



**Middle Tennessee State University
Board of Trustees
Academic Affairs, Student Life, and
Athletics Committee**

November 14, 2023
9:00 am

MEC Meeting Room – 2nd Floor
Miller Education Center
503 East Bell Street
Murfreesboro, Tennessee 37130



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

November 14, 2023

9:00 am

AGENDA

Call to Order and Opening Remarks

Roll Call

Approval of Minutes (Action)[Tab 1](#)

Rule Promulgation and Related Policy Revision (Action)[Tab 2](#)

 Rule 0240-07-04 Academic Misconduct

 Policy 312 Academic Misconduct

Rule Promulgation and Related Policy Revision (Action)[Tab 3](#)

 Rule 0240-07-02 Residency Classification

 Policy 501 Residency Classification

Approval of Expedited Tenure (Action)[Tab 4](#)

Performance Metrics (Information)[Tab 5](#)

Athletics Report (Information).....[Tab 6](#)

Closing Remarks

Adjournment



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: November 14, 2023

SUBJECT: **Minutes of the August 15, 2023
Academic Affairs, Student Life, and
Athletics Committee Meeting**

PRESENTER: Pam Wright
Committee Chair

BACKGROUND INFORMATION:

The Academic Affairs, Student Life, and Athletics Committee met on August 15, 2023. Minutes from the meeting are provided for review and approval.

**MIDDLE TENNESSEE STATE UNIVERSITY
BOARD OF TRUSTEES**

**ACADEMIC AFFAIRS, STUDENT LIFE, AND ATHLETICS COMMITTEE
MINUTES**

The Academic Affairs, Student Life, and Athletics Committee met on Tuesday, August 15, 2023, in the Miller Education Center Meeting Room at Middle Tennessee State University.

Call to Order

Committee Chair Pam Wright called the meeting to order at 9:00 a.m.

Roll Call

Board Secretary James Floyd called the roll. The following Committee members were in attendance: J.B. Baker, Tom Boyd, Pete DeLay, Bill Jones, Mary Martin, Steve Smith, Christine Vanek, Pam Wright, Molly Mihm, and Keith Huber. A quorum was declared.

President Sidney A. McPhee; Joe Bales, Vice President for University Advancement; Mark Byrnes, Provost; Yvette Clark, Vice President for Information Technology and Chief Information Officer; Andrew Oppmann, Vice President for Marketing and Communications; Sarah Sudak, Interim Vice President for Student Affairs and Dean of Students; Alan Thomas, Vice President for Business and Finance; Diane Snodgrass, Interim Chief Audit Executive; James Floyd, University Counsel and Board Secretary; and Kim Edgar, Assistant to the President and Chief of Staff, were also in attendance.

Approval of Minutes - Action

The first agenda item was approval of the minutes from the May 23, 2023, Academic Affairs, Student Life, and Athletics Committee meeting. Trustee Vanek moved to approve the minutes from the May 23, 2023, meeting, and Trustee DeLay seconded the motion.

A voice vote was taken, and the motion to approve the minutes passed unanimously.

Approval of Academic Department Merger - Action

Provost Byrnes requested approval to merge the Department of Global Studies and Human Geography and the Department of Political Science and International Relations for organizational efficiency. The new department will be called Political and Global Affairs starting in May 2024.

Trustee Delay moved to approve the merger, and Trustee Vanek seconded the motion.

During the discussion, Chairman Smith asked about the efficiencies achieved with the merger. President McPhee noted that we reduced the budget by \$5M this year by looking for efficiencies.

Trustee Wright mentioned that annual updates for new programs were discussed at the last meeting, but we understand that THEC is reformatting that reporting, so it will be provided at a future meeting.

A voice vote was taken, and the motion to approve merging the academic departments of Global Studies and Human Geography and Political Science and International Relations passed unanimously.

Old Business – Tenure among Locally Governed Institutions

At the May meeting, Chairman Smith asked for data on the percentage of full-time faculty who are tenured for each locally governed institution. Provost Byrnes distributed a chart showing a range of 40.68% to 59.09%. Of our full-time faculty, 55% are tenured, which provides a steady group to engage in shared governance that cannot be accomplished by contingent faculty. President McPhee noted that we do not grant tenure to everyone who applies.

Chairman Smith asked about the benefits package that comes with tenure. Provost Byrnes responded that there are no financial benefits that come with tenure. Tenure provides academic freedom to pursue research and teaching.

Alan Thomas confirmed all state employees have a benefit package including a funded pension plan that is reviewed every three years.

Enrollment Report – Information Item

Interim Vice Provost for Enrollment Services Laurie Witherow shared that as of that morning, there was a 12% increase in new freshmen applications and a 12% increase in enrolled freshmen. We are still enrolling freshmen and transfer students. Much work is to be done. The census date is September 10, 2023, when data is reported to the state.

President McPhee appreciated the positive report and the work done by staff, faculty, and department chairs to recruit and improve yield.

Trustee Boyd asked if freshmen are up and transfers are flat, does this mean we had more seniors graduating than freshmen coming in? President McPhee agreed and noted that we graduated many in the last year resulting in an increase in our graduation rate.

Athletics Report - Information

Deputy Athletics Director Lee De Leon showed the final rendering of the Student-Athlete Enhancement Center. He then gave an overview of 2022-23 Athletics accomplishments. MTSU registered an NCAA Graduation Success Rate (GSR) of 94. MTSU finished 96th overall in the Learfield Director's Cup, top ranking in Conference USA with four Conference USA championships.

The Build Blue Campaign received \$3M from SRM Concrete recently and surpassed the \$20M goal. The new goal is \$25M. Trustee DeLay highlighted the large gifts and their importance to the University and offered thanks to the donors.

Adjournment

Committee Chair Wright adjourned the meeting at 9:36 a.m.

Respectfully submitted,

Academic Affairs, Student Life, and Athletics Committee



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: November 14, 2023

SUBJECT: **Rule Promulgation and
Related Policy Revision
312 Academic Misconduct**

PRESENTERS: Mark Byrnes, Provost
Jeff Farrar, Associate University Counsel

BACKGROUND INFORMATION:

Policy 312 Academic Misconduct was revised to incorporate provisions related to artificial intelligence and to streamline the review process for allegations of academic misconduct, particularly as it relates to integrating the review processes for both graduate and undergraduate students.

A parallel rule, Rule 0240-07-04 Academic Misconduct, is also presented for amendment and will capture the revised version of Policy 312. A Rulemaking Hearing is scheduled for the Board of Trustees meeting on December 6, 2023.



312 Academic Misconduct

Approved by Board of Trustees

Effective Date: August 15, 2019, 2023

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: Vice Provost for Faculty and Strategic Initiatives

I. Purpose

This policy sets out the procedure to be followed when a Middle Tennessee State University (MTSU or University) faculty member believes a student has engaged in academic misconduct.

II. Scope

This policy applies only to situations where a faculty member alleges that a student has engaged in academic misconduct. Any allegations of misconduct related to research may also be evaluated under [Policy 211 Misconduct in Scholarly Activities and Research](#). Students wishing to appeal final course grades must do so through the process set out in [Policy 313 Student Grade Appeals](#).

III. Definitions

- A. Academic Exercise. All forms of work submitted by a student for academic credit or hours.
- B. Academic Misconduct. Acts of plagiarism, cheating, or fabrication.
 - 1. Plagiarism. Plagiarism includes, but is not limited to, the adoption or reproduction of ideas, words, statements, images, or works of from another person source as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse. Plagiarism also includes the unauthorized use of paraphrasing tools or "text spinners" and artificial intelligence software.
 - 2. Cheating. Cheating includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or

- test/examination. Cheating also includes unapproved collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member. [Unapproved collaboration can also include, but is not limited to, sharing of any physical or electronic papers, exams/quizzes, assignments, and/or posting of same to unauthorized websites.](#)
3. Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.
- C. Academic Misconduct Committee (Committee) refers to the Committee established under [Policy 32 University Committees](#).
- D. Faculty member. For the purposes of this policy, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
- E. Director of Academic Integrity (Director). A designee of the Vice Provost for Faculty ~~Affairs and Strategic Initiatives~~ whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The Director does not vote in academic misconduct hearings.
- F. [Student. 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.](#)
- G. Notice. For the purposes of this policy, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this policy. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

IV. Process

- A. Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit a [Student Academic Integrity Incident Report Form](#) (Incident Report) to the Director within seven (7) business days from the time the faculty member ~~concludes~~ [suspects](#) that the alleged misconduct occurred. [If the semester has ended, the faculty member has ten \(10\) business days from the date the semester ended to submit the Academic](#)

Integrity Report Form. Work submitted prior to the alleged case should not be reviewed for a violation because the student has not been given the opportunity to change their behavior .

~~A.~~ The Incident Report will provide:

1. the name of the student;
2. the course in which the academic misconduct is alleged to have occurred;
3. a description of the misconduct; and,
4. supporting documentary evidence (if available).

B. A referred student is prohibited from dropping a course in which misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under [Policy 540 Student Conduct](#).

~~C. The referring faculty member will assign neither a grade on the referred academic exercise, nor a final grade for the course, pending the resolution of the case (if the referred exercise will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary grade of "Incomplete" (I) until the case is resolved.~~

~~D.C.~~ The Director will review the case within five (5) business days of receipt of the Incident Report. If, in the Director's opinion, the Incident Report lacks substance or is otherwise deficient, the Director may consult with the referring faculty member and indicate either that additional information is needed or encourage that the Incident Report be withdrawn. Such a consultation may take place before and/or after the Director has met with the student.

~~E.D.~~ For any Incident Report not withdrawn by mutual consent between the Director and the referring faculty member, the Director will send notice to the student and schedule [an in-person or virtual](#) meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the Director will decide on University sanctions (see Section V.) appropriate to the case,

and the matter will be resolved at that point. The Director will note the resolution on the Incident Report and provide copies to the faculty member ~~and the department chair.~~ This notice will be sent to the student's official MTSU email account with and/or a hard copy letter will be sent via first class United States Postal Service (USPS) mail to the student's local address as indicated in the student information system.

F.E. If a referred student fails to attend a scheduled meeting with the Director without a reasonable excuse, the Director may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.

G.F. If the student does not accept responsibility, the case will be heard by the Committee. The Director will:

1. Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Section VII, below. A waiver of this option must also be in writing.
2. As the designee of the Vice Provost for Faculty Affairs and Strategic Initiatives, form the Committee from the pool of members for the purpose of the hearing according to Policy 32 University Committees.

H.G. Institutional Hearing

1. If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
2. Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 - a. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 - b. If the Vice Provost for Faculty Affairs and Strategic Initiatives determines that there are extenuating circumstances to warrant a special hearing.
3. The Director will advise the student, in writing, of the following:

- a. The type of academic misconduct and the circumstances alleged by the faculty member to constitute academic misconduct;
 - b. The date, time, and place of the hearing;
 - c. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 - d. 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;
 - e. 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; and, the portion of the state Public Records Act making certain student information confidential (T.C.A. § 10-7-504(a)(4)).
 - f. 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; and
 - g. The rights the student will be afforded at the hearing as specified in Section IV.[HG.5](#).
4. The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Section IV.[HG.5](#) or 6., as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the Director.
 5. The rights applicable to the referred student at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses in support of the misconduct allegation.

6. The rights applicable to the referring faculty member at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses against the misconduct allegation.
7. The hearing will not be open to the public.
8. The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.
9. Decisions shall be by majority vote of the Committee members present and voting. The Director is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.
10. The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
11. The Director will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty [Affairs and Strategic Initiatives](#). For graduate students found responsible of misconduct, the decision will also be provided to the student's faculty advisor, graduate program director, and department chair.
12. The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.
13. Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the exercise or examination and/or course.

V. University Sanctions for Academic Misconduct

- A. ~~For undergraduates, appropriate~~Appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty ~~Affairs and Strategic Initiatives~~. ~~For graduate students, sanctions will be determined by majority vote of the student's faculty advisor, graduate program director and department chair (or academic dean, whichever is applicable) and reported to the Vice Provost for Faculty Affairs.~~ for recording in the academic integrity software of record. Students will be provided notice of all sanctions.
- B. Any finding or admission of responsibility will result in a record that will be maintained and referred to by the CommitteeDirector in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.
- C. Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the Director will inform the sitting members of the Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.
- D. Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Section VII. for conducting the hearing required in such a case.)
- E. Sanctions include, but are not limited to:
1. Reprimand. A written reprimand will be given to a student whose conduct violates any part of these policies, and warns a student that any further violation(s) may result in more serious consequences;
 2. Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the Director;
 3. Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to, for example, denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (including, but not limited to, labs, etc.).
 4. Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and

- including suspension or expulsion following the hearing process described in this policy for any subsequent academic misconduct violation;
5. Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission. Any student 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- [or, if a graduate student, by the Dean of the College of Graduate studies](#). A suspended student must submit a written request to be on campus to the Dean of Students [or, if a graduate student, to the Dean of the College of Graduate Studies](#), 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 to be on campus and the location that the student wishes to visit. The Dean of Students [or the Dean of the College of Graduate Studies](#) 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.
 6. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. 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- [or, if a graduate student, the Dean of the College of Graduate Studies](#). An expelled student must submit a written request to be on campus to the Dean of Students [or, if a graduate student, the Dean of the College of Graduate Studies](#), 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 to be on campus and the location that the student wishes to visit. The Dean of Students [or the Dean of College of Graduate Studies](#) will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision during the time of their visit.
 7. 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 [upon the recommendation of the Committee and with approval from the relevant department chair/school director and dean, the College of Graduate Studies dean for graduate cases, the University Provost, and the President. Any final revocation of admission, degree, or credential shall be reported to the University Registrar by the Director](#).
 8. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

VI. Appeal of Decision

- A. The student or faculty member may appeal the Committee's decision to the Provost within five (5) business days of receipt of the decision.
- B. An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
 - 1. An error in procedural due process that prejudiced the Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and/or
 - 2. The emergence of new evidence that 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 decision of the Committee.
- C. The Provost may:
 - 1. Affirm the decision;
 - 2. Reverse the decision in whole or in part; or
 - 3. Return the matter to the Director or Committee for reconsideration of the sanction.
- D. The decision of the Provost is final.

VII. UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with [Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act](#), unless the student waives the right to such a hearing in writing.

VIII. Records Maintenance

Whenever there is a finding or admission of responsibility under this policy, these records will be maintained by the Vice Provost for Faculty ~~Affairs and Strategic Initiatives~~ permanently.

Forms:

[Student Academic Integrity Incident Report](#)

Revisions: June 5, 2017 (original); August 15, 2019; [December 6, 2023](#).

Last Reviewed: ~~November 2020~~ [December 6, 2023](#).

References: T.C.A. § 4-5-301, et. seq., Policies 32 University Committees; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 211 Misconduct in Scholarly Activities and Research; 313 Student Grade Appeals; 540 Student Conduct.



312 Academic Misconduct

Approved by Board of Trustees

Effective Date: _____, 2023

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: Vice Provost for Faculty and Strategic Initiatives

I. Purpose

This policy sets out the procedure to be followed when a Middle Tennessee State University (MTSU or University) faculty member believes a student has engaged in academic misconduct.

II. Scope

This policy applies only to situations where a faculty member alleges that a student has engaged in academic misconduct. Any allegations of misconduct related to research may also be evaluated under [Policy 211 Misconduct in Scholarly Activities and Research](#). Students wishing to appeal final course grades must do so through the process set out in [Policy 313 Student Grade Appeals](#).

III. Definitions

- A. Academic Exercise. All forms of work submitted by a student for academic credit or hours.
- B. Academic Misconduct. Acts of plagiarism, cheating, or fabrication.
 - 1. Plagiarism. Plagiarism includes, but is not limited to, the adoption or reproduction of ideas, words, statements, images, or works from another source as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse. Plagiarism also includes the unauthorized use of paraphrasing tools or “text spinners” and artificial intelligence software.
 - 2. Cheating. Cheating includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or

- test/examination. Cheating also includes unapproved collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member. Unapproved collaboration can also include, but is not limited to, sharing of any physical or electronic papers, exams/quizzes, assignments, and/or posting of same to unauthorized websites.
3. Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.
- C. Academic Misconduct Committee (Committee) refers to the Committee established under [Policy 32 University Committees](#).
 - D. Faculty member. For the purposes of this policy, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
 - E. Director of Academic Integrity (Director). A designee of the Vice Provost for Faculty and Strategic Initiatives whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The Director does not vote in academic misconduct hearings.
 - F. Student. 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.
 - G. Notice. For the purposes of this policy, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this policy. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

IV. Process

- A. Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit [Academic Integrity Incident Report Form](#) (Incident Report) to the Director within seven (7) business days from the time the faculty member suspects that the alleged misconduct occurred. If the semester has ended, the faculty member has ten (10)

business days from the date the semester ended to submit the Academic Integrity Report Form. Work submitted prior to the alleged case should not be reviewed for a violation because the student has not been given the opportunity to change their behavior .

The Incident Report will provide:

1. the name of the student;
 2. the course in which the academic misconduct is alleged to have occurred;
 3. a description of the misconduct; and,
 4. supporting documentary evidence (if available).
- B. A referred student is prohibited from dropping a course in which misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under [Policy 540 Student Conduct](#).
- C. The Director will review the case within five (5) business days of receipt of the Incident Report. If, in the Director's opinion, the Incident Report lacks substance or is otherwise deficient, the Director may consult with the referring faculty member and indicate either that additional information is needed or encourage that the Incident Report be withdrawn. Such a consultation may take place before and/or after the Director has met with the student.
- D. For any Incident Report not withdrawn by mutual consent between the Director and the referring faculty member, the Director will send notice to the student and schedule an in-person or virtual meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the Director will decide on University sanctions (see Section V.) appropriate to the case, and the matter will be resolved at that point. The Director will note the resolution on the Incident Report and provide copies to the faculty member. This notice will be sent to the student's official MTSU email account and/or a hard copy letter will be sent via first class United States Postal Service (USPS) mail to the student's local address as indicated in

the student information system.

- E. If a referred student fails to attend a scheduled meeting with the Director without a reasonable excuse, the Director may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.
- F. If the student does not accept responsibility, the case will be heard by the Committee. The Director will:
 - 1. Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Section VII, below. A waiver of this option must also be in writing.
 - 2. As the designee of the Vice Provost for Faculty and Strategic Initiatives, form the Committee from the pool of members for the purpose of the hearing according to [Policy 32 University Committees](#).
- G. Institutional Hearing
 - 1. If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
 - 2. Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 - a. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 - b. If the Vice Provost for Faculty and Strategic Initiatives determines that there are extenuating circumstances to warrant a special hearing.
 - 3. The Director will advise the student, in writing, of the following:
 - a. The type of academic misconduct and the circumstances alleged by the faculty member to constitute academic misconduct;
 - b. The date, time, and place of the hearing;

- c. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 - d. 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;
 - e. 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; and, the portion of the state Public Records Act making certain student information confidential (T.C.A. § 10-7-504(a)(4)).
 - f. 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; and
 - g. The rights the student will be afforded at the hearing as specified in Section IV.G.5.
4. The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Section IV.G.5. or 6., as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the Director.
 5. The rights applicable to the referred student at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses in support of the misconduct allegation.
 6. The rights applicable to the referring faculty member at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;

- b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses against the misconduct allegation.
- 7. The hearing will not be open to the public.
 - 8. The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.
 - 9. Decisions shall be by majority vote of the Committee members present and voting. The Director is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.
 - 10. The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
 - 11. The Director will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty and Strategic Initiatives. For graduate students found responsible of misconduct, the decision will also be provided to the student's faculty advisor, graduate program director, and department chair.
 - 12. The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.
 - 13. Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the exercise or examination and/or course.

V. University Sanctions for Academic Misconduct

- A. Appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty and Strategic Initiatives for recording in the academic integrity software of record. Students will be provided notice of all sanctions.

- B. Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Director in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.
- C. Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the Director will inform the sitting members of the Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.
- D. Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Section VII. for conducting the hearing required in such a case.)
- E. Sanctions include, but are not limited to:
 - 1. Reprimand. A written reprimand will be given to a student whose conduct violates any part of these policies, and warns a student that any further violation(s) may result in more serious consequences;
 - 2. Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the Director;
 - 3. Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to, for example, denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (including, but not limited to, labs, etc.).
 - 4. Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion following the hearing process described in this policy for any subsequent academic misconduct violation;
 - 5. Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission. Any student 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 or, if a graduate student, by the Dean of the College of Graduate studies. A suspended student must submit a

- written request to be on campus to the Dean of Students or, if a graduate student, to the Dean of the College of Graduate Studies, 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 to be on campus and the location that the student wishes to visit. The Dean of Students or the Dean of the College of Graduate Studies 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.
6. **Expulsion.** Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. 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 or, if a graduate student, the Dean of the College of Graduate Studies. An expelled student must submit a written request to be on campus to the Dean of Students or, if a graduate student, the Dean of the College of Graduate Studies, 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 to be on campus and the location that the student wishes to visit. The Dean of Students or the Dean of College of Graduate Studies will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision during the time of their visit.
 7. **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 upon the recommendation of the Committee and with approval from the relevant department chair/school director and dean, the College of Graduate Studies dean for graduate cases, the University Provost, and the President. Any final revocation of admission, degree, or credential shall be reported to the University Registrar by the Director.
 8. **Other Sanctions.** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

VI. Appeal of Decision

- A. The student or faculty member may appeal the Committee's decision to the Provost within five (5) business days of receipt of the decision.
- B. An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
 1. An error in procedural due process that prejudiced the Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and/or

2. The emergence of new evidence that 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 decision of the Committee.

C. The Provost may:

1. Affirm the decision;
2. Reverse the decision in whole or in part; or
3. Return the matter to the Director or Committee for reconsideration of the sanction.

D. The decision of the Provost is final.

VII. UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with [Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act](#), unless the student waives the right to such a hearing in writing.

VIII. Records Maintenance

Whenever there is a finding or admission of responsibility under this policy, these records will be maintained by the Vice Provost for Faculty and Strategic Initiatives permanently.

Forms:

[Student Academic Integrity Incident Report](#)

Revisions: June 5, 2017 (original); August 15, 2019; December 6, 2023.

Last Reviewed: December 6, 2023.

References: T.C.A. § 4-5-301, et. seq., Policies 32 University Committees; 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act; 211 Misconduct in Scholarly Activities and Research; 313 Student Grade Appeals; 540 Student Conduct.

Department of State
Division of Publications
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 10-14-23
 Notice ID(s): 3736
 File Date: 10/12/2023

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

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

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Lance Alexis, Director of ADA Compliance
Address:	1301 E. Main Street, CAB 116, Murfreesboro, TN 37132
Phone:	615-898-2185
Email:	Lance.alexis@mtsu.edu

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Miller Education Center, MEC Meeting Room		
Address 2:	503 E. Bell Street		
City:	Murfreesboro		
Zip:	37130		
Hearing Date:	12/6/2023		
Hearing Time:	1:00 p.m. CST		

Additional Hearing Information:

--

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only ONE Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-07-04	Academic Misconduct
Rule Number	Rule Title
0240-07-04-.03	Definitions
0240-07-04-.04	Process
0240-07-04-.05	University Sanctions for Academic Misconduct
0242-07-04-.07	UAPA Hearing

Rules of
Middle Tennessee State University

Chapter 0240-07-04
Academic Misconduct

Amendment

0240-07-04-.03 Definitions is amended by revising Paragraphs (2)(a)&(b) and (4) and adding Paragraph (6) so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.03 Definitions

- (1) Academic Exercise. Academic Exercise may consist of all forms of work submitted by a student for academic credit or hours.
- (2) Academic Misconduct. Academic Misconduct may consist of acts of plagiarism, cheating, or fabrication.
 - (a) Plagiarism. Plagiarism includes, but is not limited to, the adoption or reproduction of ideas, words, statements, images, or works from another source as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse. Plagiarism also includes the unauthorized use of paraphrasing tools or "text spinners" and artificial intelligence software.
 - (b) Cheating. Cheating includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Cheating also includes unapproved collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member. Unapproved collaboration can also include, but is not limited to, sharing of any physical or electronic papers, exams/quizzes, assignments, and/or posting of same to unauthorized websites.
 - (c) Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.
- (3) Academic Misconduct Committee (Committee) refers to the Committee established under University policy.
- (4) Faculty Member. For the purposes of this rule, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
- (5) Director of Academic Integrity (Director). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The Director does not vote in academic misconduct hearings.
- (6) Student. 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.
- (7) Notice. For the purposes of this rule, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this rule. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

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

0240-07-04-.04 Process is amended by revising current Paragraphs (1), (2), (5) (amended Paragraph (4)), (7) (amended Paragraph (6)) and (8) (amended Paragraph (7)) and deleting Paragraph (3) so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.04 Process

- (1) Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit an Academic Integrity Incident Report Form (Incident Report) to the Director within seven (7) business days from the time the faculty member suspects that the alleged academic misconduct occurred. If the semester has ended, the faculty member has ten (10) business days from the date the semester ended to submit the Academic Integrity Incident Report Form.

The Incident Report will provide:

- (a) the name of the student;
 - (b) the course in which the academic misconduct is alleged to have occurred;
 - (c) a description of the academic misconduct; and,
 - (d) supporting documentary evidence (if available).
- (2) A student who has been referred by a faculty member pursuant to this rule is prohibited from dropping a course in which academic misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under University policy and rule.
 - (3) The Director will review the case within five (5) business days of receipt of the Incident Report. If, in the Director's opinion, the Incident Report lacks substance or is otherwise deficient, the Director may consult with the referring faculty member and indicate either that additional information is needed or encourage that the Incident Report be withdrawn. Such a consultation may take place before and/or after the Director has met with the student.
 - (4) For any Incident Report not withdrawn by mutual consent between the Director and the referring faculty member, the Director will send notice to the student and schedule an in-person or virtual meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the Director will decide on University sanctions (see Rule 0240-07-04-.05) appropriate to the case, and the matter will be resolved at that point. The Director will note the resolution on the Incident Report and provide copies to the student, the faculty member, and the Vice Provost for Faculty and Strategic Initiatives. This notice will be sent to the student's official MTSU email account and/or a hard copy letter will be sent via first class United States Postal Service (USPS) mail to the student's local address as indicated in the student information system. For graduate students found responsible of academic misconduct, the decision will also be provided to the student's graduate program director.
 - (5) If a referred student fails to attend a scheduled meeting with the Director without a reasonable excuse, the Director may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.
 - (6) If the student does not accept responsibility, the case will be heard by the Committee. The Director will:
 - (a) Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a

hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Rule 0240-07-04-.07, below. A waiver of this option must also be in writing.

- (b) As the designee of the Vice Provost for Faculty Affairs, form the Committee from the pool of members for the purpose of the hearing.

(7) Institutional Hearing

- (a) If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.

- (b) Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:

1. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
2. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.

- (c) The Director will advise the student, in writing, of the following:

1. The type of alleged academic misconduct and the circumstances alleged by the faculty member to constitute academic misconduct;
2. The date, time, and place of the hearing;
3. That the student may appeal a grade given by the faculty member in response to academic misconduct;
4. 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;
5. 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. § 1232g), and the federal regulations implementing that statute, as amended; and, the portion of the state Public Records Act making certain student information confidential (T.C.A. § 10-7-504(a)(4)).
6. 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; and
7. The rights the student will be afforded at the hearing as specified in Rule 0240-07-04-.04(7)(e).

- (d) The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Rule 0240-07-04-.04(7)(e) or (f), as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the Director.

- (e) The rights applicable to the referred student at the hearing include:

1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
3. The right to call witnesses; and
4. The right to confront witnesses in support of the academic misconduct allegation.

- (f) The rights applicable to the referring faculty member at the hearing include:
 - 1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - 2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 - 3. The right to call witnesses; and
 - 4. The right to confront witnesses against the academic misconduct allegation.
- (g) The hearing will not be open to the public.
- (h) The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.
- (i) Decisions shall be by majority vote of the Committee members present and voting. The Director is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.
- (j) The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
- (k) The Director will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for Faculty Affairs. For graduate students found responsible of academic misconduct, the decision will also be provided to the student's graduate program director.
- (l) The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.
- (m) Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the academic exercise or examination and/or course.

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

0240-07-04-.05 University Sanctions for Academic Misconduct is amended by revising Paragraphs (1), (2), and (5)(e)-(g) so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.05 University Sanctions for Academic Misconduct

- (1) Appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs for recording in the academic integrity software of record. Students will be provided notice of all sanctions. Graduate programs may impose separate, additional sanctions (up to and including removal from the program) for graduate student academic misconduct. This requires a majority vote of the student's faculty advisor, program director, and department chair (or academic dean, for interdisciplinary programs). In these instances, program directors are responsible for calling this vote within seven (7) business days of the final disposition of the student's academic integrity case, promptly notifying the student of additional sanctions, and reporting sanctions to the Vice Provost for Faculty and Strategic Initiatives.
- (2) Any finding against the student or admission of responsibility by the student will result in a record that will be maintained and referred to by the Director in the event that a subsequent misconduct case arises against the student, regardless of the severity of sanctions imposed in those instances.
- (3) Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the Director will inform the

sitting members of the Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.

- (4) Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Rule 0240-07-04-.07 for conducting the hearing required in such a case.)
- (5) Sanctions include, but are not limited to:
 - (a) Reprimand. A written reprimand will be given to a student whose conduct violates any part of these rules, and warns a student that any further violation(s) may result in more serious consequences;
 - (b) Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the Director;
 - (c) Restriction. A restriction upon a student'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 MTSU at any event, ability to participate in University travel, or use of facilities (including, but not limited to, labs, etc.).
 - (d) Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of this rule while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion following the hearing process described in these rules for any subsequent academic misconduct violation.
 - (e) Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission. Any student 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 or, if a graduate student, by the Dean of the College of Graduate studies. A suspended student must submit a written request to be on campus to the Dean of Students or, if a graduate student, to the Dean of the College of Graduate Studies, 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 to be on campus and the location that the student wishes to visit. The Dean of Students or the Dean of the College of Graduate Studies will issue a written decision regarding the request to be on campus, and the student must carry that written decision with him/her during the time of the visit.
 - (f) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. 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 or, if a graduate student, the Dean of the College of Graduate Studies. An expelled student must submit a written request to be on campus to the Dean of Students or, if a graduate student, the Dean of the College of Graduate Studies, 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 to be on campus and the location that the student wishes to visit. The Dean of Students or the Dean of the College of Graduate Studies will issue a written decision regarding the request to be on campus, and the student must carry that written decision with him/her during the time of their visit.
 - (g) 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 upon the recommendation of the Committee and with approval from the relevant department chair/school director and dean, the College of Graduate Studies dean (for graduate cases), the University Provost, and the President. Any final revocation of admission, degree, or credential shall be reported to the University Registrar by the Director.
 - (h) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

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

0240-07-04-.07 UAPA Hearing is amended so that, as amended, the amended rule in its entirety shall read:

0240-07-04-.07 UAPA Hearing

Any matter that may result in suspension or expulsion of a student from the University is subject to be heard pursuant to the contested case provisions of the Uniform Administrative Procedures Act, T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with Chapter 0240-07-08, unless the student waives the right to such a hearing in writing.

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

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: October 12, 2023


Signature: 

Name of Officer: James Floyd

Title of Officer: University Counsel

Department of State Use Only

Filed with the Department of State on: 10/12/2023


Tre Hargett
Secretary of State

RECEIVED

Oct 12 2023, 3:26 pm

Secretary of State
Division of Publications



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: November 14, 2023

SUBJECT: **Rule Promulgation and
Related Policy Revision
501 Residency Classification**

PRESENTERS: Mark Byrnes, Provost
Jeff Farrar, Associate University Counsel

BACKGROUND INFORMATION:

Revisions to Policy 501 Residency Classification were drafted to include dependent children of Licensed Tennessee Public School Teachers. The Responsible Division was changed to Academic Affairs, and the Responsible Officer was changed to the Vice Provost for Enrollment Services.

A parallel rule, Rule 0240-07-02 Residency Classification, is also presented for amendment and will capture the revised version of Policy 501. A Rulemaking Hearing is scheduled for the Board of Trustees meeting on December 6, 2023.



501319 Residency Classification

Approved by Board of Trustees

Effective Date: ~~September 18, 2019~~ _____, 2023

Responsible Division: ~~Student~~Academic Affairs

Responsible Office: Enrollment Services

Responsible Officer: ~~AVP~~Vice Provost for Enrollment Services

I. Purpose

It is the intent of Middle Tennessee State University (MTSU or University) that uniform criteria shall apply in determining whether students shall be classified in-state or out-of-state for tuition and fee purposes and for admission purposes. This policy provides the criteria that will be utilized in making classification determinations.

II. Determination of Status

- A. Students and applicants with a domicile in Tennessee are to be classified in-state for tuition and fee purposes and for admission purposes. Domicile is a person's true, fixed, and permanent home and place of habitation; it is the place where he/she intends to remain, and to which he/she expects to return when he/she leaves MTSU without intending to establish a new domicile elsewhere.
 1. Persons eligible to establish domicile include U.S. citizens; valid/unexpired permanent residents; asylees/refugees; and those with certain visa types, including A1 – A3; E1, E2; G1 – G5; H1B, H4; I; K1 – K4; L1, L1a, L1b, L2; NATO 1 – NATO 7; O1, O3 (dependents of O1 only); P1 – P4; R1, R2; T1 – T4; and V.
 2. Persons not eligible to establish domicile include persons who have not met requirements of the Eligibility Verification for Entitlement Act (EVEA); undocumented persons, regardless of length of residence in Tennessee; persons on Deferred Action (DACA/Dream Act), and those with certain visa types, including B1, B2; C1 – C3; D1; F1, F2; H1C, H2A, H2B, H3; J1, J2; M1, M2; N; O2, O3 (dependents of O2); Q1 – Q3; S5 – S7; TC, TN, TD; and U1 – U5.
- B. Absence from Tennessee for short periods of time will not affect the establishment of a residence, provided domicile was not established in another state during that time.

- C. Students and applicants not having domicile in Tennessee shall be classified out-of-state.
- D. The domicile of an unemancipated person is that of his/her parent, except as provided in Section II.E. of this policy. Students who are unemancipated must submit parent, legal guardian, or foster parent documentation in lieu of their own. An emancipated person is one who has attained the age of eighteen (18) years, and whose parents have entirely legally surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed emancipated person.
- E. Unemancipated students of divorced parents shall be classified in-state when one (1) parent, regardless of custodial status, is domiciled in Tennessee.
- F. A student is classified in-state for tuition and fee purposes if the student is a citizen of the U.S. and has resided in Tennessee for at least one (1) year immediately prior to admission and meets one (1) of the following:
 1. Graduated from a Tennessee public secondary school;
 2. Graduated from a private secondary school that is located in Tennessee; or
 3. Earned a Tennessee high school equivalency diploma.
- G. The spouse of a student classified as in-state will also be classified as in-state.
- H. Regular full-time employees at institutions governed by the Tennessee Board of Regents (TBR) or a Locally Governed Institution (LGI), along with their spouses and children shall be classified as in-state students for purposes of fees and tuition when enrolled in courses at any TBR institution or LGI.
- I. Graduate assistants at MTSU shall be classified as in-state for purposes of fees and tuition.
- J. Continuous enrollment at MTSU is defined as enrollment in at least one (1) course in successive Fall or Spring terms during the student's enrollment.

III. Out-of-State Students who are Not Required to Pay Out-of-State Tuition

- A. An unemancipated, currently enrolled student will be reclassified as out-of-state should his/her parent move out of the state of Tennessee. However, the student will not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as he/she is continuously enrolled at MTSU.

- B. The waiver of out-of-state tuition granted to a student will follow the student from a Tennessee public community college to MTSU if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- C. Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that entire term are not required to pay out-of-state tuition.
- D. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.

E. Dependent children whose parents are full-time, licensed Tennessee Public School Teachers and will be utilizing the Public Higher Education Fee Discount form.

~~E.F.~~ Military veterans who have a Tennessee address in Box 19A on their DD214 (mailing address after separation) will be charged in-state tuition and fees.

~~F.G.~~ _____ A veteran or dependents eligible to receive educational benefits (to include the David Fry Scholarship) administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition and fees when the veteran or eligible dependent is:

1. Enrolled at MTSU;
2. Utilizing such benefits at MTSU; and
3. Living in the state of Tennessee, regardless of the individual's formal state of residency.

If VA benefits run out/expire prior to graduation, a student can continue to qualify for in-state tuition and fees until completion of that degree, if he/she:

- a. Maintains continuous enrollment (Fall and Spring terms); and
- b. Demonstrates objective evidence of established residency in the state of Tennessee by presenting three (3) of the following:
 - (1) A Tennessee driver's license, issued for at least one (1) year;
 - (2) A Tennessee Identification Card, issued for at least one (1) year;

- (3) Proof of a Tennessee voter's registration;
- (4) A Tennessee motor vehicle registration;
- (5) Proof of established employment in Tennessee;
- (6) Residential lease or mortgage.

Further, if the veteran or eligible dependent wishes to become a permanent resident, he/she can follow Steps a. and b. above and be recoded as an in-state resident.

~~G.H.~~ Individuals who join the Tennessee National Guard (active member) will be charged in-state tuition and fees.

~~H.I.~~ Military service members on active-duty orders who are stationed outside of the state of Tennessee but still maintain a Tennessee domicile will be charged in-state tuition and fees.

~~H.J.~~ An unemancipated person or spouse of an active-duty military member who is stationed outside of Tennessee but whose home of record is Tennessee, will be charged in-state tuition and fees (must show proof of domicile, including, but not limited to, driver's license, voter's registration, LES, tax document).

K. ~~J.~~—An unemancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders.

L. Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12)-month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.

M. A spouse or dependent child of a service member who has been transferred out of the state of Tennessee on military orders will- be classified as an in-state student for tuition purposes, if the spouse or dependent child: (1) Was accepted for admission to a public postsecondary institution; (2) Was initially classified by the institution that accepted the spouse or dependent child for admission as a Tennessee resident for tuition purposes;

(3) Enrolls as a student in that institution for the academic term for which the spouse or dependent child was accepted for admission; and (4) Maintains continuous enrollment in that institution.

- N. Military personnel and their spouses stationed in Tennessee or at Fort Campbell, Kentucky who would be classified out-of-state in accordance with other provisions of this policy will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.
- O. Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.
- P. Part-time students who are not domiciled in Tennessee but who are employed full-time in Tennessee, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in Tennessee by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.
- Q. ~~P.~~ Presumption. No person shall qualify for in-state fees if he/she came to Tennessee for the primary purpose of attending college. For example, if an individual moved to Tennessee and immediately enrolled at MTSU, another university, college, or community college as a full-time student, that person is presumed to have moved to Tennessee for the primary purpose of attending college and will not be eligible for in-state fees. The presumption is that a student cannot acquire domicile in Tennessee while enrolled as a full-time student.
- R. ~~Q.~~ Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in Tennessee, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence including, but not limited to, proof of residence and/or property ownership within Tennessee; military orders assigning the person to Tennessee; proof of full-time employment within Tennessee; proof of receiving a Tennessee state benefit including, but not limited to, TennCare, TN Disability benefits,

or SNAP; proof of current classification as in-state for tuition and fee purposes at another public Tennessee higher education institution; etc.

IV. Appeal Procedure

Individuals may appeal their initial classification of residency status for purposes of tuition and fee payment prior to the census date for the applicable term as specified on the registration calendar for each term according to the following procedure:

- A. Individuals who are initially classified as out-of-state for purposes of tuition and fee payment by personnel in the Admissions Office, the College of Graduate Studies, or the Office of International Admissions, and who wish to appeal this classification, must complete the Application for Tennessee Residency for Fee-Paying Purposes.
 1. Documentation submitted by the individual will be reviewed by the appropriate staff. The individual will be notified of any change in status or other action taken on his/her application. If the individual has an MTSU email account, he/she will be notified through this account. Otherwise, the individual will be notified using the information provided on the application. Notice to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.
 2. In the event that the individual's application for in-state residency is denied, the individual will be advised to contact the Assistant Vice President for Student Affairs or designee to initiate an appeal of the classification.
- B. The Assistant Vice President for Student Affairs or designee will, upon request of the individual and receipt of any additional information required for full consideration, convene the Student Appeals Committee. A representative of the office of original classification in each individual case shall serve as a consultant to the Student Appeals Committee and, upon request, shall provide the basis for the original decision and any other relevant information.
- C. The Student Appeals Committee shall hear such evidence members regard as relevant to a proper review of the individual's residency status and will make a recommendation to the Vice ~~President~~Provost for ~~Student Affairs~~Enrollment Services either denying the appeal or recommending that the individual be reclassified as in-state for purposes of tuition and fee payment.
- D. The Vice ~~President~~Provost for ~~Student Affairs~~Enrollment Services will approve, reject, or modify the recommendation of the Student Appeals Committee. Notification to the individual of MTSU's decision is anticipated to be within five (5) business days, except

during periods when a large volume of appeals has been filed, which may require extension of this notification period.

- E. The decision of the Vice ~~President~~Provost for ~~Student Affairs~~Enrollment Services will be final in matters of appeal with regard to residency status for purposes of tuition and fee payment.

V. Effective Date for Reclassification

- A. If a student classified out-of-state applies for in-state classification and is subsequently so classified, his/her in-state classification shall be effective as of the date on which reclassification was sought.
- B. However, out-of-state tuition will be charged for any semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the census day of that semester.

VI. Regional Scholars

- A. The MTSU Regional Scholars Program allows select non-Tennessee resident students who live within a specified radius of the MTSU campus, as determined by the Board of Trustees and published on the [Regional Scholars website](#) and who meet specific academic requirements, to attend MTSU at a reduced rate.
- B. Though still classified as out-of-state, students who qualify will receive:
 1. A reduced tuition as determined by MTSU in accordance with approved guidelines.
 2. Consideration for institutional scholarships if admitted by the established scholarship deadlines.

Forms: none.

Revisions: June 5, 2017 (original); December 5, 2017; August 15, 2019; Sept. 18, 2019; _____, 2023.

Last Reviewed: August ~~2022~~2023.

References: Tennessee Higher Education Commission Chapter 1540-1-1 Regulations for Classifying Persons as Tennessee Residents for the Purpose of Participating in Tennessee Higher Education Commission Programs Authority; Eligibility Verification for Entitlement Act; Deferred Action (DACA/Dream Act); T.C.A. §§ 49-4-704, 49-7-164.



319 Residency Classification

Approved by Board of Trustees

Effective Date: _____, 2023

Responsible Division: Academic Affairs

Responsible Office: Enrollment Services

Responsible Officer: Vice Provost for Enrollment Services

I. Purpose

It is the intent of Middle Tennessee State University (MTSU or University) that uniform criteria shall apply in determining whether students shall be classified in-state or out-of-state for tuition and fee purposes and for admission purposes. This policy provides the criteria that will be utilized in making classification determinations.

II. Determination of Status

- A. Students and applicants with a domicile in Tennessee are to be classified in-state for tuition and fee purposes and for admission purposes. Domicile is a person's true, fixed, and permanent home and place of habitation; it is the place where he/she intends to remain, and to which he/she expects to return when he/she leaves MTSU without intending to establish a new domicile elsewhere.
 1. Persons eligible to establish domicile include U.S. citizens; valid/unexpired permanent residents; asylees/refugees; and those with certain visa types, including A1 – A3; E1, E2; G1 – G5; H1B, H4; I; K1 – K4; L1, L1a, L1b, L2; NATO 1 – NATO 7; O1, O3 (dependents of O1 only); P1 – P4; R1, R2; T1 – T4; and V.
 2. Persons not eligible to establish domicile include persons who have not met requirements of the Eligibility Verification for Entitlement Act (EVEA); undocumented persons, regardless of length of residence in Tennessee; persons on Deferred Action (DACA/Dream Act), and those with certain visa types, including B1, B2; C1 – C3; D1; F1, F2; H1C, H2A, H2B, H3; J1, J2; M1, M2; N; O2, O3 (dependents of O2); Q1 – Q3; S5 – S7; TC, TN, TD; and U1 – U5.
- B. Absence from Tennessee for short periods of time will not affect the establishment of a residence, provided domicile was not established in another state during that time.

- C. Students and applicants not having domicile in Tennessee shall be classified out-of-state.
- D. The domicile of an unemancipated person is that of his/her parent, except as provided in Section II.E. of this policy. Students who are unemancipated must submit parent, legal guardian, or foster parent documentation in lieu of their own. An emancipated person is one who has attained the age of eighteen (18) years, and whose parents have entirely legally surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed emancipated person.
- E. Unemancipated students of divorced parents shall be classified in-state when one (1) parent, regardless of custodial status, is domiciled in Tennessee.
- F. A student is classified in-state for tuition and fee purposes if the student is a citizen of the U.S. and has resided in Tennessee for at least one (1) year immediately prior to admission and meets one (1) of the following:
 - 1. Graduated from a Tennessee public secondary school;
 - 2. Graduated from a private secondary school that is located in Tennessee; or
 - 3. Earned a Tennessee high school equivalency diploma.
- G. The spouse of a student classified as in-state will also be classified as in-state.
- H. Regular full-time employees at institutions governed by the Tennessee Board of Regents (TBR) or a Locally Governed Institution (LGI), along with their spouses and children shall be classified as in-state students for purposes of fees and tuition when enrolled in courses at any TBR institution or LGI.
- I. Graduate assistants at MTSU shall be classified as in-state for purposes of fees and tuition.
- J. Continuous enrollment at MTSU is defined as enrollment in at least one (1) course in successive Fall or Spring terms during the student's enrollment.

III. Out-of-State Students who are Not Required to Pay Out-of-State Tuition

- A. An unemancipated, currently enrolled student will be reclassified as out-of-state should his/her parent move out of the state of Tennessee. However, the student will not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as he/she is continuously enrolled at MTSU.

- B. The waiver of out-of-state tuition granted to a student will follow the student from a Tennessee public community college to MTSU if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- C. Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that entire term are not required to pay out-of-state tuition.
- D. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.
- E. Dependent children whose parents are full-time, licensed Tennessee Public School Teachers and will be utilizing the Public Higher Education Fee Discount form.
- F. Military veterans who have a Tennessee address in Box 19A on their DD214 (mailing address after separation) will be charged in-state tuition and fees.
- G. A veteran or dependents eligible to receive educational benefits (to include the David Fry Scholarship) administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition and fees when the veteran or eligible dependent is:
 - 1. Enrolled at MTSU;
 - 2. Utilizing such benefits at MTSU; and
 - 3. Living in the state of Tennessee, regardless of the individual's formal state of residency.

If VA benefits run out/expire prior to graduation, a student can continue to qualify for in-state tuition and fees until completion of that degree, if he/she:

- a. Maintains continuous enrollment (Fall and Spring terms); and
- b. Demonstrates objective evidence of established residency in the state of Tennessee by presenting three (3) of the following:
 - (1) A Tennessee driver's license, issued for at least one (1) year;
 - (2) A Tennessee Identification Card, issued for at least one (1) year;

- (3) Proof of a Tennessee voter's registration;
- (4) A Tennessee motor vehicle registration;
- (5) Proof of established employment in Tennessee;
- (6) Residential lease or mortgage.

Further, if the veteran or eligible dependent wishes to become a permanent resident, he/she can follow Steps a. and b. above and be recoded as an in-state resident.

- H. Individuals who join the Tennessee National Guard (active member) will be charged in-state tuition and fees.
- I. Military service members on active-duty orders who are stationed outside of the state of Tennessee but still maintain a Tennessee domicile will be charged in-state tuition and fees.
- J. An unemancipated person or spouse of an active-duty military member who is stationed outside of Tennessee but whose home of record is Tennessee, will be charged in-state tuition and fees (must show proof of domicile, including, but not limited to, driver's license, voter's registration, LES, tax document).
- K. An unemancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders.
- L. Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12)-month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- M. A spouse or dependent child of a service member who has been transferred out of the state of Tennessee on military orders will be classified as an in-state student for tuition purposes, if the spouse or dependent child: (1) Was accepted for admission to a public postsecondary institution; (2) Was initially classified by the institution that accepted the spouse or dependent child for admission as a Tennessee resident for tuition purposes;

(3) Enrolls as a student in that institution for the academic term for which the spouse or dependent child was accepted for admission; and (4) Maintains continuous enrollment in that institution.

- N. Military personnel and their spouses stationed in Tennessee or at Fort Campbell, Kentucky who would be classified out-of-state in accordance with other provisions of this policy will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.
- O. Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.
- P. Part-time students who are not domiciled in Tennessee but who are employed full-time in Tennessee, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in Tennessee by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.
- Q. Presumption. No person shall qualify for in-state fees if he/she came to Tennessee for the primary purpose of attending college. For example, if an individual moved to Tennessee and immediately enrolled at MTSU, another university, college, or community college as a full-time student, that person is presumed to have moved to Tennessee for the primary purpose of attending college and will not be eligible for in-state fees. The presumption is that a student cannot acquire domicile in Tennessee while enrolled as a full-time student.
- R. Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in Tennessee, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence including, but not limited to, proof of residence and/or property ownership within Tennessee; military orders assigning the person to Tennessee; proof of full-time employment within Tennessee; proof of receiving a Tennessee state benefit including, but not limited to, TennCare, TN Disability benefits,

or SNAP; proof of current classification as in-state for tuition and fee purposes at another public Tennessee higher education institution; etc.

IV. Appeal Procedure

Individuals may appeal their initial classification of residency status for purposes of tuition and fee payment prior to the census date for the applicable term as specified on the registration calendar for each term according to the following procedure:

- A. Individuals who are initially classified as out-of-state for purposes of tuition and fee payment by personnel in the Admissions Office, the College of Graduate Studies, or the Office of International Admissions, and who wish to appeal this classification, must complete the Application for Tennessee Residency for Fee-Paying Purposes.
 1. Documentation submitted by the individual will be reviewed by the appropriate staff. The individual will be notified of any change in status or other action taken on his/her application. If the individual has an MTSU email account, he/she will be notified through this account. Otherwise, the individual will be notified using the information provided on the application. Notice to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.
 2. In the event that the individual's application for in-state residency is denied, the individual will be advised to contact the Assistant Vice President for Student Affairs or designee to initiate an appeal of the classification.
- B. The Assistant Vice President for Student Affairs or designee will, upon request of the individual and receipt of any additional information required for full consideration, convene the Student Appeals Committee. A representative of the office of original classification in each individual case shall serve as a consultant to the Student Appeals Committee and, upon request, shall provide the basis for the original decision and any other relevant information.
- C. The Student Appeals Committee shall hear such evidence members regard as relevant to a proper review of the individual's residency status and will make a recommendation to the Vice Provost for Enrollment Services either denying the appeal or recommending that the individual be reclassified as in-state for purposes of tuition and fee payment.
- D. The Vice Provost for Enrollment Services will approve, reject, or modify the recommendation of the Student Appeals Committee. Notification to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.

- E. The decision of the Vice Provost for Enrollment Services will be final in matters of appeal with regard to residency status for purposes of tuition and fee payment.

V. Effective Date for Reclassification

- A. If a student classified out-of-state applies for in-state classification and is subsequently so classified, his/her in-state classification shall be effective as of the date on which reclassification was sought.
- B. However, out-of-state tuition will be charged for any semester during which reclassification is sought and obtained unless application for reclassification is made to the classification officer on or before the census day of that semester.

VI. Regional Scholars

- A. The MTSU Regional Scholars Program allows select non-Tennessee resident students who live within a specified radius of the MTSU campus, as determined by the Board of Trustees and published on the [Regional Scholars website](#) and who meet specific academic requirements, to attend MTSU at a reduced rate.
- B. Though still classified as out-of-state, students who qualify will receive:
 - 1. A reduced tuition as determined by MTSU in accordance with approved guidelines.
 - 2. Consideration for institutional scholarships if admitted by the established scholarship deadlines.

Forms: none.

Revisions: June 5, 2017 (original); December 5, 2017; August 15, 2019; Sept. 18, 2019; _____, 2023.

Last Reviewed: August 2023.

References: Tennessee Higher Education Commission Chapter 1540-1-1 Regulations for Classifying Persons as Tennessee Residents for the Purpose of Participating in Tennessee Higher Education Commission Programs Authority; Eligibility Verification for Entitlement Act; Deferred Action (DACA/Dream Act); T.C.A. §§ 49-4-704, 49-7-164.

Department of State
Division of Publications
 312 Rosa L. Parks Ave., 8th Floor, Snodgrass/TN Tower
 Nashville, TN 37243
 Phone: 615-741-2650
 Email: publications.information@tn.gov

For Department of State Use Only

Sequence Number: 10-13-23
 Notice ID(s): 3735
 File Date: 10/12/2023

Notice of Rulemaking Hearing

Hearings will be conducted in the manner prescribed by the Uniform Administrative Procedures Act, T.C.A. § 4-5-204. For questions and copies of the notice, contact the person listed below.

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

Any Individuals with disabilities who wish to participate in these proceedings (to review these filings) and may require aid to facilitate such participation should contact the following at least 10 days prior to the hearing:

ADA Contact:	Lance Alexis, Director of ADA Compliance
Address:	1301 E. Main Street, CAB 116, Murfreesboro, TN 37132
Phone:	615-898-2185
Email:	Lance.alexis@mtsu.edu

Hearing Location(s) (for additional locations, copy and paste table)

Address 1:	Miller Education Center, MEC Meeting Room
Address 2:	503 E. Bell Street
City:	Murfreesboro
Zip:	37130
Hearing Date:	12/6/2023
Hearing Time:	1:00 p.m. CST

Additional Hearing Information:

--

Revision Type (check all that apply):

- Amendment
- New
- Repeal

Rule(s) (ALL chapters and rules contained in filing must be listed. If needed, copy and paste additional tables to accommodate more than one chapter. Please enter only **ONE** Rule Number/Rule Title per row.)

Chapter Number	Chapter Title
0240-07-02	Residency Classification
Rule Number	Rule Title
0240-07-02-.02	Out-of-State Students who are not Required to Pay Out-of-State Tuition

Rules of
Middle Tennessee State University

Chapter 0240-07-02
Residency Classification

Amendment

0240-07-02-.02 Out-of-State Students who are not Required to Pay Out-of-State Tuition is amended by adding Paragraph (4) so that, as amended, the amended rule in its entirety shall read:

0240-07-02-.02 Out-of-State Students who are not Required to Pay Out-of-State Tuition

- (1) An unemancipated, currently enrolled student will be reclassified as out-of-state should his/her parent move out of the state of Tennessee. However, the student will not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as he/she is continuously enrolled at MTSU.
- (2) The waiver of out-of-state tuition granted to a student will follow the student from a Tennessee public community college to MTSU if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- (3) Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that entire term are not required to pay out-of-state tuition.
- (4) Dependent children whose parents are full-time, licensed Tennessee Public School Teachers and will be utilizing the Public Higher Education Fee Discount form.
- (5) Military veterans who have a Tennessee address in Box 19A on their DD214 (mailing address after separation) will be charged in-state tuition and fees.
- (6) A veteran or dependents eligible to receive educational benefits (to include the David Fry Scholarship) administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition and fees when the veteran or eligible dependent is:
 - (a) Enrolled at MTSU;
 - (b) Utilizing such benefits at MTSU; and
 - (c) Living in the state of Tennessee, regardless of the individual's formal state of residency.

If VA benefits run out/expire prior to graduation, a student can continue to qualify for in-state tuition and fees until completion of that degree, if he/she:

1. Maintains continuous enrollment (Fall and Spring terms); and
2. Demonstrates objective evidence of established residency in the state of Tennessee by presenting three (3) of the following:
 - (i) A Tennessee driver's license, issued for at least one (1) year;
 - (ii) A Tennessee Identification Card, issued for at least one (1) year;
 - (iii) Proof of a Tennessee voter's registration;
 - (iv) A Tennessee motor vehicle registration;

(v) Proof of established employment in Tennessee;

(vi) Residential lease or mortgage.

Further, if the veteran or eligible dependent wishes to become a permanent resident, he/she can follow Steps 1 and 2 above and be recoded as an in-state resident.

- (7) Individuals who join the Tennessee National Guard (active member) will be charged in-state tuition and fees.
- (8) Military service members on active-duty orders who are stationed outside of the state of Tennessee but still maintain a Tennessee domicile will be charged in-state tuition and fees.
- (9) An unemancipated person or spouse of an active-duty military member who is stationed outside of Tennessee but whose home of record is Tennessee, will be charged in-state tuition and fees (must show proof of domicile, including, but not limited to, driver's license, voter's registration, LES, tax document).
- (10) An unemancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders.
- (11) Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- (12) Military personnel and their spouses stationed in Tennessee or at Fort Campbell, Kentucky who would be classified out-of-state in accordance with other provisions of these rules will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.
- (13) MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.
- (14) Part-time students who are not domiciled in Tennessee but who are employed full-time in Tennessee, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall also apply to part-time students who are employed in Tennessee by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.
- (15) Presumption. No person shall qualify for in-state fees if he/she came to Tennessee for the primary purpose of attending college. For example, if an individual moved to Tennessee and immediately enrolled at MTSU, another university, college, or community college as a full-time student, that person is presumed to have moved to Tennessee for the primary purpose of attending college and will not be eligible for in-state fees. The presumption is that a student cannot acquire domicile in Tennessee while enrolled as a full-time student.
- (16) Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in Tennessee, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence including, but not limited to, proof of residence and/or property ownership within Tennessee; military orders assigning the person to Tennessee; proof of full-time employment within Tennessee; proof of receiving a Tennessee state benefit

including, but not limited to, TennCare, TN Disability benefits, or SNAP; proof of current classification as in-state for tuition and fee purposes at another public Tennessee higher education institution; etc.

Authority: T.C.A. § 49-8-104; T.C.A. § 49-4-704; T.C.A. § 49-7-164.

I certify that the information included in this filing is an accurate and complete representation of the intent and scope of rulemaking proposed by the agency.

Date: October 12, 2023

Signature: 

Name of Officer: James Floyd

Title of Officer: University Counsel

Department of State Use Only

Filed with the Department of State on: 10/12/2023


Tre Hargett
Secretary of State

RECEIVED

Oct 12 2023, 3:24 pm

Secretary of State
Division of Publications



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Action Item

DATE: November 14, 2023

SUBJECT: **Approval of Expedited Tenure**

PRESENTER: Mark Byrnes
Provost

BACKGROUND INFORMATION:

The University may find it necessary to expedite tenure review in order to recruit high-quality faculty for administrative positions. Departmental input regarding tenure for an administrator is necessary since tenure is awarded in a specific department.

The following faculty member has been reviewed for tenure by his department and college committees, chair, and college dean according to MTSU Policy 204 Tenure and the respective college and department policies. The President and Provost recommend that tenure be granted effective December 6, 2023.

Name	Department	Rank
Barbosa, Sal	Computer Science	Associate Professor



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Information Item

DATE: November 14, 2023

SUBJECT: **Performance Metrics**

PRESENTER: Mark Byrnes
Provost

BACKGROUND INFORMATION:

The annual update of MTSU Performance Metrics.

FLUID

APPLICATION/ADMISSION ACTIVITY

	YTD	YOY	3-yr Goal
Freshman applications received for Fall 2023	13,841	+12.8%	1%/year
Freshmen admitted for Fall 2023*	6,366	-18.8%	1%/year
<i>*Note: The number of students withdrawing submitted applications or being denied was up by 2,357 students, an increase of 134.5%.</i>			
Transfer applications received for Fall 2023	3,499	+2.5%	1%/year
Transfer students admitted for Fall 2023	2,197	-4.2%	1%/year
Graduate applications received for Fall 2023	2,254	+5.6%	33%
Graduate students enrolled for Fall 2023	2,515	-5.0%	33%

ATHLETICS

	FY 2022	FY 2023	Goal
BRAA giving	\$1,048,029	\$1,058,745	\$1.43M
Total giving	\$2,124,935	\$8,853,961	\$4.5M

ATHLETICS

	FY 2020*	FY 2021	FY 2022
Football attendance	5,833	12,351	15,607
Men's basketball attendance	903	3,502	3,657
Women's basketball attendance	291	3,189	3,558
<i>*Covid-19 restrictions in place</i>			

MARKERS

ENROLLMENT

	Fall 2021	Fall 2022	Fall 2023	3-yr Goal
Full-time equivalent enrollment	16,805	16,076	16,178	1%/year
Total headcount	20,857	20,086	20,183	1%/year
Freshmen enrolled	2,738	2,779	3,088	1%/year
Transfers students enrolled	1,752	1,604	1,573	1%/year
Avg. ACT score of entering class	22.87	22.74	22.52	N/A
Avg. high school GPA of entering class	3.64	3.63	3.65	N/A

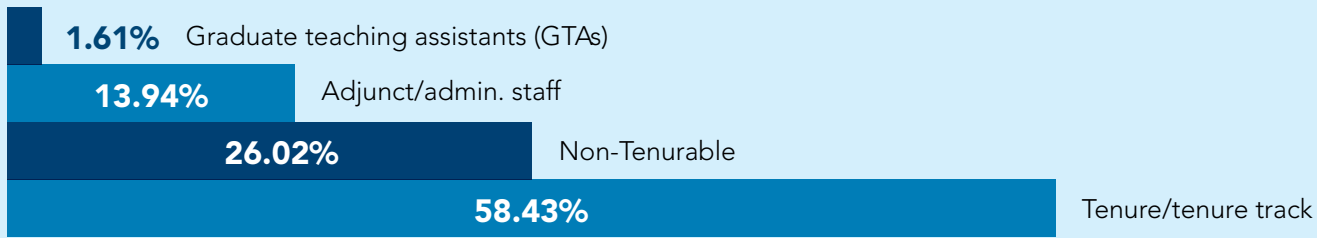
ACADEMICS

	AY 2020-21	AY 2021-22	AY 2022-23	5-yr Goal
Six-year graduation rate	59.2%	59.8%	58.4%	60% by 2025
Degrees awarded				
Bachelor's	3,916	3,783	3,867	N/A
Master's/Education Specialist	722	874	986	N/A
Doctoral	46	51	49	N/A
Research, Service, Sponsored Programs	\$11,752,201	\$12,648,683	*	\$11,219,300
<i>*Note: Data comes from THEC and is not yet available.</i>				

	Fall 2021	Fall 2022	Fall 2023	5-yr Goal
Freshman retention	74.1%	75.7%	77.29%	80% by 2025
Graduate retention	82.0%	84.4%	87.5%	87% by 2025

ACADEMICS (CONTINUED)

Credit hours taught by faculty type



TUITION AND DEBT

Undergraduate tuition (12 credit hours)	Fall 2021	Fall 2022	Fall 2023
MTSU	\$3,672	\$3,672	\$3,768
University of Tennessee	\$5,666	\$5,666	\$5,666
University of Memphis	\$4,176	\$4,176	\$4,260
Graduate tuition (9 credit hours)			
MTSU	\$4,698	\$4,698	\$4,824
University of Tennessee	\$5,734	\$5,734	\$5,734
University of Memphis	\$4,689	\$4,689	\$4,788
% of Pell-eligible students	Fall 2020	Fall 2021	Fall 2022*
MTSU	49.1%	48.8%	54.6%
University of Tennessee	29.4%	27.6%	35.5%
University of Memphis	50.0%	50.0%	65.6%

*The Pell data are from the THEC Fact Books. Per the 2022-23 Footnote, *Pell Base represents undergraduate, in-state students who were not reported to THECSIS as a dual enrollment student. Pell eligibility calculations in previous Fact Books have underestimated the true share of Pell eligible students. The data presented in this year's report reflect an adjustment to display a more accurate estimation based on the students for whom Pell eligibility is known.

	May 2021	May 2022	May 2023
Avg. debt of MTSU undergraduates at graduation	\$24,256	\$23,542	\$23,802
% of undergraduates with debt at graduation	53%	51%	47%

ATHLETICS

	Cohort 2014	Cohort 2015	Cohort 2016
Graduation Success Rate	93%	94%	95%
Academic Progress Rate	983	988	989

Total revenues	FY 2021	FY 2022	FY 2023*
MTSU	\$31.2M	\$36.0M	N/A
Conference USA	\$32.34M	\$37.53M	N/A

Institutional support (% of total)			
MTSU	34%	34%	N/A
Conference USA	26%	28%	N/A

Private support (% of total)			
MTSU	3%	5%	N/A
Conference USA	10%	10%	N/A

*FY 2023 revenue will be updated when finalized

ADVANCEMENT

	FY 2021	FY 2022	FY 2023
Number of donors	6,701	7,615	7,689
Total annual support	\$11,063,633	\$17,225,172	\$18,270,901
	1-year	10-year	20-year
Investment return as of June 2023	+8.1%	+7.1%	+6.8%



**Middle Tennessee State University
Board of Trustees**

Academic Affairs, Student Life, and Athletics Committee

Information Item

DATE: November 14, 2023

SUBJECT: **Athletics Report**

PRESENTER: Chris Massaro
Athletics Director

BACKGROUND INFORMATION:

An update on the Department of Athletics.