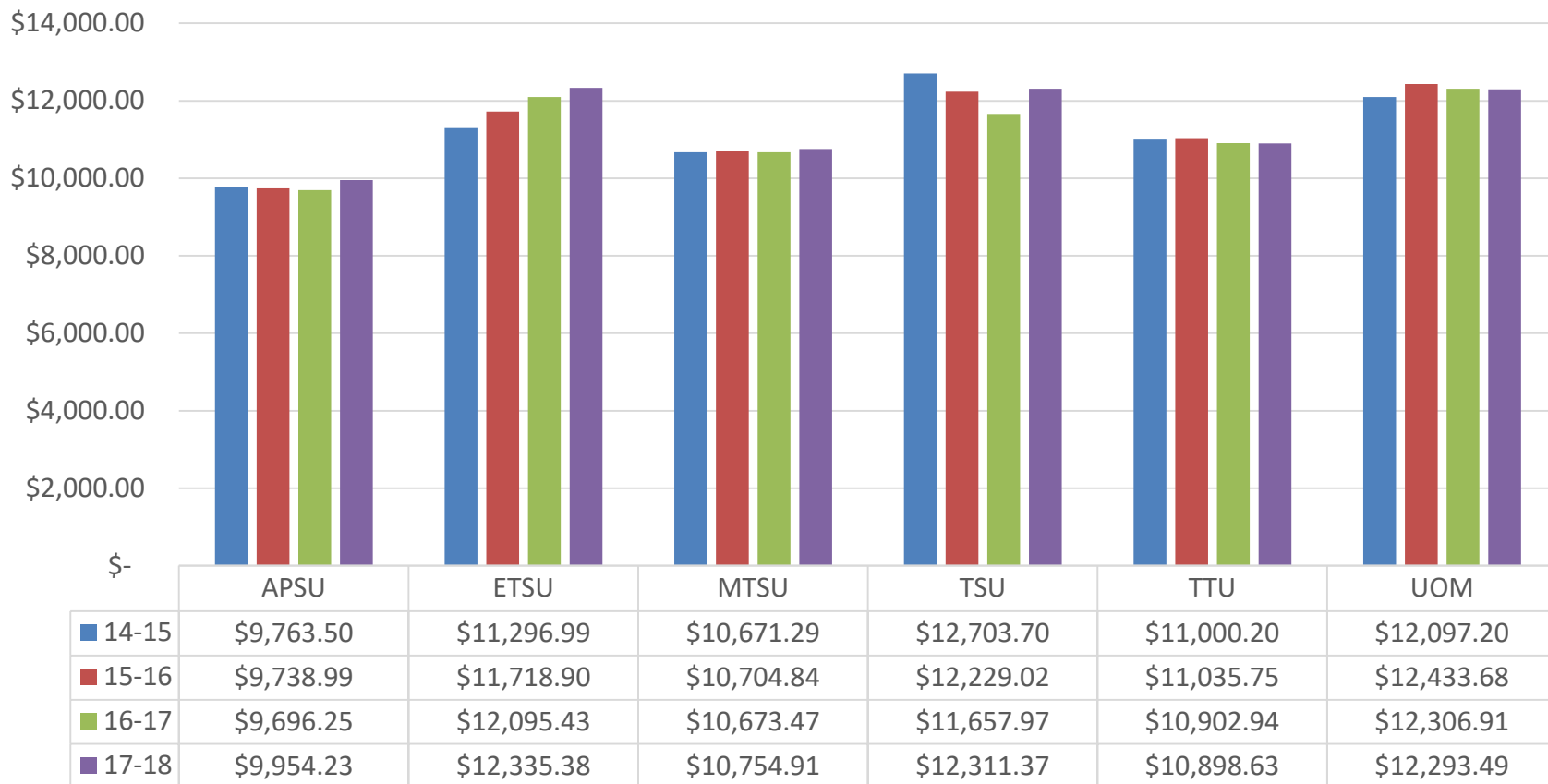
2018-19 Tuition & Fees

University	Tuition & Fees
George Mason University (VA)	12,462
University of North Texas	11,250
Old Dominion University (VA)	10,872
Georgia State University	10,858
The University of Texas at Arlington	10,250
University of Texas at San Antonio	9,900
Middle Tennessee State University	9,206
University of Southern Mississippi	8,734
Georgia Southern University	7,422
University of North Carolina-Greensboro	7,319
University of North Carolina-Charlotte	7,044
Florida International University	6,558
Florida Atlantic University	6,039

Source: The Chronicle of Higher Education
<https://www.chronicle.com/interactives/tuition-and-fees>

Total In-State Tuition and Mandatory Fees per FTE

(Inflation adjusted)



Source: THEC

FY 2019-20 Graduate Tuition

Fee	Current	Proposed	Prior Increase	Revenue Generated
College of Graduate Studies	NEW	Additional 3% tuition increase for graduate courses	None	\$ 641,000

Graduate student enrollment is approximately 10% of the total MTSU student body. Our peer institutions within the state and region have, on average, closer to 20% of the student body in graduate classes. This means to catch up to our peers, we need to increase graduate enrollment by 100%. MTSU is well-known undergraduate university in the Middle Tennessee Region but is less known for its graduate programs. To overcome this knowledge gap, the College of Graduate Studies will use the revenue from this fee to market and advertise graduate programs to increase awareness, applications, and enrollment until we meet, or exceed, our peer ratio of 20% of the student body, or 5000 students. Marketing reports suggest connecting employment with graduate degrees resonates well and parallels the Governor's focus on employment with degrees. Offering new and higher graduate assistantships will also result in higher enrollment. This tuition increase will still place MTSU as the 5th least expensive graduate tuition in the state.

In-State and Out-of-State Tuition (per credit hour)

Fee	Current	New	Increase
Undergraduate In-State Maintenance Fee	\$293	\$300	\$7
Over 12 hours	\$58	\$59	\$1
Undergraduate Out-of-State Tuition	\$1,053	\$1,078	\$25
Over 12 hours	\$211	\$216	\$5
Graduate In-State Maintenance fee	\$472	\$497	\$25
Over 10 hours	\$94	\$99	\$5
Graduate Out-of-State Tuition	\$1,306	\$1,376	\$70
Over 10 hours	\$260	\$274	\$14

TN E-Campus (per credit hour)

Fee	Current	New	Increase
TN eCampus Undergraduate In-State	\$410	\$420	\$10
TN eCampus Undergraduate Out-of-State	\$1,170	\$1,198	\$28
TN eCampus Graduate In-State	\$589	\$617	\$28
TN eCampus Graduate Out-of-State	\$1,423	\$1,496	\$73

-includes \$120 online course fee per credit hour

TN eCampus are online courses provided through the Tennessee Board of Regents. All courses are charged per hour and viewed separately from MTSU courses. TN eCampus courses do not apply to the full-time maximum for MTSU registration fees.

MTSU E-Rate (per credit hour)

Fee	Current	New	Increase
Undergraduate eRate	\$440	\$450	\$10
Undergraduate Online Course Fee	\$30	\$30	\$0
Graduate eRate	\$708	\$746	\$38
Graduate Online Course Fee	\$30	\$30	\$0

eRate is available to students who are classified as non-residents of Tennessee and who are enrolled exclusively in online courses

Regional Scholars

Fee	Current	New	Increase
Undergraduate Rate	\$517	\$540	\$23
Graduate Rate	\$741	\$785	\$44

- Regional Scholars are non-residents of Tennessee who mainly live in a state that borders Tennessee and meet specific academic requirements.
 - Graduated from a high school located in a county within a 250 mile radius of MTSU or in a state that borders Tennessee (undergrad) or have a permanent address in a county within a 250 mile radius of MTSU or in a state that borders Tennessee (graduate)
 - Have an ACT composite of 25 (SAT 1130) or above (undergrad)
 - Maintain full time enrollment (12 hours undergrad / 10 graduate)
 - Remain in good academic standing
- Rate is the in-state rate plus the state subsidy

Corporate Partnership Rate

Fee	Current	New	Decrease
Undergraduate Rate	\$440	\$300	(\$140)
Undergraduate Online Course Fee	\$30	\$30	\$0

The Corporate Partnership rate is available to out of state students who are employed by companies with a formal partnership with MTSU to develop and deliver a degree completion program. Currently, in-state students pay the undergraduate in-state tuition and out-of-state students pay the higher eRate. The proposal is to reduce the out-of-state rate to equal the in-state rate for these students.

Mandatory Fee Requests FY 2019-20

FY 2019-20 Mandatory Fee Requests

Fee	Current	Proposed	Increase	Student Exposure	Prior Increase	Revenue Generated
Athletics	\$ 225	\$ 240	\$ 15	Year 2 of 2 - Approved by SGA Executive Committee 4/27/18	FY17-18 \$35 FY18-19 \$15	\$ 525,000

The SGA Executive Committee approved a 2 year phase-in of \$30 per semester to support future capital projects in athletics. FY 2018-19 and FY 2019-20 each show a \$15 increase.

FY 2019-20 Mandatory Fee Requests

Fee	Current	Proposed	Increase	Student Exposure	Prior Increase	Revenue Generated
Parking	\$ 113	\$ 115	\$ 2	Fee increase approved by SGA Executive Committee 11/29/2018	FY18-19 \$2 FY17-18 \$2	\$70,000

Parking Services is a 100% auxiliary enterprise operation and is totally dependent on the Parking fee for its shuttle services for students, utilities and maintenance cost of the Parking office and shuttle buses, and various parking lots, campus lighting, and sidewalk maintenance projects. The \$2 increase is also needed for mandatory salary and benefit increases.

FY 2019-20 Mandatory Fee Requests

Fee	Current	Proposed	Increase	Student Exposure	Prior Increase	Revenue Generated
Health Services	\$ 87.50	\$ 90.50	\$ 3	Fee increase approved by SGA Executive Committee 11/29/2018	FY18-19 \$2 FY17-18 \$2	\$ 105,000

Student Health Services is a 100% auxiliary enterprise operation and is totally dependent on the Student Health Services fee for its services to students and operations and its portion of the shared capital cost (with Campus Recreation) for the 202,000 square foot building. The \$3 increase is needed for: required salary and benefit increases, inflationary cost of software support and medical supplies, and overhead costs. Student demand for health and mental health services continues to be strong.

FY 2019-20 Mandatory Fee Requests

Fee	Current	Proposed	Increase	Student Exposure	Prior Increase	Revenue Generated
Recreation Center	\$ 59	\$ 61	\$ 2	Fee increase approved by SGA Executive Committee 11/29/2018	FY18-19 \$2 FY17-18 \$2	\$ 70,000

Campus Recreation is a 100% auxiliary enterprise operation and is totally dependent on the Recreation Center fee for its services to students and operations and its portion of the shared capital cost (with Student Health) for the 202,000 square foot building. The \$2 increase is needed for required salary and benefit increases, and to cover inflationary costs of recreational programs and services provided to the student body.

Non-Mandatory Fee Requests FY 2019-20

FY 2019-20 Non-Mandatory Fee Requests

Fee	Current	Proposed	Increase	Prior Increase	Revenue Generated
College of Basic & Applied Sciences	NEW	\$15 per credit hour	\$ 15	None	\$ 2,000,000

Revenues will replace all current course and materials fees in the College of Basic and Applied Sciences (see next page for individual listing of fees) and will also be used to make much needed-investments in instruction, outreach and research in the College of Basic and Applied Sciences, including but not limited to: software purchases and updates; hardware updates and upgrades; acquisition of new equipment and replacement of outdated equipment; implementation of new and innovative student experiential learning and research opportunities; modification of Teaching and Student Research Laboratories; facilitate cooperative research with regional STEM professionals; facilitate outreach activities with local schools; materials and supplies used in classes; critical hires (students, staff and faculty) for student and faculty success in the college; and acquisitions related to faculty development and research requirements.

Basic & Applied Sciences Current Fees

College of Basic & Applied Existing Fees*	Current Charge	Revenue FY17-18
Biology Materials Fee	\$7.50 / credit hour	189,587
Chemistry Materials Fee	\$10 / credit hour	158,743
Geosciences Materials Fee	\$2.50 / credit hour	14,644
Geoscience Field Trip	\$20 / credit hour	14,395
Concrete Mgmt Materials Fee	\$15 / course	5,775
Agribusiness Materials Fee	\$150 / course (horse only)	8,400
Agribusiness Course Fee	\$20 / credit hour (except horse)	127,249
Engineering Tech Course Fee	\$20 / credit hour	199,258
Aerospace Course Fee	\$15 / credit hour	177,066
	TOTAL	895,117

*excludes flight training

Summary of Basic & Applied Sciences New Fee Structure

New Basic & Applied Sciences Course Fee	\$ 2,000,000
Current Materials & Course Fees	<u>(895,117)</u>
Net Additional Revenue	<u><u>\$ 1,104,883</u></u>

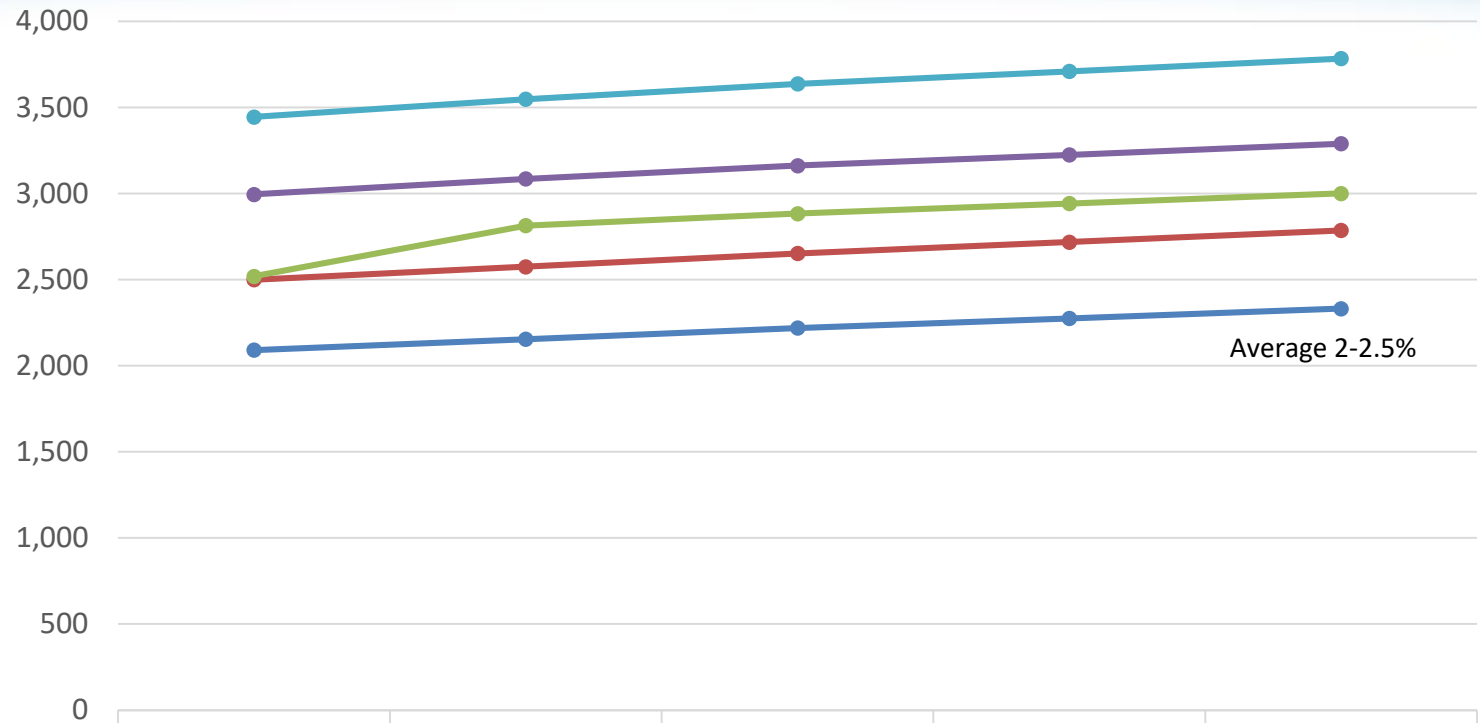
FY 2019-20 Non-Mandatory Fee Requests

Fee	Current	Proposed	Prior Increase	Revenue Generated
Art Materials Fee	\$20/Credit hour	\$30/Credit hour	None since inception FY08-09	\$ 50,000

The cost of materials over the past decade has continued to rise with inflation. The existing fee is not able to meet the demands of our students in terms of art supplies, technology, or technical support. As a result, in recent years, students have been required to purchase additional supplies on their own in order to complete their assignments. Bulk purchases are much more cost effective, so students will actually spend less money with an increased materials fee than if they are obligated to purchase supplies directly. Increasing the fee will allow for higher quality materials and technology to be purchased, which students would otherwise not be able to access.

Housing Rates FY 2019-20

Housing History Rates Per Semester



	2015-16	2016-17	2017-18	2018-19	2019-20
— Dorm	2,091	2,154	2,219	2,275	2,332
— Renovated Dorm	2,500	2,575	2,652	2,718	2,786
— Single Apt	2,519	2,814	2,884	2,942	3,001
— Scarlett Commons	2,995	3,085	3,162	3,225	3,290
— Family	3,445	3,548	3,637	3,710	3,784

FY 2019-20 Housing Rates

Fee	Current	Proposed	Increase	Prior Increase	Revenue Generated
Residence Halls	\$398 - \$3,225	\$408 - \$3,290	\$10 - \$65	FY18-19 \$10 - \$63	\$ 353,675
Apartments	\$774 - \$3,710	\$789 - \$3,784	\$15 - \$74	FY18-19 \$15 - \$73	\$ 53,450

A 2% increase is proposed for apartments and a 2.5% increase for residence halls to cover the increasing cost of salaries, benefits, utilities, plant, and maintenance costs.

Summary of Fee and Housing Rate Requests

Mandatory Fee Recommendations

Mandatory Fees	Increase Per Semester
Athletics	\$ 15
Parking	\$ 2
Health Services	\$ 3
Recreation Center	\$ 2
Total Program Services Fee Increase	<u>\$ 22</u>

Non-Mandatory Fee Recommendations

Non-Mandatory Fees	Increase (Decrease)
College of Basic & Applied Sciences	\$15 / credit hour
Art Materials Fee	\$10 / credit hour

Housing Recommendations

Housing	Increase Per Semester
Dormitories	\$10 - \$65
Apartments	\$15- \$74

Summary of Fee Requests and the Revenue Generated

	# of Requests	Revenue
Mandatory Fees	4	\$ 770,000
Non-Mandatory Fees	2	\$ 1,154,883
Total Requests	6	\$ 1,924,883

Projected Annual Impact of Requested Fee Increases Based on 15 hour Enrollment Fall and Spring

		% Increase
Current In-State Tuition	\$ 7,380	
Current Mandatory Fees	\$ 1,826	
Total In-State Tuition & Mandatory Fees	\$ 9,206	
2.36% In-State Tuition Increase**	\$ 150	
Requested Mandatory Fees	\$ 44	
Total Fee Increase	\$ 194	
New In-State Tuition	\$ 7,554	
New Mandatory Fees	\$ 1,870	
New In-State Tuition & Mandatory Fees	\$ 9,424	2.37%

**THEC's recommendation for the combined maintenance fee and mandatory fee increase is 0-2.5%.



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Estimated 2018-19 and Proposed July 2019-20
Operating Budgets**

BACKGROUND INFORMATION:

Under the FOCUS Act, the Board of Trustees is charged with approving the operating budgets and setting the fiscal policies for Middle Tennessee State University.

The Estimated Budget is the final budget for any given fiscal year and allows the University to reflect any adjustments needed for spring enrollment, additional funding provided through state appropriations, and other miscellaneous adjustments. The July Budget is the base budget for the upcoming fiscal year. It is based on a 1.5% tuition increase and includes mandatory fee increases, appropriation increases approved by the General Assembly, and a stable enrollment. A 2.0% salary pool is being recommended for 2019-20 even though the Governor's Budget did not allocate separate funding for salary increases. Under the FOCUS Act, the Board of Trustees is charged with approving the funding for salary increases.

The materials that follow represent the 2018-19 Estimated Budget and the 2019-20 Proposed Budget and are being presented for your approval.

Estimated 2018-19 Operating Budgets

**MIDDLE TENNESSEE STATE UNIVERSITY
ANALYSIS OF BUDGET CHANGES FOR REVENUE CATEGORIES
ESTIMATED BUDGET 2018-19**

Revenue	2018-19 October Budget	2018-19 Estimated Budget	Difference
Tuition and Fees	\$ 195,869,500	\$ 198,879,600	\$ 3,010,100
State Appropriations	101,169,700	101,169,700	-
Federal Grants and Contracts	750,000	750,000	-
Local Grants and Contracts	60,000	60,000	-
State Grants & Contracts	45,000	45,000	-
Private Grants & Contracts	281,300	287,400	6,100
Sales & Services of Educ Activities	699,400	777,100	77,700
Sales & Services of Other Activities	19,424,300	19,172,700	(251,600)
Other Sources	821,800	821,800	-
Total Revenue	\$ 319,121,000	\$ 321,963,300	\$ 2,842,300

MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY FUNCTIONAL CATEGORY
ESTIMATED BUDGET 2018-19

	October Budget 2018-19	Estimated Budget 2018-19	Difference
Instruction	\$ 161,047,400	\$ 162,420,700	\$ 1,373,300
Research	8,000,700	8,032,400	31,700
Public Service	5,039,000	5,299,600	260,600
Academic Support	33,249,200	33,749,700	500,500
Student Services	39,066,000	39,293,000	227,000
Institutional Support	25,832,500	26,184,100	351,600
Operation and Maintenance	28,678,400	28,877,600	199,200
Scholarships and Fellowships	26,380,100	27,181,700	801,600
Transfers	14,013,400	13,110,200	(903,200)
Total	<u>\$ 341,306,700</u>	<u>\$ 344,149,000</u>	<u>\$ 2,842,300</u>

**MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY NATURAL CATEGORY
ESTIMATED BUDGET 2018-19**

	October Budget 2018-19	Estimated Budget 2018-19	Difference
Professional Salaries	\$ 142,252,800	\$ 142,500,800	\$ 248,000
Other Salaries	21,406,500	22,083,800	677,300
Employee Benefits	58,327,100	58,637,500	310,400
Travel	4,583,500	6,187,100	1,603,600
Operating Expense	97,973,000	97,096,900	(876,100)
Capital Outlay	2,750,400	4,532,700	1,782,300
Transfers	14,013,400	13,110,200	(903,200)
Total	<u>\$ 341,306,700</u>	<u>\$ 344,149,000</u>	<u>\$ 2,842,300</u>

**MIDDLE TENNESSEE STATE UNIVERSITY
ANALYSIS OF BUDGET CHANGES FOR AUXILIARIES
ESTIMATED BUDGET 2018-19**

<u>Auxiliary</u>	<u>2018-19 October Budget</u>	<u>2018-19 Estimated Budget</u>	<u>Difference</u>
Bookstore	\$ 450,000	\$ 457,755	\$ 7,755
Food Service	2,509,000	2,509,000	-
Housing	16,968,487	16,968,487	-
Vending	130,000	130,000	-
Recreational Center	3,032,644	3,032,644	-
Post Office	397,600	397,600	-
Parking Services	5,044,200	5,044,200	-
Residential & Commercial Rentals	280,000	280,000	-
Health Services	4,065,700	4,025,700	(40,000)
TN Miller Coliseum	614,614	614,614	-
Student LD Service	10,000	10,000	-
TOTAL	\$ 33,502,245	\$ 33,470,000	\$ (32,245)

MIDDLE TENNESSEE STATE UNIVERSITY
SUMMARY OF RESTRICTED CURRENT FUNDS AVAILABLE AND APPLIED
ESTIMATED BUDGET 2018-19

Revenues	2018-19 October Budget	2018-19 Estimated Budget	Difference
Tuition and Fees	\$ 1,600,000	\$ 1,600,000	\$ -
Federal Grants and Contracts	43,750,000	42,500,000	(1,250,000)
State Appropriations: Centers of Excellence	383,200	383,200	-
State Appropriations: Special Allocations	489,500	489,500	-
State Grants & Contracts	38,500,000	38,750,000	250,000
Local Grants & Contracts	50,000	50,000	-
Private Grants & Contracts	900,000	900,000	-
Private Gifts	2,400,000	2,500,000	100,000
Endowment Income	750,000	800,000	50,000
Other Income	1,500,000	1,500,000	-
Total Revenues	<u>\$ 90,322,700</u>	<u>\$ 89,472,700</u>	<u>\$ (850,000)</u>
Expenses			
Instruction	\$ 3,000,000	\$ 3,100,000	\$ 100,000
Research	3,500,000	3,300,000	(200,000)
Public Service	5,200,000	5,800,000	600,000
Academic Support	600,000	550,000	(50,000)
Student Services	3,200,000	3,500,000	300,000
Institutional Support	60,000	120,000	60,000
Operation and Maintenance	1,500	500	(1,000)
Scholarships and Fellowships	74,500,000	73,000,000	(1,500,000)
Total Expenses	<u>\$ 90,061,500</u>	<u>\$ 89,370,500</u>	<u>\$ (691,000)</u>

**MIDDLE TENNESSEE STATE UNIVERSITY
TOTAL REVENUE BUDGET
ESTIMATED BUDGET 2018-19**

Fund Group	2018-19 October Budget	2018-19 Estimated Budget	Difference
Unrestricted Education & General	\$ 319,121,000	\$ 321,963,300	\$ 2,842,300
Auxiliary	33,502,245	33,470,000	(32,245)
Restricted	90,322,700	89,472,700	(850,000)
TOTAL	\$ 442,945,945	\$ 444,906,000	\$ 1,960,055

Proposed 2019-20 Operating Budgets

**MIDDLE TENNESSEE STATE UNIVERSITY
ANALYSIS OF BUDGET CHANGES FOR REVENUE CATEGORIES
JULY BUDGET 2019-20**

	2018-19	2019-20	
	<u>Estimated Budget</u>	<u>July Budget</u>	<u>Difference</u>
Tuition and Fees	\$ 198,879,600	\$ 200,345,600	\$ 1,466,000
State Appropriations	101,169,700	106,505,600	5,335,900
Federal Grants and Contracts	750,000	650,000	(100,000)
Local Grants and Contracts	60,000	60,000	-
State Grants & Contracts	45,000	45,000	-
Private Grants & Contracts	287,400	281,300	(6,100)
Sales & Services of Educ Activities	777,100	697,400	(79,700)
Sales & Services of Other Activities	19,172,700	19,306,000	133,300
Other Sources	<u>821,800</u>	<u>1,371,700</u>	<u>549,900</u>
	<u>\$ 321,963,300</u>	<u>\$ 329,262,600</u>	<u>\$ 7,299,300</u>

The following items are reflected above:

- 1.5% Tuition Increase
- Appropriation Increases for Formula Funding
- Mandatory Fee Increases
- July Budget Figures are Base Budget

**MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY FUNCTIONAL CATEGORY
JULY BUDGET 2019-20**

	Estimated Budget 2018-19	July Budget 2019-20	Difference
Instruction	\$ 162,420,700	\$ 157,482,900	\$ (4,937,800)
Research	8,032,400	4,885,100	(3,147,300)
Public Service	5,299,600	4,123,100	(1,176,500)
Academic Support	33,749,700	33,853,900	104,200
Student Services	39,293,000	38,346,300	(946,700)
Institutional Support	26,184,100	24,852,400	(1,331,700)
Operation and Maintenance	28,877,600	28,431,700	(445,900)
Scholarships and Fellowships	27,181,700	26,194,100	(987,600)
Transfers	13,110,200	11,093,100	(2,017,100)
Total	\$ 344,149,000	\$ 329,262,600	\$ (14,886,400)

The following items are reflected above:

2.0% Salary Pool

Mandatory Fee Increases

July Budget Figures are Base Budget

**MIDDLE TENNESSEE STATE UNIVERSITY
UNRESTRICTED EDUCATION AND GENERAL EXPENDITURES BY NATURAL CATEGORY
JULY BUDGET 2019-20**

	Estimated Budget 2018-19	July Budget 2019-20	Difference
Professional Salaries	\$ 142,500,800	\$ 145,718,600	\$ 3,217,800
Other Salaries	22,083,800	22,445,300	361,500
Employee Benefits	58,637,500	61,329,600	2,692,100
Travel	6,187,100	5,351,400	(835,700)
Operating Expense	97,096,900	79,335,500	(17,761,400)
Capital Outlay	4,532,700	3,989,100	(543,600)
Transfers	13,110,200	11,093,100	(2,017,100)
Total	\$ 344,149,000	\$ 329,262,600	\$ (14,886,400)

The following items are reflected above:

2.0% Salary Pool

Mandatory Fee Increases

July Budget Figures are Base Budget

**MIDDLE TENNESSEE STATE UNIVERSITY
ANALYSIS OF BUDGET CHANGES FOR AUXILIARIES
JULY BUDGET 2019-20**

<u>Auxiliary</u>	<u>2018-19 Estimated Budget</u>	<u>2019-20 July Budget</u>	<u>Difference</u>
Bookstore	\$ 457,755	\$ 411,955	\$ (45,800)
Food Service	2,509,000	2,700,000	191,000
Housing	16,968,487	16,968,487	-
Vending	130,000	130,000	-
Recreational Center	3,032,644	3,102,644	70,000
Post Office	397,600	485,000	87,400
Parking Services	5,044,200	5,114,200	70,000
Residential & Commercial Rentals	280,000	280,000	-
Health Services	4,025,700	4,110,700	85,000
TN Miller Coliseum	614,614	614,614	-
Student LD Service	10,000	6,000	(4,000)
TOTAL	\$ 33,470,000	\$ 33,923,600	\$ 453,600

MIDDLE TENNESSEE STATE UNIVERSITY
SUMMARY OF RESTRICTED CURRENT FUNDS AVAILABLE AND APPLIED
JULY BUDGET 2019-20

Revenues	2018-19 Estimated Budget	2019-20 July Budget	Difference
Tuition and Fees	\$ 1,600,000	\$ 1,600,000	\$ -
Federal Grants and Contracts	42,500,000	42,250,000	(250,000)
State Appropriations: Centers of Excellence	383,200	389,900	6,700
State Appropriations: Special Allocations	489,500	489,500	-
State Grants & Contracts	38,750,000	38,250,000	(500,000)
Local Grants & Contracts	50,000	50,000	-
Private Grants & Contracts	900,000	1,000,000	100,000
Private Gifts	2,500,000	2,500,000	-
Endowment Income	800,000	900,000	100,000
Other Income	1,500,000	1,600,000	100,000
Total Revenues	<u>\$ 89,472,700</u>	<u>\$ 89,029,400</u>	<u>\$ (443,300)</u>
Expenses			
Instruction	\$ 3,100,000	\$ 3,000,000	\$ (100,000)
Research	3,300,000	3,400,000	100,000
Public Service	5,800,000	5,300,000	(500,000)
Academic Support	550,000	500,000	(50,000)
Student Services	3,500,000	3,500,000	-
Institutional Support	120,000	80,000	(40,000)
Operation and Maintenance	500	1,000	500
Scholarships and Fellowships	73,000,000	73,000,000	-
Total Expenses	<u>\$ 89,370,500</u>	<u>\$ 88,781,000</u>	<u>\$ (589,500)</u>

**MIDDLE TENNESSEE STATE UNIVERSITY
TOTAL REVENUE BUDGET
JULY BUDGET 2019-20**

Fund Group	2018-19 Estimated Budget	2019-20 July Budget	Difference
Unrestricted Education & General	\$ 321,963,300	\$ 329,262,600	\$ 7,299,300
Auxiliary	33,470,000	33,923,600	453,600
Restricted	89,472,700	89,029,400	(443,300)
TOTAL	\$ 444,906,000	\$ 452,215,600	\$ 7,309,600

MIDDLE TENNESSEE STATE UNIVERSITY
TSSBA DEBT SERVICE COVERAGE - DISCLOSED PROJECTS ADJUSTMENT
July Budget 2019-20

<u>Project Name</u>	<u>Total Project Budget</u>	<u>Amt. Financed by TSSBA</u>	<u>Est. Annual Debt Service</u>	<u>Est. Annual Related Fee Rev</u>
Estimated Budget:				
Parking Services Facility	3,400,000	2,000,000	248,340	
Academic Classroom Building	39,600,000	1,520,000	315,500	
July Budget:				
Parking Services Facility	3,400,000	2,000,000	248,340	
Academic Classroom Building	39,600,000	1,520,000	315,500	
Miller Education Center Renovation	12,000,000	4,000,000		
Parking Structure	17,000,000	17,000,000		
School of Concrete & Construction	6,015,000	2,000,000		
Football Operations Facility	50,000,000	40,000,000		
Women's Softball Facility	3,000,000	2,500,000		
Athletic Video Board Upgrades	3,000,000	3,000,000		



**Middle Tennessee State University
Board of Trustees**

**Action Item
Voice Vote**

MEETING: Summer Quarterly Board Meeting
DATE: June 18, 2019
SUBJECT: **Compensation**

BACKGROUND INFORMATION:

Policy 808 – Compensation Reporting and Approvals requires the Board of Trustees to approve salary increases for MTSU employees.

The Governor’s budget for fiscal year 2019-20 did not appropriate a separate allocation for salary increases; however, the budget does allow the operating appropriation received to be used for salaries and/or operational expenditures at the discretion of the institution. The University is recommending the creation of a 2% salary pool to implement salary increases from the operating appropriation increase approved for the University. The recommendation is to use half the pool for a 1% Cost of Living Allowance (COLA) increase as outlined in the attached materials, with the other half of the pool held for market

adjustments in October. A 2% salary pool for the University will cost approximately \$3.2 million, including benefits.

A proposal for implementing market adjustments will be brought to the Committee at the August meeting. The proposal will include the remaining funds from the 2% salary pool, along with any additional funds provided from an increase in enrollment, in an attempt to substantially close the gap between actual employee salaries and 2014-15 CUPA Salaries.

Attached for your consideration and approval is a recommendation for implementing the 1% COLA increase effective July 1, 2019.

Salary Pool Allocation Recommendation

Recommendation:

- Provide a Cost of Living Allowance (COLA) of 1.0% or \$500, whichever is greater, for regular employees, both full and part-time, on the payroll as of June 30, 2019, effective July 1, 2019. The estimated cost of this salary increase is \$1.7 million, including benefits.

Guidelines for Implementation of the COLA Increase:

- The COLA will be distributed to all unrestricted and restricted regular full-time and part-time employees and participants in the post-retirement service program.
- Increases will not apply to adjunct faculty, temporary employees, graduate assistants, or student workers.
- 1.0% COLA or \$500 minimum payment is pro-rated for part-time employees.
- Reclassifications, degree changes, etc. previously approved to be effective prior to or on July 1, 2019, are to be applied before the 1.0% COLA.
- Faculty promotions are to be applied before the 1.0% COLA.
- Unless specifically excluded by statute or on terminal leave status, all eligible persons employed as of June 30, 2019, shall receive the increase, with the exception of employees with unsatisfactory work performance. An employee appeal process will be available for those who don't receive the COLA increase due to an unsatisfactory evaluation. This is to allow the employee an opportunity to provide supporting evidence that an administrative error was made in the implementation process.



**Middle Tennessee State University
Board of Trustees**

MEETING: Summer Quarterly Board Meeting

SUBJECT: **Board Secretary Report**

DATE: June 18, 2019

PRESENTER: Heidi Zimmerman
Board Secretary

-
- Policy Revisions
 - Rule Status Update



**Middle Tennessee State University
Board of Trustees**

MEETING: Summer Quarterly Board Meeting

DATE: June 18, 2019

SUBJECT: **Board Secretary Report**

BACKGROUND INFORMATION:

The Board Secretary was delegated limited authority to make minor technical revisions in policies with the condition that a report be made to the Board of Trustees concerning what revisions were made.

Policy	Date Edited	Explanation
809 Salary Increase for Attaining Certified Administrative Professional Status	6/3/2019	The manner in which individuals are notified of certification that included a certification date changed. The statement in policy concerning where the certification date is located was, therefore, deleted.