



**Middle Tennessee State University  
Board of Trustees**

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Tuesday, March 27, 2018 – 1:00 p.m.

**ORDER OF BUSINESS**

Call to Order

Pledge of Allegiance

Introduction of Student-Veteran

Roll Call

Chairman’s Welcome and Opening Remarks

President’s Opening Comments

Approval of the Minutes

- December 5, 2017 Regular Session Board Meeting ..... Tab 1

Committee Reports and Action Items

Academic Affairs, Student Life and Athletics Committee ..... Tab 2  
February 27, 2018

- Rule Promulgation and Policy Revision
  - Student Conduct
  - Policy 540 – Student Conduct
- Approval of New Academic Programs

Finance and Personnel Committee ..... Tab 3  
January 25, 2018 and February 27, 2018

- Athletics Master Plan Amendment
- Compensation Strategy
- Rule Promulgation and Policy Revision
  - Traffic, Parking, and Safety Enforcement
  - Policy 775 – Traffic, Parking, and Safety Enforcement

Audit and Compliance Committee  
March 13, 2018

Executive and Governance Committee ..... Tab 4  
February 27, 2018 and March 13, 2018

- Institutional Mission/Mission Profile
- Board of Trustees Policy Selection, Evaluation and Retention of the President
- President's Compensation and Contract
  - AGB Compensation Evaluation Service Report

Report of the Board Secretary ..... Tab 5

President's Report

Closing Remarks

Adjourn



**Middle Tennessee State University  
Board of Trustees**

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# Tab 1

Approval of Minutes  
December 5, 2017  
Regular Session Board Meeting





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Minutes of December 5, 2017 Board Meeting](#)

DATE: March 27, 2018

PRESENTER: Chairman Stephen Smith

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

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- December 5, 2017 Regular Session Board Meeting



**MIDDLE TENNESSEE STATE UNIVERSITY**

**BOARD OF TRUSTEES**

**MINUTES**

December 5, 2017

**Call to Order and Pledge of Allegiance**

The Middle Tennessee State University Board of Trustees met in regular session on Tuesday, December 5, 2017, on the Middle Tennessee State University campus. Chairman Steve Smith called the meeting to order at 1:00 p.m. and requested retired Lt. Gen. Keith Huber to lead the Pledge of Allegiance.

**Introduction of Student Veteran**

Gen. Huber introduced student veteran, Jackie Evans, who enrolled in the United States Marine Corps and worked in Marine Aviation Maintenance. Ms. Evans was promoted to the rank of Lance Corporal and was deployed to the war in Afghanistan. While there, she was again promoted, this time to the rank of Corporal. After returning to the United States, she became a non-commissioned officer in charge of the scheduling and maintenance of the Joint Strike Fighter. She was then promoted to the rank of Sergeant. After four (4) years of active duty, Ms. Evans is now pursuing her bachelor of science degree and is a veteran student worker in the Charlie and Hazel Daniels Veterans and Military Family Center. Chairman Smith expressed to her his appreciation for her service.

**Roll Call**

Board Secretary Heidi Zimmerman called the roll. Trustees: Andy Adams, J.B. Baker, Pete DeLay, Darrell Freeman, Sr., Joey Jacobs, Tony Johnston, Stephen Smith, Lindsey Weaver and Pamela Wright. Trustee Christine Karbowiak was unable to attend. A quorum was declared.

### **Welcome and Opening Remarks**

Chairman Smith welcomed those present to the fourth meeting of the Board of Trustees. Dr. Sidney A. McPhee, President, also welcomed those attending and specifically acknowledged the presence of elected officials and special guests in the audience, particularly recognizing the Tennessee Higher Education Commission liaison to the Board, Dr. Lauren Collier, Director of Institution and Board Affairs.

### **Approval of the Minutes**

Chairman Smith asked whether everyone had had the chance to review the minutes of the September 12, 2017 Board of Trustees meeting. There being no objection to their accuracy, Chairman Smith requested a motion to approve the minutes. Trustee Johnston moved to approve the minutes; Trustee DeLay seconded the motion. A voice vote on the motion to approve the minutes of the September 12, 2017 Board meeting was taken and carried unanimously.

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

Chairwoman Pamela Wright gave the report from the December 5, 2017 meeting of the Academic Affairs, Student Life and Athletics Committee. Materials from the committee meeting were provided to the Board in its meeting materials. The committee report contained information items and five (5) recommendations to be considered and voted on by the Board.

### **Department Name Changes - Information**

Provost Byrnes updated the committee on department name changes effective July 1, 2018 and changes in academic programs including name changes, program terminations, new concentrations, and new minors. He also provided information on new academic programs under consideration.

### **Criminal Background Checks and Fall 2017 Census Data - Information**

Vice President Deb Sells presented information on criminal background checks in the admissions process and provided the committee with the Fall 2017 census data.



### **Faculty Senate Activities - Information**

Dr. Joey Gray, 2017-18 Faculty Senate President, presented an overview of the Senate's most recent activities, the unique role of the faculty and two resolutions from the Senate.

### **Master Plan for Athletics Facilities - Information**

Athletic Director Chris Massaro shared architects Heery and Associates' findings and recommendations to the master plan for athletics facilities.

### **Promulgation of the Rule Classification of Students and Revisions to Related Policies – Recommendation**

The committee approved the promulgation of the rule, Classification of Students, which defines residency of students to be used in determining whether or not out-of-state tuition shall be charged to a student enrolling at MTSU. It also approved revisions to Policy 501 - Classifying Students In-State or Out-of-State for Paying University Fees and Tuition and for Admission Purposes to be consistent with the proposed rule.

### **Policy 205 Promotion of Tenured and Tenurable Faculty - Recommendation**

Revisions to Policy 205 - Promotion of Tenured and Tenurable Faculty pertain to inconsistencies in Policy 205 when read in conjunction with Policies 204 - Tenure and 202 - Faculty Definition, Roles, Responsibilities, and Appointment Types. The committee approved the proposed revisions.

### **Expedited Tenure – Recommendation**

The need to award expedited tenure in order to recruit exceptionally high-quality faculty and administrators for senior positions was discussed. After proper review pursuant to Policy 204 - Tenure by their respective college and department policies, the President and University Provost recommended to the committee that tenure be granted to three individuals and the committee approved this action.

### **Elevation of the Existing Concentration in Insurance – Recommendation**

The committee approved the elevation of the existing concentration in Insurance within the B.B.A. in Finance to a freestanding B.B.A. degree in Risk Management and Insurance, to be effective Fall 2018.

### **Board Policy - Board of Trustees Travel – Recommendation**

Consideration of a new Board of Trustees policy that applies to travel by the Board of Trustees in the performance of their official duties was discussed and approved, with revisions, by the committee.

### **Motion to Approve Committee Recommendations**

Trustee Freeman moved to approve the action items taken by the Academic Affairs, Student Life, and Athletics Committee other than the rule promulgation. Trustee DeLay seconded the motion. The motion to approve the action items of the Academic Affairs, Student Life, and Athletics Committee, other than the rule promulgation, carried by unanimous voice vote.

### **Motion and Roll Call Vote for Promulgation of the Classification of Students Rule**

Trustee DeLay moved to approve the promulgation of the Classification of Students Rule. Trustee Jacobs seconded the motion. A roll call vote was taken and the motion to approve promulgation of the Classification of Students rule passed unanimously.

### **Committee Report: Finance and Personnel Committee**

Chairman Joey Jacobs provided the report for the Finance and Personnel Committee and stated that this committee met on November 29, 2017. Materials from the meeting were provided to the Board in its meeting materials. The committee report contained information items and three (3) recommendations to be considered and voted on by the Board.

### **Capital Outlay and Capital Disclosures – Information**

MTSU's Academic Classroom Building is the No. 1 ranked project on THEC's list and the Applied Engineering Building is ranked as No. 7. These projects will be recommended for funding in FY 2018-19. Two other projects listed as "outyear" projects in the FY 2018 – 19 capital budget are the Concrete and Construction Management Building and the Math and Computer Science Building. These projects are being considered for submission as the University's FY 2019-20 capital project request. In accordance with THEC Policy 4.0.6C for disclosure of projects funded through bonds, gifts, grants or local funds, MTSU submitted a disclosure project on September 29, 2017 to make improvements to Peck Hall.

### **Compensation Strategy - Information**

Assistant Vice President Kathy Musselman presented a recommendation concerning compensation strategy. With this compensation strategy, the University requested approval to develop a plan to increase salary ranges and partially implement the current compensation plan prior to implementation of a merit based compensation plan. This plan would be presented to the committee once the Governor's recommended amount of state funding for higher education salaries is known in January/February of 2018. An increase in salary ranges, based on current market data, would allow the University to be more competitive and attractive in its starting salaries. In addition, partially implementing the current compensation plan would help to retain employees in positions with high turnover rates. This would be similar to an allocation made in the 2017-18 Governor's Budget for positions in state government experiencing high turnover. The Finance and Personnel Committee agreed to meet again in January to review additional information requested.

### **Promulgation of the Installment Payment Plan Rule - Recommendation**

The committee approved promulgation of the rule, Installment Payment Plan, which concerns the payment of tuition and student fees, as well as, consequences for failure to make payments. MTSU has related Policies 644 - Installment Payment Plan and 641 - Student Fees – Incidental Charges and Refunds, where minor changes were made for consistency with the rule.

Additionally, Policy 644 will now be approved by the Board.

### **Severance of Procurement Services – Recommendation**

Vice President Alan Thomas reminded the committee that the FOCUS Act allowed for a transition period beginning July 1, 2016 and ending November 30, 2017, where TBR would continue to perform certain functions, including procurement, for the Locally Governed Institutions. Subsequent to November 30, 2017, LGIs may submit their proposals to sever these functions with TBR. MTSU is ready to submit its proposal for severance to THEC before the end of December 2017, intending for severance of Procurement Services from TBR to be effective July 1, 2018. The committee approved this action.

### **2017-18 October Revised Operating Budget – Recommendation**

The 2017-18 October Revised Operating Budget was approved by the committee. Changes were made:

- to reflect tuition and fee revenue,
- to show increased appropriations for state funded employee benefits,
- to adjust expenditure budgets, and
- to adjust auxiliary and restricted budgets based on information obtained since the July budget submission.

### **Outside Legal Counsel – Recommendation**

The committee considered exploring the option for acquiring outside legal counsel for the trustees. A majority of committee members voted in favor of this. A report of the findings will be brought before the committee in the near future.

### **Motion and Roll Call Vote for Promulgation of Installment Payment Plan Rule**

Trustee DeLay moved to approve the promulgation of the Installment Payment Plan rule. Trustee Johnston seconded the motion. A roll call vote was taken and the motion to promulgate the Installment Payment Plan rule passed unanimously.

### **Motion to Approve Committee Recommendations**

Trustee DeLay moved to approve the remaining action items taken by the Finance and Personnel Committee as reported by Trustee Jacobs. Trustee Baker seconded the motion. The motion to approve the Finance and Personnel Committee remaining action items was approved by unanimous voice vote.

### **Committee Report: Audit and Compliance Committee**

Trustee Adams gave the report of the Audit and Compliance Committee in Chairwoman Karbowski's absence. The committee met on November 29, 2017. Materials from the meeting were provided to the Board in its meeting materials. The report included information items only with no recommendations to be voted on by the Board.

### **Office of Compliance and Enterprise Risk Management Report - Information**

Assistant Vice President Gené Stephens presented information including:

- comprehensive report on the Office of Compliance and Enterprise Risk Management's activities,
- examples of how the University addresses each of the seven elements of an effective corporate compliance program as described in the United States Sentencing Guidelines, and
- examples of how the University addresses the "Filip Factors" used by the Department of Justice.

### **Non-public Executive Session - Information**

The public meeting of the committee adjourned and the committee went into executive session. During the non-public executive session of the Audit and Compliance Committee, members discussed current audits and investigations.

### **Committee Report: Executive and Governance Committee**

Board Vice Chairman Darrell Freeman gave the report of the Executive and Governance Committee that met on November 29, 2017. Materials from the meeting were provided to the Board in its meeting materials. The report included one (1) recommendation to be considered and voted on by the Board, and one information item.

### **President's Compensation Package – Recommendation**

The committee discussed the development of a compensation package for the President. In order to make the best-informed and most appropriate recommendation, it was suggested and approved by the committee that through AGB Search, Dr. Joseph Johnston be retained as a consultant to provide compensation evaluation services in this regard.

### **Board of Trustees Policy – Selection, Evaluation and Retention of the President - Information**

In its prior meeting of September 17, 2017, the Executive and Governance Committee approved Board of Trustees Policy – Selection, Evaluation and Retention of the President with the understanding that it would be revisited at the subsequent meeting for a discussion of potential revisions. Recommendations for revision were made and a new version of the policy will be presented at the next meeting of the Executive and Governance Committee meeting.

### **Motion to Approve Committee Recommendation**

Trustee Baker moved to approve the recommendation of the Executive and Governance Committee as reported by Trustee Freeman. Trustee DeLay seconded the motion. A voice vote was taken and the motion to approve the recommendation of the Executive and Governance Committee carried.

Trustee Wright wanted it noted for the record that she feels the Board needs to be conservative with consultants and outside counsel because there is already a lot of expertise on the campus.

She stated that she would rather the Board not set a precedent for future boards of going to consultants for numerous issues.

### **Policy on Free Speech on Campus - Recommendation**

Secretary Zimmerman stated that recently passed legislation, 2017 Public Chapter 336, established the Free Speech Protection Act. The statute requires that institutions of higher education have a policy in place to comply with the Act. Proposed Policy 103 - Free Speech on Campus, drafted almost verbatim from the statute, will comply with that requirement. The policy is to become effective January 1, 2018. Trustee DeLay moved to approve this new University policy. Trustee Wright seconded the motion. A voice vote was taken and the motion to approve Policy 103 – Free Speech on Campus carried.

### **Board Secretary's Report**

At its prior Board meeting, the Board approved the delegation of limited authority to the Board Secretary to make minor revisions to policies or rules with the condition that these revisions be reported to the Board. Accordingly, Ms. Zimmerman provided a list of the minor revisions made to policies since the last Board meeting.

### **President's Report**

Dr. McPhee reported on the white supremacist rally that was scheduled to be held on the Murfreesboro Square on October 28, 2017, along with the possibility that protests could occur on the MTSU campus the evening of October 27. He noted that the rally was cancelled and that no protests took place on the campus. He acknowledged the work of many individuals and agencies in anticipation of these events and thanked Rutherford County Mayor Ernest Burgess, City of Murfreesboro Mayor Shane McFarland, Rutherford County Sheriff Mike Fitzhugh, and Murfreesboro Police Chief Michael Bowen for their leadership, stating that they made the safety of the community and the campus a top priority. He also commended first responders including MTSU Chief of Police Buddy Peaster and the officers of the MTSU Police Department. Also assisting in the effort were the police departments from the cities of LaVergne and Cookeville,

and the police departments from Austin Peay State University, Tennessee State University and Tennessee Tech. Dr. McPhee expressed his gratitude for the work of MTSU's administrators, executives and staff members who supported and maintained watch over academic and student life activities.

Dr. McPhee stated that on November 6, Chairman Smith joined students, faculty, staff and alumni in "Hands Across MTSU," an event in which these individuals joined hands across the campus to demonstrate the unity and the solidarity across our very diverse campus.

Raymond Cintron, former Blue Raider basketball player, and his family suffered significant losses due to Hurricane Maria when it struck Puerto Rico in September. As part of an MTSU Raider Relief effort, Board Vice Chairman Freeman flew his private plane at his expense with MTSU Chief Pilot, Terry Dorris, and passengers Dr. McPhee, Mr. Citron and Vice President Andrew Oppmann, to Puerto Rico to provide relief. Generators, medication, batteries, nonperishable food, water and assistance were delivered to Mr. Citron's family in the San Juan area with the assistance of the Puerto Rico wing of the Civil Air Patrol. These supplies were paid for through funding provided by university vice presidents, members of the President's Cabinet, and head basketball coach Kermit Davis and his colleagues.

Dr. McPhee pointed out the new MTSU True Blue branding on the city's newest water tower. Dr. McPhee expressed his appreciation for the city mayor and city council, and City Manager, Rob Lyons, for the approval of this project.

Finally, Dr. McPhee reported that at their annual December meeting, the Southern Association of Colleges and Schools, Commission on Colleges, the board of trustees accepted the recommendation of compliance with a note of concern as outlined in the recommendation as concerns the change of governance to the MTSU Board of Trustees. Dr. McPhee thanked all those who participated in the SACSCOC team's visit in September.



### **Special Recognition of Ms. Patti Miller**

Chairman Smith recognized Ms. Patti Miller for her service to the University. Ms. Miller was employed at MTSU for 25 years, most recently as the Director of Campus Planning and Assistant Vice President. Chairman Smith read a Resolution expressing the University's gratitude for her service.

### **Closing Remarks**

Dr. McPhee thanked the Board members for the tremendous amount of work they have done on behalf of the University in only nine months. He also thanked all those at MTSU who have worked tirelessly to make the meeting run so smoothly. In particular, he recognized Kim Edgar, his chief of staff, the University legal counsel, the Division of Information Technology, the Division of Marketing and Communications, Facilities Services, Production Services, Events Coordination, Aramark Dining Services, and the Student Union. Dr. McPhee remarked that the video streaming production was led by Professor Bob Gordon and the students of the world renowned College of Media and Entertainment.

Lastly, Dr. McPhee wished everyone happy holidays, and stated that he looked forward to working with the Board in 2018.

Chairman Smith thanked everyone who helped with the meeting and the Board members for their dedication.

The meeting adjourned at 1:45 p.m.

Respectfully submitted,

Heidi Zimmerman, Board Secretary





**Middle Tennessee State University  
Board of Trustees**

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# Tab 2

Academic Affairs, Student Life and  
Athletics Committee Meeting  
February 27, 2018





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Academic Affairs, Student Life and  
Athletics Committee](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Pam Wright

ACTION REQUIRED: Voice Vote/Roll Call Vote

STAFF RECOMMENDATION: Approval

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- Rule Promulgation and Policy Revision
- Approval of New Academic Programs





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Rule Promulgation and Policy Revision](#)  
[Policy 540 - Student Conduct](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Pam Wright

ACTION REQUIRED: Roll Call Vote

STAFF RECOMMENDATION: Approval

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**BACKGROUND INFORMATION:**

Tenn. Code Ann. § 49-8-203 (a)(1)(D) requires the promulgation of a rule regarding student conduct. The proposed rule is drafted to comply with that requirement, and is provided for review by the Academic Affairs, Student Life and Athletics Committee. Upon its recommendation, the proposed rule must be approved by the Board of Trustees.

MTSU has a corresponding policy, Policy 540 – Student Conduct which has been revised for consistency with the proposed rule. The revised policy is provided in both redline and clean format for review. Upon recommendation, the revised policy must be approved by the Board of Trustees.





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**Division of Publications**  
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Sequence Number: \_\_\_\_\_  
 Rule ID(s): \_\_\_\_\_  
 File Date: \_\_\_\_\_  
 Effective Date: \_\_\_\_\_

**Proposed Rule(s) Filing Form**

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

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

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

**Revision Type (check all that apply):**

- Amendment  
 New  
 Repeal

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

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

Rules  
of  
Middle Tennessee State University, Murfreesboro  
Chapter 0240-07-03  
Student Conduct

New

Table of Contents is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

Table of Contents

0240-07-03.01 Purpose  
0240-07-03.02 Definitions  
0240-07-03.03 Responsibility and Jurisdiction  
0240-07-03.04 Student Conduct Rules: Values and Behavioral Expectations  
0240-07-03.05 Classroom Misconduct  
0240-07-03.06 Disciplinary Sanctions  
0240-07-03.07 Student Conduct Hearing Officers and/or Boards  
0240-07-03.08 Disciplinary Procedures  
0240-07-03.09 Alternative Resolution of Disciplinary Incidents  
0240-07-03.10 Victim's Rights  
0240-07-03.11 Authority of the President

0240-07-03-.01 Purpose is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.01 Purpose.

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

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

0240-07-03-.02 Definitions is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.02 Definitions.

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

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

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

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

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

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

- (1) The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' designees are the University Officials as defined in this rule at 0240-07-03-.02(3). The University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with these rules. The University Officials shall implement policies and procedures for the administration of the student conduct program.
- (2) Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in University policy.
- (3) Students and student organizations are responsible for compliance with University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.
- (4) Disciplinary action may be taken against a student or student organization for violations of these rules which occur on University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any University activity or the mission, processes, and functions of the University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:

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

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

0240-07-03-.04 Student Conduct Rules: Values and Behavioral Expectations is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.04 Student Conduct Rules. Values and Behavioral Expectations. MTSU has adopted the following Community Standards of conduct. Each person who joins or affiliates with the University community does so freely and is expected to abide by these Community Standards. Following each Community Standard is a non-exclusive list of prohibited behaviors for which both students and student organizations may be subject to disciplinary action if such prohibited behavior is engaged in. These prohibited behaviors are considered inappropriate and in opposition to the Community Standards and expectations set forth by MTSU.

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

(a) Alcoholic Beverages.

- 1. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption.
- 2. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this rule. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

(b) Drugs.

- 1. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:
  - (i) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
  - (ii) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;

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

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

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

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

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

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

0240-07-03-.05 Classroom Misconduct.

- (1) The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in Rule 0240-07-03-.04(1)(h), or conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.
- (2) The instructor is expected to outline behavioral expectations for each class at the beginning of the semester and as needed throughout the semester.

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



0240-07-03-.06 Disciplinary Sanctions is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.06 Disciplinary Sanctions.

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

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

a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. In any case of interim involuntary withdrawal or suspension, the student or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University Officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

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

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

0240-07-03-.07 Student Conduct Hearing Officers and/or Boards is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.07 Student Conduct Hearing Officers and/or Boards. Violations under these rules may be heard by the following hearing officers and/or boards:

- (1) The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- (2) The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection procedures, qualifications, and vacancies can be found in the Student Government Association constitution.
- (3) The University Discipline Committee consists of eight (8) faculty members and six (6) students. The Committee determines whether or not a student is to be held responsible for violation(s) of these rules. If

found responsible, the Committee recommends appropriate disciplinary sanctions to the Vice President for Student Affairs.

- (4) The Student Appeals Committee consists of four (4) faculty members and four (4) students, and hears appeals of disciplinary decisions rendered by the Student Judicial Board and the University Discipline Committee.

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

0240-07-03-.08 Disciplinary Procedures is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.08 Disciplinary Procedures.

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

reminded which University rule(s) have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations are afforded the following rights in the disciplinary conference:

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

advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.

3. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference as well as the following additional rights:
    - (i) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;
    - (ii) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
    - (iii) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
    - (iv) The right to question witnesses;
    - (v) The right to be informed of an appeal option, if applicable.
- (b) Uniform Administrative Procedures Act.
1. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student wishes to pursue the case administratively or through the UDC, he/she must waive the right to a UAPA hearing in writing.
  2. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before a hearing officer alone or a Hearing Committee presided over by a hearing officer. The President is responsible for appointing a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.
  3. The case will proceed pursuant to University policy and the UAPA.
- (7) Interim Involuntary Withdrawal or Suspension Hearings.
- (a) Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:
    1. The University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;

2. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
  3. The University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
  4. Absent exigent circumstances creating an imminent risk of harm, the University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
- (b) If exigent circumstances warrant the immediate removal of a student or student organization from the University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

#### (8) Appeals

- (a) Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
- (b) It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.
- (c) For UAPA decisions, the appeal procedures are set forth in University policy and the UAPA.
- (d) UDC decisions.
1. Time Limitations. An appeal must be submitted in writing and received by the Dean of Students within forty-eight (48) hours of the date on which notice was sent to the student or student organization as provided at 0240-07-03-.02(4) of this rule that the approving authority has affirmed the suspension or expulsion.
  2. Grounds for Appeal. The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:
    - (i) an error in procedural due process by the adjudicating body which prejudiced the disciplined student or student organization to the extent that a fundamentally fair hearing was denied as a result of the error;
    - (ii) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.
  3. The Dean of Students will review the written appeal to determine if the appellant has met the requirements for filing an appeal. Appeals which do not allege sufficient grounds shall be denied consideration and dismissed. Appeals which do allege sufficient grounds will be accepted for consideration and forwarded to the appellate body. The appellate body shall not conduct a rehearing, but will consider only the record made by the adjudicating body. The appellate body may, at its own discretion, permit written or oral statements from the concerned parties in interest at the time the appeal is considered. The alternatives available to the appellate body are

affirmation of the recommended sanction, reversal of the decision, and return to the original adjudicating body for reconsideration of sanctions only.

- (9) Effect of Noncooperation. A student who fails to respond to a notice of disciplinary charges and disciplinary conference within the time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the sanction imposed has been completed and the matter closed. In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a Disciplinary Conference, he/she/it will be deemed to have waived the opportunity for a hearing. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.
- (10) Retention of Records. Disciplinary records are maintained by the Office of Student Conduct. A permanent disciplinary file will be maintained if a student is suspended or expelled from the University. Files developed in cases in which a lesser sanction has been imposed will be retained for a period of five (5) years after date of action unless sanctions specify that they should be retained for a longer period. Files developed in cases that are covered under the Clery Act will be retained for a period of seven (7) years after the date of action per federal requirements. Files developed in cases where a student is found not responsible for student conduct rules violations will be maintained for statistical purposes; however, the record will not be reportable as an official disciplinary record in that student's name.

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

0240-07-03-.09 Alternative Resolution of Disciplinary Incidents is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.09 Alternative Resolution of Disciplinary Incidents.

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

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

0240-07-03-.10 Victim's Rights is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.10 Victim's Rights.

- (1) Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws



his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.

- (2) Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within University policies. These victims are afforded the following rights:
- (a) The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
  - (b) The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
  - (c) The victim shall be given an opportunity to submit a written account of the alleged incident;
  - (d) The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
  - (e) The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
  - (f) The victim may reserve the right to decline to testify during a disciplinary hearing with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;
  - (g) The victim shall be allowed to submit a written victim impact statement to the adjudicating body for their consideration during the sanction phase of the disciplinary process.

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

0240-07-03-.11 Authority of the President is added to Chapter 0240-07-03 Student Conduct and shall read as follows:

0240-07-03-.11 Authority of the President. The President of the University retains final authority on all University matters, including disciplinary decisions. Therefore, any disciplinary action is subject to final review by the President. At his/her discretion, the President may determine to intervene in order to negotiate a mutually acceptable resolution to any disciplinary proceeding, or subsequently, to convert any finding or sanction imposed to a lesser finding or sanction, or to rescind any previous finding or sanction, in appropriate cases.

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

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

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

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

Date: \_\_\_\_\_

Signature: \_\_\_\_\_

Name of Officer: Heidi Zimmerman

Title of Officer: University Counsel

Subscribed and sworn to before me on: \_\_\_\_\_

Notary Public Signature: \_\_\_\_\_

My commission expires on: \_\_\_\_\_

Agency/Board/Commission: Middle Tennessee State University

Rule Chapter Number(s): Chapter 0240-07-03 Student Conduct

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

\_\_\_\_\_  
Herbert H. Slatery III  
Attorney General and Reporter

\_\_\_\_\_  
Date

**Department of State Use Only**

Filed with the Department of State on: \_\_\_\_\_

Effective on: \_\_\_\_\_

\_\_\_\_\_  
Tre Hargett  
Secretary of State

## **Regulatory Flexibility Addendum**

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

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

## **Impact on Local Governments**

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

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

**Additional Information Required by Joint Government Operations Committee**

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

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

In 2016, Middle Tennessee State University (MTSU) initiated a comprehensive review of the Student Conduct policy. This review was initiated due to the separation of MTSU from the Tennessee Board of Regents system. MTSU is in the process of establishing rules for necessary key areas.

This rule describes the expectations for student conduct and the disciplinary sanctions that MTSU may impose through the disciplinary procedures outlined in this rule.

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

T.C.A. 4-5-102(12)(E)(ii)-the definition of "rule" under the UAPA includes agency statements that relate to discipline of students.

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

Students of MTSU are most directly affected by this rule. A policy that mirrors the proposed rule was reviewed and approved by the FOCUS Act Transition Team. The Transition Team included student, staff, and faculty representatives. The faculty, staff and students of MTSU urge adoption of these rules.

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

None

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

None

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

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

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

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

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

Heidi Zimmerman, MTSU University Counsel  
1301 E. Main Street, CAB 209  
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- (I) Any additional information relevant to the rule proposed for continuation that the committee requests.

## **540 Student Conduct**

**Approved by Board of Trustees**

**Effective Date: \_\_\_\_\_, 2018**

**Responsible Division: Student Affairs**

**Responsible Office: Dean of Students' Office**

**Responsible Officer: Dean of Students**

### **I. Purpose**

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

### **II. Definitions**



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

### **III. Responsibility and Jurisdiction**

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

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

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

#### **IV. Student Conduct Rules: Values and Behavioral Expectations**

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

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

1. Alcoholic Beverages.

- a. The use and/or possession of alcoholic beverages on University owned or controlled property. This offense includes the violation of any local ordinance, state, or federal law concerning alcoholic beverages, on or off University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption.
- b. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

2. Drugs.

- a. The unlawful possession or use of any drug or controlled substance (including, but not limited to, any stimulant, depressant, narcotic or hallucinogenic drug, or marijuana), sale or distribution of any such drug or controlled substance. This offense includes:
  - (1) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off University owned or controlled property;
  - (2) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;
  - (3) using a prescription drug that has not been prescribed to the individual.

- b. Any reasonable suspicion of drug use or possession including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption may lead to an investigation and possible violation of this policy.
  - c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- 3. Drug Paraphernalia. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. This offense includes, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off University owned or controlled property.
- 4. Public Intoxication.
  - a. Appearing on University owned or controlled property or at a University sponsored event while under the influence of a controlled substance or of any other intoxicating substance.
  - b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.
- 5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which would cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.
- 6. Violation of General Policies. Any violation of the general policies or procedures of the University as published in an official University publication or posted on an official University web page or social media page. These policies include, but are not limited to, the following:

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

[Policy 312 Academic Misconduct](#)

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

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic and Parking](#)

[Policy 910 Information Technology Resources](#)

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

- e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity; or,
  - f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.
11. Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of a University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.
  12. Unauthorized Access to University Facilities and/or Grounds. Any unauthorized access and/or occupancy of University facilities and grounds is prohibited including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission.
  13. Pornography or Obscenity. Public display of literature, films, pictures, or other materials which an average person applying contemporary community standards would find taken as a whole, appeals to the prurient interest; depicts or describes sexual conduct in a patently offensive way; and, taken as a whole, lacks serious literary, artistic, political, or scientific value.
  14. Student Identification Cards. Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, failure to surrender ID card to a University official upon proper request.
  15. Gambling. Unlawful gambling in any form.
  16. Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the University.
  17. Litter. Dispersing litter in any form onto the grounds or facilities of the campus.
  18. Sirens and Loudspeakers. Unauthorized use of sirens, loudspeakers, and other sound amplification equipment.

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

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

1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of University property, or any such act against a member of the University community or a guest of the University, including identity theft.
2. Failure to Cooperate with University Officials. Failure to comply with directions or directives of University officials acting in the performance of their duties.
3. Providing False Information. Giving any false information to, or withholding necessary information from, any University official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the University.
4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of University documents, forms, records, or identification cards including, but not limited to, the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the University.
5. Financial Irresponsibility. Failure to meet financial responsibilities to the University promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the University.
6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a University official or a constituted body of the University.
7. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in

shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.

8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a University facility without proper authorization.
  9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.
- C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Harassment or Retaliation. Any act against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation including, but not limited to, [Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination](#), [26 Discrimination and Harassment Based on Protected Categories Other Than Sex](#), and [27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#).
  2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies and state or federal law.
- D. Community Standard: Commitment to Non-violence. MTSU is committed to the principles of nonviolence and peaceful conflict resolution. Community members will freely express their ideas and resolve differences using reason and persuasion. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.
1. Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the behavior is disruptive of the University's learning environment.
  2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or



competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

3. Firearms and Other Dangerous Weapons. Except as may otherwise be permitted by law, the possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind including, but not limited to, knives, tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.
4. Sexual Misconduct.
  - a. Sexual misconduct includes dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) rather than the process specified in Section VIII of this policy.
  - b. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary action against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

## **V. Classroom Misconduct**

- A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in disorderly conduct as defined in this policy, or

conduct that violates the general policies of the University for each class session during which the conduct occurs. Extended or permanent exclusion from the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the University. If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.

- B. The instructor is expected to outline behavioral expectations for each class at the beginning of the semester and as needed throughout the semester.

## **VI. Disciplinary Sanctions**

- A. A disciplinary sanction is a consequence for being found in violation of university rules and policies. The following disciplinary sanctions are applicable to both students and student organizations. Upon a determination that a student or student organization has violated these rules or the general policies of the University, disciplinary sanctions may be imposed, either singly or in combination, by the appropriate University official.
- B. Pursuant to T.C.A. § 49-7-146, the University will notify the parent/guardian of students under the age of twenty-one (21) who have been found responsible for alcohol and/or drug-related violations. In addition, the parent/guardian may be contacted in any instance in which the safety of the student has been threatened either through the student's own behavior or the behavior of others.
- C. Definition of Sanctions:
  - 1. Restitution. Restitution may be required in situations which involve destruction, damage, loss of property, or unreimbursed medical expenses resulting from physical injury. When restitution is required, the student or student organization is obligated to compensate a party or parties for a loss suffered as a result of disciplinary violation(s). Any such payment in restitution shall be limited to actual cost of repair, replacement, labor, or financial loss.
  - 2. Reprimand. A written or verbal reprimand or notice may be given to any student or student organization whose conduct violates any part of this policy and provides notice that any further violation(s) may result in more serious consequences.
  - 3. Service to the University or Local Community. A student or student organization may be required to donate a specified number of service hours to the University or the local community. All community service hours must be approved by the Office of Student Conduct prior to a student or student organization beginning the service.

4. Specified Educational/Counseling Program. A student or student organization may be required to participate in specified educational or counseling program(s) relevant to the offense, or to prepare a project or report concerning a relevant topic.
5. Apology. A student or student organization may be required to apologize to an affected party, either verbally or in writing, for the behavior related to a disciplinary violation.
6. Fines. Penalties in the form of monetary fines may be imposed against a student or student organization whenever the appropriate University authority deems appropriate. The sanction of fines may be imposed in addition to other forms of disciplinary sanctions. Failure to pay fines may result in further disciplinary action being taken.
7. Restriction. A restriction upon a student's or student organization's privileges for a period of time may be imposed. This restriction may include, but not be limited to, denial of the ability to represent the University at any event, ability to participate in University travel, eligibility to hold office in a student organization, use of facilities, parking privileges, participation in extracurricular activities, and/or restriction of organizational privileges.
8. Probation. Official notice that the continued enrollment of a student or recognition of a student organization on probation will be conditioned upon adherence to these policies. Any student or student organization placed on probation will be notified in writing of the terms and conditions of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms and conditions of the probation may result in the imposition of more severe disciplinary sanctions, specifically suspension or expulsion.
9. Housing Probation. Continued residence in campus or student housing may be conditioned upon adherence to this policy as well as University housing policies. Any student placed on housing probation will be notified in writing of the terms and length of the probation. Probation may include restrictions upon the activities of the student, including any other appropriate special condition(s). If a student incurs additional violations during the probationary period, the student may become a candidate for housing suspension.
10. Involuntary Housing Reassignment. A student may be involuntarily moved to another housing assignment if necessary.
11. Housing Suspension and Forfeiture. Removal from University housing for a specified period of time or permanently. A student suspended from housing may not reside, visit, or make any use whatsoever of a University housing facility or participate in any University housing activity during the period for which the sanction is in effect. A

suspended student shall be required to forfeit housing fees (including any unused portion thereof and the Housing Pre-Payment). A suspended student must vacate the housing unit as directed by University staff. This sanction may be enforced with a University Police trespass restriction, if necessary.

12. **Suspension.** Separation of a student or a student organization from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, on-line, distance education, etc.). Suspension may be accompanied by special conditions for readmission or recognition. Any student or student organization receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students' office. A suspended student must submit a written request to be on campus to the Dean of Students a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been suspended are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.
  
13. **Expulsion.** Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission, or a student organization's recognition by the University. A student or student organization that has been permanently expelled may not enter University property or facilities without obtaining prior approval from the Dean of Students. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled student must submit a written request to be on campus to the Dean of Students' office a minimum of forty-eight (48) hours in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her during the time of the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

14. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
15. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's or student organization's need for education, growth, and reform.
16. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate University Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the University, its guests, or property; or, if the behavior is materially and substantially disruptive of the University's learning environment or other campus activities. In any case of interim involuntary withdrawal or suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that supports the allegations. The student or student organization will be afforded an opportunity to respond to the allegations. If the interim involuntary withdrawal or suspension is upheld, the formal hearing concerning withdrawal, suspension, or expulsion shall be held as soon as practical. Conditions may be placed on a student or a student organization for his/her/its return to the University. The student or student organization may be required to provide documentation that he/she/it has taken steps to mitigate the previous behavior (e.g., including, but not limited to, having followed a treatment plan, submitted periodic reports, granted permission for the University to talk to the treating professional).

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

## **VII. Student Conduct Hearing Officers and/or Boards**

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

- A. The University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- B. The Student Judicial Board shall consist of nine (9) students. The Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This Board may also be convened to hear matters relative to the interpretations of the Student Government Association constitution and any other policies passed by the Senate, as well as cases regarding student parking citations. Information regarding application, selection procedures, qualifications, and vacancies can be found in the Student Government Association constitution (<http://www.mtsu.edu/sga/documents/constitution.pdf>).
- C. The University Discipline Committee. See [Policy 32 University Committees](#).
- D. The Student Appeals Committee. See [Policy 32 University Committees](#).

## **VIII. Disciplinary Procedures**

- A. Responsibility for Administration. The administration of discipline is a function of the Dean of Students Office and/or the appropriate adjudicating body with the exception of

matters concerning academic misconduct which is a function of the Office of the University Provost and/or the Academic Misconduct Committee, set out with specificity in [Policy 312 Academic Misconduct](#). Complaints involving sexual discrimination, sexual harassment, dating violence, domestic violence, or stalking will be investigated pursuant to [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). If a violation is determined to have occurred, the student or student organization will be subject to the disciplinary process provided in this policy.

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

1. A disciplinary charge means an allegation of a potential violation of the student conduct rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization and assigned University Official. During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations are afforded the following rights in the disciplinary conference:
  - a. The right to know what disciplinary violation(s) they have been charged with;
  - b. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
  - c. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident for which the meeting has been called;
  - d. The right to receive the decision and their imposed sanctions in writing.
2. The University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. The University Official will explain the sanctions and options for case resolution. The University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding responsibility for a student conduct rules violation and may delay a decision until such a time that the needed information is acquired. The University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case.
3. If the student or student organization alleged to have engaged in misconduct does not respond after having been provided notice of the disciplinary conference, the



University Official will make a determination as to responsibility for the conduct violation based on the information gathered to that point and will impose a sanction as deemed appropriate.

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

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

- a. The SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The SJB and UDC makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.
- b. The Office of Student Conduct has the responsibility for scheduling SJB and UDC hearings, including the selection of date, time, and location as well as providing information to the student or student organization about the hearing format and process. The student or student organization will be notified of the hearing schedule a minimum of four (4) business days in advance of the actual hearing date. These hearings are closed to the public unless all parties agree, in writing, to an open hearing.
- c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference as well as the following additional rights:
  - (1) The right to receive notice of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;

- (2) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the student conduct rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;
- (3) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;
- (4) The right to question witnesses;
- (5) The right to be informed of an appeal option, if applicable.

## 2. Uniform Administrative Procedures Act.

- a. All cases which may result in: (a) suspension or expulsion of a student from the University for disciplinary reasons; or, (b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student wishes to pursue the case administratively or through the UDC, he/she must waive the right to a UAPA hearing in writing.
- b. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before a hearing officer alone or a Hearing Committee presided over by a hearing officer. The President is responsible for appointing a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.
- c. The case will proceed pursuant to University policy and the UAPA.

## G. Interim Involuntary Withdrawal or Suspension Hearings.

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

#### H. Appeals

1. Eligibility. A student who has been suspended or expelled from the University, or a student organization whose recognition has been revoked as the result of disciplinary action has the right to file an appeal. Students or student organizations subject to disciplinary action that does not include suspension or expulsion from the University, or revocation of recognition of the student organization do not have an appeals option.
2. It is the responsibility of the adjudicating body to inform the student or student organization of the right to appeal and to whom the appeal should be presented. It is not the function of the appeals process to permit a rehearing of the factual issues

presented to the adjudicating body, but rather to ensure that the disciplinary procedure has been implemented fairly and consistently with these rules.

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

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

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

## **IX. Alternative Resolution of Disciplinary Incidents**

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

on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

## **X. Victim's Rights**

- A. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.
  
- B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#). These victims are afforded the following rights:
  - 1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
  - 2. The victim shall be given the opportunity to meet with the appropriate University Official to discuss the disciplinary process;
  - 3. The victim shall be given an opportunity to submit a written account of the alleged incident;
  - 4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the student conduct rules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;
  - 5. The victim shall be afforded an opportunity to testify as a witness during a disciplinary hearing;
  - 6. The victim may reserve the right to decline to testify during a disciplinary hearing, with the knowledge that such action could result in dismissal of allegations of University rules violations for lack of evidence;

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

## **XI. Authority of the President**

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

Forms: none.

Revisions: June 5, 2017 (New); \_\_\_\_\_, 2018.

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

**540 Student ~~Disciplinary Rules~~ Conduct**

**Approved by Board of Trustees**

**Effective Date: ~~June 5, 2017~~ \_\_\_\_\_, 2018**

**Responsible Division: Student Affairs**

**Responsible Office: Dean of Students' Office**

**Responsible Officer: Dean of Students**

**I. Purpose**

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

**II. Definitions**



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

### **III. Responsibility and Jurisdiction**

- A. The President of MTSU is authorized to take such action as may be necessary to maintain campus conditions and to preserve the integrity of the ~~Institution~~ University and its educational environment. The President has determined that the responsibility for the administration of student conduct at MTSU is a function of the Dean of Students' office and/or the appropriate adjudicating body. The Dean of Students' ~~designee is the Office of Student Conduct, specifically the Assistant Dean for Student Conduct and the Student Conduct Coordinator ("University officials"). The Assistant Dean and/or Student Conduct Coordinator is~~ designees are University Officials as defined above. The

University Officials are authorized to make the determination and/or recommendation of the method of hearing for each complaint or allegation and to provide other opportunities for conflict resolution outside of the conduct process consistent with ~~these policies. The Assistant Dean and/or Student Conduct Coordinator this policy. The~~ University Officials shall implement policies and procedures for the administration of the student conduct program.

B. Matters concerning academic misconduct are the responsibility of the Office of the University Provost and/or the University Academic Misconduct Committee. This process is set out in detail in Policy 312 Academic Misconduct.

~~C. For the purpose of this policy, a "student" shall mean any person who is admitted and/or registered for study at MTSU for any academic period, either full-time or part-time, undergraduate, graduate, or professional studies. This shall include any period of time following admission and/or registration, but preceding the start of classes for any academic period. It will also include any period which follows the end of an academic period through the last day for registration for the succeeding academic period, and during any period while the student is under suspension from the Institution. Finally, "student" shall also include any person subject to a period of suspension or removal from campus as a sanction which results from a finding of a violation of the policy governing student conduct. Students are responsible for compliance with Institutional policies at all times. In summary, the University considers a person a student when an offer of admission has been extended and thereafter as long as the student has a continuing educational interest in the University.~~

C. Students and student organizations are responsible for compliance with University rules and policies at all times. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.

D. Disciplinary action may be taken against a student or student organization for violations of this policy which occur on ~~Institutionally~~University owned, leased, or otherwise controlled property, while participating in international or distance learning programs, and off campus, when the conduct impairs, interferes with, or obstructs any ~~Institutional~~University activity or the mission, processes, and functions of the ~~Institution~~University. MTSU may also take disciplinary action for any off-campus behavior that affects a substantial University interest. A substantial University interest is defined to include:

1. Any situation where a student's conduct may present a danger or threat to the health ~~and~~or safety of others;
2. Any situation that significantly impinges upon the rights, property, or achievements of others;

3. Any situation that is detrimental to the educational mission and/or interests of the University.

E. MTSU may enforce its policy regardless of the status or outcome of any external proceedings instituted in any other forum, including any civil or criminal proceeding. Should a student withdraw from the ~~Institution~~ University with University disciplinary action pending, the student's record may be encumbered by the appropriate ~~Institutional~~ University office until the proceedings have been concluded. The ~~Institution~~ University may take action even if a student ~~is elects to be~~ absent from the proceeding.

~~F. This policy, and related material incorporated herein by reference, is applicable to student organizations as well as individual students. Student organizations are subject to discipline for the conduct and actions of individual members of the organization while acting in their capacity as members of, or while attending or participating in any activity of, the organization.~~

~~H.F.~~ Confidentiality of Discipline Process. Subject to the exceptions provided pursuant to the Family Educational Rights and Privacy Act of 1974 (FERPA), 20 U.S.C. 1232g and/or the Tennessee Open Records Act, T.C.A. § 10-7-504(a)(4), a student's disciplinary files are considered "education~~al~~ records" and are confidential within the meaning of those Acts.

#### IV. ~~The~~ Student Conduct Rules: Values and Behavioral Expectations

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

- A. Community Standard~~s~~: MTSU is committed to developing and nurturing a community devoted to learning, growth, and service. ~~Each person who joins or affiliates with the community does so freely and accepts and practices the following rules and expectations~~ Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard:

1. Alcoholic Beverages.

- a. The use and/or possession of alcoholic beverages on ~~Institution~~ University owned or controlled property. This offense includes the violation of any local ordinance,

state, or federal law concerning alcoholic beverages, on or off ~~Institution~~University owned or controlled property, where an affiliated group or organization has alcoholic beverages present and available for consumption.

b. A student who is under the influence of alcohol should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary ~~action violations~~ against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of ~~the Student Code of Conduct~~this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

## 2. Drugs.

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

(~~1a~~) the violation of any local ordinance, state, or federal law concerning the unlawful possession or use of drugs, on or off ~~Institution~~University owned or controlled property;

(~~2b~~) abusing legally obtained drugs by failing to take the drug as prescribed/directed and/or providing the prescribed drug to another person;

(~~3~~) using a prescription drug that has not been prescribed to the individual.

b. Any reasonable suspicion of drug use or possession, including, but not limited to, the odor of burnt or raw marijuana, physical characteristics of impairment, and/or possession of any paraphernalia that can be used for drug consumption ~~will~~may lead to an investigation and possible violation of this ~~rule~~policy.

c. A student who is under the influence of drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary ~~violations~~action against a student (or against a witness) for his/her improper possession or use of drugs under that circumstance. This practice only applies to amnesty from violations of ~~the Student Code of Conduct~~this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

~~1.3.~~ 3. Drug Paraphernalia. The use or possession of equipment, products, or materials that are used or intended for use in manufacturing, growing, using, or distributing any drug or controlled substance. This offense includes, but is not limited to, the violation of any local ordinance, state, or federal law concerning the unlawful possession of drug paraphernalia, on or off ~~Institution~~University owned or controlled property.

4. Public Intoxication.

a. Appearing on ~~Institution~~University owned or controlled property or at a ~~Institutional~~University sponsored event while under the influence of a controlled substance or of any other intoxicating substance.

b. A student who is under the influence of alcohol or drugs should not be reluctant to seek assistance in the event of a health or safety emergency for fear of being sanctioned. The Office of Student Conduct will generally not pursue disciplinary ~~violations~~action against a student (or against a witness) for his/her improper use of alcohol (e.g., underage drinking) under that circumstance. This practice only applies to amnesty from violations of ~~the Student Code of Conduct~~this policy. It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

~~2.5.~~ 5. Explosives, Fireworks, and Flammable Materials. The unauthorized possession, ignition, or detonation of any object or article which would cause damage by fire or other means to persons or property, or possession of any substance which could be considered to be, and used as, fireworks.

~~3.6.~~ 6. Violation of General Policies. Any violation of the general policies, ~~standards~~, or procedures of the ~~Institution~~University as published in an official ~~Institutional~~University publication or posted on an official ~~Institutional~~University web page or social media page. These policies include, but are not limited to, the following:

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

[Policy 312 Academic Misconduct](#)

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

[Policy 750 Tobacco-Free Campus](#)

[Policy 775 Traffic and Parking](#)

[Policy 910 Information Technology Resources](#)

4.7. ~~Violations~~ of State or Federal Laws. Any violation of state or federal laws or regulations proscribing conduct or establishing offenses, which laws and regulations are incorporated herein by reference.

~~5.8.~~ Disorderly Conduct. ~~Any individual or group behavior which is disruptive, abusive, obscene, lewd, indecent, violent, excessively noisy, disorderly, or which unreasonably disturbs institutional functions, operations, classrooms, other groups, or individuals. Any behavior that unreasonably disrupts the academic environment (e.g. including, but not limited to, that which interferes with teaching, classroom operations, research, etc.) or unreasonably interferes with operations, events or programs on University owned or controlled property, or during a University event.~~ This includes unauthorized use of sirens, loudspeakers, and other sound amplification equipment.

~~6.9.~~ Misuse of or Damage to Property. Any act of misuse, vandalism, malicious or unwarranted damage or destruction, defacing, disfiguring, or unauthorized use of property belonging to another including, but not limited to, any personal or University property, fire alarms, fire equipment, elevators, telephones, ~~Institution~~University keys, library materials, and/or safety devices.

~~7.10.~~ Obstruction of or Interference with ~~Institutional~~University Activities or Facilities. Any intentional interference with or obstruction of any ~~Institutional~~University program, event, or facility including, but not limited to, the following:

- a. Any unauthorized occupancy of facilities owned or controlled by the ~~Institution~~University or blockage of access to or from such facilities;
- b. Interference with the right of any ~~Institution~~University member or other authorized person to gain access to any activity, program, event, or facilities sponsored or controlled by the University~~Institution~~;
- c. Any obstruction or delay of a campus security officer, public safety officer, police officer, firefighter, EMT, or any official of the ~~Institution~~University, or failure to comply with any emergency directive issued by such person in the performance of his/her duty;
- d. Participation in, Leading or inciting others to participate in, disrupt scheduled and/or normal activities ~~of the~~that substantially impede University operations;
- ~~e. Participating in behavior that disrupts the scheduled and/or normal activities of the University;~~
- e. Interference of either: (1) the instructor's ability to conduct class; or (2) the ability of other students to participate in and profit from instructional activity;;  
or,
- f. Obstruction of the free flow of pedestrian or vehicular traffic on University owned or controlled property, or at a University event.

~~8.11.~~ Unacceptable Conduct in Disciplinary Proceedings. Any conduct at any stage of an ~~Institutional~~ University disciplinary process or investigation that is contemptuous, disrespectful, threatening, or disorderly. This includes, but is not limited to, false complaints, retaliation, providing false testimony or other evidence, and attempts to influence the impartiality of a member of a judicial body, verbal or physical harassment or intimidation of a judicial board member, complainant, respondent, or witness.

~~9.12.~~ Unauthorized Access to ~~University~~ Institutional Facilities and/or Grounds. Any unauthorized access and/or occupancy of ~~University~~ Institutional facilities and grounds is prohibited, including, but not limited to, gaining access to facilities and grounds that are closed to the public, being present in areas of campus that are open to limited guests only, or being present in academic buildings after hours without permission, ~~and being present in buildings when the student has no legitimate reason to be present.~~

~~10.13.~~ Pornography or Obscenity. Public display of literature, films, pictures, or other materials which an average person applying contemporary community standards would find ~~(1)~~ taken as a whole, appeals to the prurient interest; ~~(2)~~ depicts or describes sexual conduct in a patently offensive way; ~~and (3)~~ taken as a whole, lacks serious literary, artistic, political, or scientific value.

~~11.14.~~ Student Identification Cards. ~~(1)~~ Failure to possess at all times a valid student identification card or an alternate ID that will prove student status; or, ~~(2)~~ failure to surrender ID card to a University official upon proper request.

~~12.15.~~ Gambling. Unlawful gambling in any form.

~~13.16.~~ Attempts, Aiding and Abetting. Any attempt to commit any of the offenses listed under this section, or the aiding or abetting of the commission of any of the offenses listed under this section (an attempt to commit an offense is defined as the intention to commit the offense coupled with the taking of some action toward its commission). Being present during the planning or commission of any offense listed under this section will be considered as aiding and abetting. Students who anticipate or observe an offense must remove themselves from the situation and are required to report the offense to the ~~Institution~~ University.

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

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

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

- B. Community Standard: Honesty and Integrity. The notions of personal and academic honesty and integrity are central to the existence of the MTSU community. All members of the community will strive to achieve and maintain the highest standards of academic achievement in the classroom, and personal and social responsibility on and off campus. [Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.](#)
1. Theft, Misappropriation, or Unauthorized Sale of Property. Any act of theft, misappropriation, or unauthorized possession or sale of [University Institution](#) property, or any such act against a member of the [Institutional University](#) community or a guest of the [Institution University](#), including identity theft.
  2. Failure to Cooperate with [Institutional University](#) Officials. Failure to comply with directions or directives of [Institutional University](#) officials acting in the performance of their duties.
  3. Providing False Information. Giving any false information to, or withholding necessary information from, any [Institutional University](#) official acting in the performance of his/her duties in connection with a student's admission, enrollment, or status in the [Institution University](#).
  4. Misuse of Documents or Identification Cards. Any forgery, alteration of, or unauthorized use of [Institutional University](#) documents, forms, records, or identification cards, including, [but not limited to](#), the giving of any false information, or withholding of necessary information, in connection with a student's admission, enrollment, or status in the [Institution University](#).
  5. Financial Irresponsibility. Failure to meet financial responsibilities to the [Institution University](#) promptly including, but not limited to, knowingly passing a worthless check or money order in payment to the [Institution University](#).
  6. Violation of Imposed Disciplinary Sanctions. Intentional or unintentional violation of a disciplinary sanction officially imposed by a [n University Institution](#) official or a constituted body of the [Institution University](#).
  7. Unauthorized Surveillance. Making or causing to be made unauthorized video or photographic images of a person in a location in which that person has a reasonable expectation of privacy, without the prior effective consent of the individual, or in the case of a minor, without the prior effective consent of the minor's parent or guardian. This includes, but is not limited to, taking video or photographic images in shower/locker rooms, residence hall rooms, and restrooms, and storing, sharing, and/or distributing of such unauthorized images by any means.



8. Unauthorized Duplication or Possession of Keys. Making, causing to be made, or the possession of any key for a ~~University n Institutional~~ facility without proper authorization.
9. Fire Drills. Failure to evacuate University facilities or willfully disregarding any emergency or fire alarm signal.

C. Community Standard: Respect for Diversity. The MTSU community is composed of individuals representing different races, ethnicities, sexual orientations, cultures, and ways of thinking. We respect individual differences and perspectives and acknowledge our commonalities. Behavior by students or student organizations including, but not limited to, the following, may be considered as being in violation of this Community Standard.

1. Harassment or Retaliation. Any act ~~by an individual or group~~ against another person or group in violation of MTSU policies, as well as federal and/or state laws prohibiting discrimination or retaliation, including, but not limited to, Policies 25 Equal Opportunity, Affirmative Action, and Nondiscrimination, 26 Discrimination and Harassment Based on Protected Categories Other Than Sex, and 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression.
2. Retaliation also includes, in this context, an act intended or reasonably likely to dissuade a person from participating in the student disciplinary process or pursuing a complaint about a violation of MTSU policies and state or federal law.

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

1. Threatening or Dangerous Conduct. Any conduct, or attempted conduct, which poses a threat to the safety of others or when the ~~student's~~ behavior is disruptive of the ~~Institution~~University's learning environment.
2. Hazing. Hazing, as defined in T.C.A. § 49-7-123(a)(1), means any intentional or reckless act, on or off the property, of any higher education institution by an individual acting alone, or with others, which is directed against any other person(s) that endangers the mental or physical health or safety of that person(s), or which induces or coerces a person(s) to endanger such person(s) mental or physical health or safety. Hazing does not include customary athletic events or similar contests or competitions, and is limited to those actions taken and situations created in connection with initiation into or affiliation with any organization.

3. Firearms and Other Dangerous Weapons. [Except as may otherwise be permitted by law, the](#) possession or use of firearms as set forth in [Policy 705 Weapons on Campus](#), explosives, fireworks, inflammables, dangerous chemical mixtures, and/or dangerous weapons of any kind, including, but not limited to, [knives](#), tasers, asp batons, tactical or telescoping batons, brass knuckles, whips, BB guns, pellet guns, propelled missiles, and/or stun guns is prohibited. The possession or use of ammunition, which includes, but is not limited to, bullets, paint balls, pellets, and BBs is prohibited. Any possession or use of replica/toy guns, including, but not limited to, BB guns or cap guns, pellet guns, paintball guns, water guns, "Super Soakers," toy knives, slingshots, or other items that simulate firearms or dangerous weapons is prohibited.

#### 4. Sexual Misconduct.

a. Sexual misconduct ~~is defined as~~[includes](#) dating violence, domestic violence, stalking and sexual assault. See [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation and Gender Identity/Expression](#) for more detailed definitions of those terms along with the University process for investigating allegations of sexual misconduct. Also note that disciplinary matters involving incidents of sexual misconduct will proceed through the process set out in [Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression](#) rather than the process specified in Section VIII of this policy.

b. A student who is a victim of sexual misconduct and who was under the influence of alcohol or drugs during the sexual misconduct incident should not be reluctant to seek assistance for fear of being sanctioned for his/her improper use of alcohol or drugs. The Office of Student Conduct will generally not pursue disciplinary ~~violations~~[action](#) against the victim (or against a witness) for his/her improper use of alcohol or drugs (e.g., underage drinking) if the victim or witness is making a good faith report of sexual misconduct. Amnesty for improper use of alcohol or drugs will not be accorded to a student charged with sexual misconduct. This practice only applies to amnesty from violations of ~~the Student Code of Conduct~~[this policy](#). It does not grant amnesty for criminal, civil, or legal consequences for violations of federal, state, or local law.

### **V. Classroom Misconduct**

A. The instructor has the primary responsibility for maintenance of academic integrity and controlling classroom behavior, and can order the temporary removal or exclusion from the classroom of any student engaged in ~~disruptive~~[disorderly](#) conduct [as defined in this policy](#), or conduct that violates the general policies of the ~~Institution~~[University](#) for each class session during which the conduct occurs. Extended or permanent exclusion from

the classroom, beyond the session in which the conduct occurred, or further disciplinary action can be effected only through appropriate procedures of the [InstitutionUniversity](#). If an instructor wishes to remove a student from the classroom for a longer period of time or permanently, he/she must refer the student to the Office of Student Conduct.

- B. ~~The instructor is expected to outline behavioral expectations for Disruptive behavior in the classroom may be defined as, but not limited to, behavior that obstructs or disrupts the learning environment (e.g., offensive language, harassment of students and professors, repeated outbursts from a student which disrupts the flow of instruction or prevents concentration on the subject taught, failure to cooperate in maintaining classroom decorum, etc.), text messaging, and the continued use of any electronic or other noise or light emitting device which disturbs others (e.g., disturbing noises from cell phones, computers, hand-held devices, games, etc.). The instructor is expected to discuss behavioral expectations with~~ each class at the beginning of the semester and as needed throughout the semester.

## VI. Disciplinary Sanctions

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

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

condition(s). If a student ~~has~~incurs additional violations during the probationary period, ~~they will~~the student may become a candidate for housing suspension.

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

in advance of the scheduled time of his/her business on campus. The request must specify the specific reason the student seeks to be on campus and the location that the student wishes to visit. The Dean of Students will issue a written decision regarding the request to be on campus, and the student is expected to carry that written decision with him/her/them during the time of ~~their~~the visit, if the request is approved. Students who have been expelled are not permitted to live or board in University facilities or housing unless otherwise approved or provided by the University. This sanction will be enforced with a University Police trespass restriction, if necessary.

14. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree or a credential awarded may be revoked or rescinded.
15. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual or student organization's need for education, growth, and reform.
16. Interim Involuntary Withdrawal or Suspension. As a general rule, the status of a student or student organization accused of violation of these policies should not be altered until a final determination has been made in regard to the charges. However, interim involuntary withdrawal or suspension, pending the completion of disciplinary procedures, may be imposed upon a finding by the appropriate ~~Institutional~~University ~~e~~Official that the conduct or attempted conduct of the student or student organization poses a direct threat to the safety of any other member of the ~~Institution~~University, its guests, or property; or, if the student's behavior is materially and substantially disruptive of the ~~Institution's~~University's learning environment or other campus activities. In any case of interim involuntary withdrawal or suspension, the student, or student organization, shall be given an opportunity at the time of the decision, or as soon thereafter as reasonably possible, to contest the interim involuntary withdrawal or suspension in an interim involuntary withdrawal/suspension hearing. During an interim involuntary withdrawal or suspension, the student or student organization shall be denied access to residence halls, campus (including all classes), and/or all other University activities or privileges for which the student or student organization might otherwise be eligible, as the Dean of Students or designee may determine to be appropriate. A preliminary hearing will be held by a designee of the Dean of Students in consultation with appropriate University officials and the Vice President for Student Affairs, within four (4) working days of the interim involuntary withdrawal or suspension to determine if the interim involuntary withdrawal or suspension should continue until a formal hearing of the charges by a University adjudicating body can be held. During this preliminary hearing, the student or student organization will be given notice of the allegations supporting the imposition of interim involuntary withdrawal or suspension against him/her and a summary of the evidence that

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

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

## VII. Student Conduct Hearing Officers and/or Boards

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

- A. The Assistant Dean for Student Conduct and/or the Student Conduct Coordinator University Official shall conduct all preliminary reviews and disciplinary conferences. These staff members will also conduct investigations as necessary.
- B. The Student Judicial Board shall consist of nine (9) students. ~~The members selected from eligible members of the student body. Members shall be selected for a one (1) year term and are eligible to serve additional terms with reapplication and approval as prescribed in the Student Government Association (SGA) constitution. The Student Judicial~~ Board may be convened to hear cases involving alleged violations of University rules committed by students and student organizations. If the student or student organization is found responsible, the Board recommends appropriate disciplinary sanctions to the Dean of Students. This ~~is~~ Board may also be convened to hear matters

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

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

### VIII. Disciplinary Procedures

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



University Center, Room 208. Contact information and email and office addresses can be located on the Office of Student Conduct website.

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

E. Notice of Disciplinary Charges and Disciplinary Conference.

1. ~~A~~ Disciplinary charge means an allegation of a potential violation of the ~~S~~ student Disciplinary conduct Rules. The purpose of a disciplinary conference is to determine whether there is a preponderance of the evidence to support the charges, and if so, to determine responsibility and appropriate sanctions. When disciplinary charges are issued to a student, or student organization, the Student Conduct office will issue a written notice of the alleged violation(s) and the student's rights, and establish a disciplinary conference meeting date and time for the student or student organization and assigned staff member-University Official. ~~This notice will be sent via the student's official MTSU email as well as a hard copy letter to their local address as indicated in the student information system.~~ During this disciplinary conference, the student or student organization will be reminded which University policy/policies have allegedly been violated, and the student or student organization will be given an opportunity to explain his/her/its version of the behavior or incident, or to otherwise refute the allegations. Students and student organizations are afforded the following rights in the disciplinary conference:

- a. The right to know what disciplinary violation(s) they have been charged with;
- b. The right to tell their side of the story, present evidence, and request that fact witnesses be permitted to share information on their behalf;
- c. The right to be accompanied by an advisor of their choosing whose participation is limited to advising the student or student organization. The advisor cannot

Speak on behalf of the student or student organization or represent the student or student organization. The advisor cannot be a student who has been charged with a violation of the student conduct Disciplinary Rules related to the same incident for which the meeting has been called;

d. The right to receive the decision and their imposed sanctions in writing.

2. The ~~staff member~~ University Official will review the incident taking into account all information gathered pertinent to the matter, as well as the information provided by, or on behalf of, the student or student organization. A determination will be made as to whether or not ~~the student is in~~ there has been a violation of the student conduct rules and, if so, what the appropriate sanction(s) will be. ~~If the recommended sanction is not a sanction that separates the student from the institution, the staff member. The University Official will explain the sanctions and needed follow-up to the student. If the recommended sanction is suspension or expulsion, the staff member will explain the student's~~ options for case resolution. The ~~staff member~~ University Official may also determine that additional information or follow-up is needed prior to being able to make a determination regarding ~~the student's~~ responsibility for a student disciplinary conduct rules violation and may delay a decision until such a time that the needed information is acquired. The ~~staff member~~ University Official can also refer the matter to the University Discipline Committee, if the case is particularly complex or the student or student organization would be best served by having a committee review the case ~~(see the University Discipline Committee option below)~~.

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

~~E.F.~~ Hearing Options. The majority of student disciplinary cases are resolved at the Disciplinary Conference level when the student or student organization accepts responsibility for the violation and the recommended sanction(s). However, if this does not occur, the matter may proceed to a hearing. there are instances when it becomes necessary for a discipline hearing to occur. If the recommended sanction ~~for a student in a disciplinary conference~~ is suspension, ~~or~~ expulsion, or revocation of recognition of the student organization, the student or student organization ~~the student~~ has threetwo (2) choices regarding resolution of the disciplinary case. The first choice is to ~~accept responsibility for the violation and the recommended sanction(s).~~ The second choice is to request a hearing before the University Discipline Committee. The ~~third~~ second choice is to request a hearing pursuant to the Uniform Administrative Procedures Act (UAPA). The ~~staff member~~ University Official will explain the threetwo (2) choices ~~to the student,~~ and the student or student organization will indicate his/her its selection in writing.

Once the selection is made, ~~at~~ the student or student organization cannot elect another option or revert back to the original decision rendered by the ~~staff member~~ University Official. In addition, the Office of Student Conduct can refer a matter to a ~~formal~~ hearing when the case is ~~unduly~~ unusually complex and/or problematic.

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

a. The ~~committee's purpose is to~~ SJB and UDC will hear student disciplinary cases when requested by a student or student organization, or when referred by the Office of Student Conduct. The ~~SJB and University Discipline Committee (UDC)~~ makes its recommendation(s) to the Dean of Students or Vice President for Student Affairs, respectively. The Dean of Students and Vice Provost for Enrollment and Academic Services. The and Vice President can uphold the recommendation(s), reverse the recommendation(s), or send the recommendation(s) back to the SJB or UDC for reconsideration of the sanctions only.

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

c. Students and student organizations are afforded the rights guaranteed in the Disciplinary Conference as well as the following additional rights:

(1) The right to receive notice ~~be advised in writing~~ of the date, time, and place of the hearing at least four (4) business days in advance of the hearing;

(2) The right to be accompanied by more than one (1) advisor at the discretion of the adjudicating body and the Office of Student Conduct. The advisor(s) cannot be another student who has been charged with a violation of the ~~S~~ student conduct ~~Disciplinary R~~ rules related to the same incident as the student. The student may choose to be advised by legal counsel; however, legal counsel's participation shall be limited to directly advising the student. Legal counsel cannot engage in direct or cross-examination, make opening or closing statements, or engage in argument;

(3) The right to call witnesses on his/her/its behalf. It is the student or student organization's responsibility to contact his/her/its witnesses and inform them of the hearing unless the witness is also a University witness. University witnesses are contacted by the Office of Student Conduct;

(4) The right to question witnesses;

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

## 2. Uniform Administrative Procedures Act.

a. All cases which may result in: (a) suspension or expulsion of a student from the ~~Institution-University~~ for disciplinary reasons; or, (2b) revocation of the registration of a student organization, are subject to the contested case provisions of the Uniform Administrative Procedures Act (UAPA), T.C.A. § 4-5-301, et. seq., and shall be processed in accordance with the Uniform Contested Case procedures unless the student or student organization waives those procedures and chooses to have the case disposed of administratively in a disciplinary conference or by going before the University Discipline Committee. If the student wishes to pursue the case administratively or through the UDC, he/she must waive the right to a UAPA hearing in writing.

b. In all cases involving a hearing under the UAPA contested case provisions, the President or designee shall determine, based upon the nature of the case, whether the hearing shall be before a hearing officer alone or a Hearing Committee presided over by a hearing officer. The President is responsible for appointing a hearing officer and/or hearing committee at the request of the Office of Student Conduct. The Office of Student Conduct has the responsibility for working with the Office of the University Counsel to schedule UAPA hearings including the selection of date, time, and location as well as assisting in the scheduling of any necessary preliminary meetings.

c. The case will proceed pursuant to University policy and the UAPA Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act. The student's rights are outlined in that process.

## G. Interim Involuntary Withdrawal or Suspension Hearings.

1. Hearings conducted with regard to interim involuntary withdrawals or suspensions imposed prior to or pending the outcome of a disciplinary investigation or proceeding shall be conducted consistent with the minimum requirements of due process applicable to a UDC hearing, taking into account the need for a timely hearing. The evidence presented at the hearing shall be limited to that which is relevant to the basis asserted for imposition of the interim involuntary withdrawal or suspension. The following special conditions apply to involuntary withdrawal/suspension hearings:

- a. The ~~Institution~~ University shall conduct an assessment to consider the nature, duration, severity, and probability of the threat posed and/or disruption caused by the student or student organization, relying on the best available objective evidence and, if applicable and obtainable, the most current medical evidence;
  - b. Failure of the student or representative of a student organization to appear for or cooperate with a mandated assessment will result in an involuntary withdrawal without further process;
  - c. The ~~Institution~~ University shall also determine whether reasonable modifications of its policies, practices, or procedures could sufficiently mitigate the identified risk;
  - d. Absent exigent circumstances creating an imminent risk of harm, the ~~Institution~~ University will make the decision to involuntarily withdraw or suspend based on the threat the student or student organization poses to others;
2. If exigent circumstances warrant the immediate removal of a student or student organization from the ~~Institution~~ University, the student or student organization will receive, at a minimum, notice and an initial opportunity to present evidence immediately after being placed on the interim involuntary withdrawal or suspension, and the opportunity to initiate full due process within thirty (30) days of the removal.

#### H. Appeals

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

a. ~~Time Limitations:~~ An appeal must be submitted in writing and received by ~~to~~ the Dean of Students within forty-eight (48) hours of the date on which ~~notice~~ was sent to the student or student organization as provided in Section II.D. of this policy that the approving authority has affirmed the suspension or expulsion. ~~The student or student organization will be directed to pick up the decision letter from the Dean of Students office. If the student or student organization is unable or unwilling to pick up the decision letter, an official email will also be sent to the student's or student organization advisor's MTSU email account which shall serve as notice. A student or student organization cannot extend the 48-hour time limitation by refusing to acknowledge the notice, ignoring the notice, and/or because he/she does not agree with the decision.~~

b. ~~Grounds for Appeal:~~ The appeal must specify grounds which would justify consideration. The written appeal must contain the substantive proof on which the student or student organization is basing the appeal. Appeals that do not include the specific information that substantiates the appeal will be immediately denied. General dissatisfaction with the outcome of the decision shall not be accorded as a basis for consideration of an appeal. An appeal may be filed based on one (1) or both of the following conditions:

(1) an error in procedural due process by the adjudicating body ~~of original jurisdiction~~ which prejudiced the disciplined student or student organization to the extent that ~~he/she was denied~~ a fundamentally fair hearing was denied as a result of the error;

(2) the emergence of new evidence which could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the original decision of the adjudicating body.

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

~~For UAPA decisions, the appeal procedures are set forth in Policy 110 Cases Heard Pursuant to the Uniform Administrative Procedures Act.~~

~~K.I.~~ Effect of Noncooperation. A student who fails to respond to a notice of ~~allegations~~disciplinary charges and disciplinary conference within the ~~specified~~ time frame specified will have a hold placed on his/her records. The hold will be removed at such time as the ~~student sanction imposed~~ has ~~appropriately responded to a notice of an alleged violation(s) been completed and the matter closed.~~ In the event a student or student organization fails to cooperate, ignores, or otherwise does not respond after a reasonable amount of time to a notice of a disciplinary conference, he/she/it will may be referred for a hearing before the appropriate University adjudicating body and shall be be deemed to have waived the opportunity for election of a hearing, pursuant to the UAPA. Decisions concerning responsibility and the imposition of sanctions may be made in the student's absence.

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

#### IXVIII. Alternative Resolution of Disciplinary Incidents

A. Mediation. Students involved in conflict(s) with another individual(s) may elect to have the conflict(s) mediated with the assistance of a third party mediator assigned by the appropriate university official. The Office of Student Conduct must agree that mediation is an appropriate resolution to the presenting disciplinary incident. ~~Mediation may never be used for disciplinary matters concerning allegations of sexual assault.~~ The following conditions must be accepted by the parties:

1. All parties involved must willfullywillingly agree to the mediation process;
2. The resolution that results from the mediation process will be written, signed by all parties, and will bind the parties to the agreed terms until such terms are completed or an alternative agreement is developed by the parties;
3. The agreement reached through mediation is not subject to any appeals process;

4. If the agreement is not upheld, the parties may be referred back to the Office of Student Conduct for appropriate disciplinary action to be taken;
  5. If no form of resolution can be determined by mutual consent, the matter will be referred to the appropriate student conduct body.
- B. Informal Agreement. There may be times when it is appropriate for a student to come to an informal agreement with the University regarding ~~the~~his/her behavior and attempts to correct the behavior. The Office of Student Conduct will make these ~~considerations~~determinations on a case by case basis. An informal agreement can only be initiated by the Student Conduct Coordinator, Assistant Dean for Student Conduct, and/or the Dean of Students.

## **IX. Victim's Rights**

A. Generally, a victim's input shall be sought during the disciplinary process; however, the right and responsibility for disposition of any individual complaint is reserved by the University. If a victim withdraws his/her/its complaint or refuses to offer testimony during the course of a disciplinary proceeding, the University reserves the right to proceed without his/her/its input.

B. Victims of sexual misconduct, sexual harassment, dating violence, domestic violence, and stalking are guaranteed specific rights within Policy 27 Misconduct, Discrimination, and Harassment Based on Sex Including Pregnancy, Sexual Orientation, and Gender Identity/Expression. ~~These v~~Victims of violence are afforded the following rights:

1. The victim shall be advised in writing of the date, time, and place of the hearing at least five (5) business days in advance of the hearing;
2. The victim shall be given the opportunity to meet with the appropriate ~~staff member~~ University Official to discuss the disciplinary process;
3. The victim shall be given an opportunity to submit a written account of the alleged incident;
4. The victim shall have the right to be accompanied at all stages of the disciplinary process by an advisor whose participation shall be limited to advising the victim. The advisor cannot be a student who has been charged with a violation of the ~~S~~student conduct~~Disciplinary R~~ules related to the same incident as the victim or a student who has an open complaint against the victim. The victim may also be accompanied by legal counsel; however, counsel's participation shall be limited to directly advising the victim, i.e., legal counsel may not conduct direct or cross-examination, make opening or closing statements, or engage in argument. The victim may be accompanied by more than one (1) advisor at the discretion of the adjudicating



officer or body. The intent of the victim to be accompanied by an advisor shall be indicated in writing to the student conduct coordinator at least five (5) days prior to the disciplinary hearing;

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

## **XI. Authority of the President**

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

Forms: none.

Revisions: June 5, 2017 (New); \_\_\_\_\_, 2018.~~none.~~

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





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Approval of New Academic Program  
BS, Commerce](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Pam Wright

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

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**BACKGROUND INFORMATION:**

**Establish a Free-standing Degree from an Existing Concentration**

Elevate the existing concentration in Commerce within the Bachelor of Business Administration (B.B.A.) in Finance to a free-standing Bachelor of Science (B.S.) degree with a major in Commerce.

Elevating the existing concentration and changing the degree designation to B.S. will allow the Jones College of Business to offer a flexible, customizable degree program designed for adult degree completion candidates and candidates who have significant work experience and/or military education credit and who desire an AACSB-accredited business degree. No additional resources or faculty lines are required.

This action is consistent with the policy of the Tennessee Higher Education Commission that permits existing concentrations with steady enrollment and graduation rate for a period of at least three years to be recognized as a freestanding degree if the establishment of the concentration as a degree does not compromise the remaining degree and does not require new faculty resources.



# Elevation of Existing Commerce Concentration with the B.B.A. in Finance to a Free-standing B.S. in Commerce

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**Current and Proposed Program Name, Degree Designation, and CIP Code**

<b>Before Proposed Change</b> <i>(List as it now appears on the official Academic Program Inventory at THEC.)</i>			<b>After Proposed Change</b> <i>(List as it should appear on the official Academic Program Inventory at THEC, once approved.)</i>		
<b>Title</b>	<b>Degree</b>	<b>CIP Code</b>	<b>Title</b>	<b>Degree</b>	<b>CIP Code</b>
Title of Existing Academic Program (Including all existing concentrations before program modification)			Title of New Program after program modification is approved (including all concentrations)		
Finance: <ul style="list-style-type: none"> <li>• Commerce</li> <li>• Real Estate</li> </ul>	B.B.A.	52.0801	Finance: <ul style="list-style-type: none"> <li>•</li> <li>• Real Estate</li> </ul> Commerce	B.B.A.  B.S.	52.0801  52.0101

**Proposed Implementation Date:**

August 2018

**Proposed Termination Date for Any Concentrations Proposed as Free Standing:**

The existing concentration in Commerce as part of the Finance major will be terminated at the end of the 2021 summer term.

**Anticipated Delivery Site:**

Middle Tennessee State University campus – Murfreesboro, TN

**Name and Contact Information of MTSU Academic Program Liaison (APL):**

Dr. Peter H. Cunningham  
 Office of the University Provost  
 Middle Tennessee State University  
 615-494-7611  
[Peter.Cunningham@mtsu.edu](mailto:Peter.Cunningham@mtsu.edu)

## **Background for Proposed Academic Program Modification:**

We are requesting the establishment of a freestanding degree program in Commerce from an existing major in Finance with a concentration in Commerce with a steady enrollment and graduation rate for a period of at least three years.

The establishment of a freestanding BS in Commerce is a natural progression from the concentration within Finance. The establishment of this major has widespread support from the College of Business and will help MTSU meet the needs of a diverse student population.

The current Commerce concentration within the Finance major is housed in the Department of Economics and Finance within the Jennings A. Jones College of Business. The new freestanding major in Commerce will be housed in that department as well and we request that degree conferrals be aggregated for reporting purposes. The proposed program has been vetted by representatives from each of the academic departments in the College of Business. Feedback and suggestions for modifications have been sought and received.

The Commerce major will allow adult degree completion candidates, especially those candidates with significant professional experience and/or military service educational credit, to apply that prior learning toward an AACSB-accredited business degree. Additionally, it will be possible to complete the Commerce major in a much more flexible manner, utilizing a variety of educational delivery methods selected by the student.

Elevation of the concentration to a free-standing degree is in alignment with the Master Plan for Tennessee Postsecondary Education 2015-2025 and the Governor's Drive to 55 initiative as the free-standing major provides another pathway to obtaining a baccalaureate degree and the curriculum prepares students for careers in business, where they will identify, analyze and develop solutions for the ever-increasing uncertainties faced by individuals and businesses. Students learn to think logically, critically, and creatively and must demonstrate analytical and communication skills.

## **Need for Program:**

By separating this concentration from the existing B.B.A. in Finance and implementing a free-standing degree, additional flexibility in the use of prior learning credits is possible. Currently, there is no flexible degree option at MTSU for students who are seeking an AACSB-accredited business degree and who wish to apply prior learning credit and/or military service education credit to their degree plan.

**Potential Impact of Modification on Current Program:**

This change will have no negative impact on fiscal resources, diversity or other clientele. It will not cause any change for current students in curriculum or requirements for graduation. Students currently enrolled will not be required to transition, but will have the option. The advantages of changing to the new degree program for current students will be greater visibility and ease of identification of their program of study by potential employers. We also anticipate positive enrollment growth as a result of the increased visibility and ease of identification that will result from the free-standing major.

The change to a freestanding degree, rather than a concentration within a broader degree, will provide students and graduates with a more generally marketable degree when entering the work force and will help students properly signal their preparation to potential employers. This will benefit all students equally, including members of diverse and under-represented groups. This change will not impact fiscal resources as all courses and all faculty are already in place within the existing concentration.

**Existing Programs Offered at Public and Private Tennessee Institutions:**

There are no other baccalaureate degree programs in Commerce in Tennessee. APSU and ETSU offer a General Business concentration within their B.B.A.’s in Management.

**Enrollment and Degrees Awarded by Concentration:**

	Fall Headcount Enrollment*				Degrees Awarded			
	Fall 2014	Fall 2015	Fall 2016	3 Year Fall Average	Academic Year 2013-14	Academic Year 2014-15	Academic Year 2015-16	3 Year Average
<b>Finance (Major)</b>	<b>242</b>	<b>283</b>	<b>287</b>	<b>171</b>	<b>36</b>	<b>72</b>	<b>63</b>	<b>57</b>
Finance: Insurance (p/o Aug 2020)	39	33	23	32	9	16	14	12
Finance: Real Estate	21	25	32	26	3	4	2	3
Finance: Financial Inst. Mgt. (p/o Dec 2019)	31	15	13	20	4	8	5	6
Finance: Bus. Finance (name change: Commerce 1/26/2018)	155	213	219	196	52	44	42	46

\* NOTE – The Financial Institution Management concentration was approved for phase-out in January 2018 and future students will enroll in the Finance major without concentration. Current students will have the option of completing the concentration or switching to the non-concentration option.

**Student Learning Outcomes:**

The Commerce major will reinforce the knowledge learned in students’ general education courses. The program will assimilate knowledge from broad areas including humanities,



social science, philosophy, law, mathematics and natural science. Business elective courses integrate knowledge from the Business Common Body of Knowledge, including economics, marketing, finance, accounting, management, business law, statistics, business analytics, and information systems. The program also reinforces the Jones College of Business's efforts to develop critical thinking, moral and ethical reasoning, and development of interpersonal skills.

**Assessment:**

The Commerce major includes a required capstone course for all students. The capstone course involves written, reflective papers requiring students to synthesize knowledge and skills gained from their coursework. Papers will be blinded and assessed by a panel of faculty members from across the College of Business using a standard rubric. Feedback from the panel will be used to improve the degree program.

**Accreditation:**

The Jones College of Business is accredited by the Association to Advance Collegiate Schools of Business (AACSB).

**Current and Proposed Curriculum Requirements:**

See Attachment A – Comparison of Current & Proposed Curriculum.

**New Courses Needed:**

No new courses are required to make the transition to a freestanding degree.

**Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:**

N/A

**Distance Learning:**

This program is proposed to be offered in a hybrid format and a distance-learning (online) format.

**Current and Proposed Admission, Retention and Graduation Policies:**

Admission Policies: The current Commerce concentration in Finance and the proposed free-standing degree in Commerce adhere to the University's general admission criteria. Students admitted to the university and approved by the Dean of the Jones College of Business will be permitted to pursue the Commerce major.

Retention Policies: The current Commerce concentration in Finance and the proposed free-standing degree in Commerce both require students to be admitted to the Jones College of

Business by the Dean of the Jones College of Business in order to continue into advanced study within the program.

Graduation Policies: Both the current Commerce concentration in Finance and the proposed free-standing degree in Commerce comply with the Jones College of Business graduation requirements.

**Current Faculty:**

Because students choose business electives and general electives based on their individual interests, all faculty members in the Jones College of Business and at MTSU are potential members of the teaching faculty in the program. No additional faculty will be required as a result of elevating the concentration to a free-standing degree.

**Finance:**

No new costs will result from establishing this concentration as a free-standing degree as all required courses and faculty resources already exist and are in place.

**ATTACHMENT: Comparison of Before and After Curriculum – Proposed B.S. in Commerce**

<b>CURRENT CURRICULUM</b>			<b>PROPOSED CURRICULUM</b>	
		Hours		Hours
<b>General Education</b> The following Gen Ed courses are required for this major: ECON 2410 or ECON 2420		<b>41</b>	<b>General Education</b> The following Gen Ed courses are required for this major: ECON 2410 or ECON 2420	
<b>Business Common Body of Knowledge</b> ACTG 3000 BIA 3620 BLAW 3400 BUS 4000 ECON 2410 or ECON 2420 FIN 3010 INFS 3100 MGMT 3610 MKT 3820 Business Communication: BCED 3510 or BUS 3000 or MGMT 3620 Statistics: BIA 2610 or MATH 1530 or equivalent		<b>31</b>	<b>Business Common Body of Knowledge</b> ACTG 3000 BIA 3620 BLAW 3400 BUS 4000 ECON 2410 or ECON 2420 FIN 3010 INFS 3100 MGMT 3610 MKT 3820 Business Communication: BCED 3510 or BUS 3000 or MGMT 3620 Statistics: BIA 2610 or MATH 1530 or equivalent	
<b>Commerce Concentration</b>		<b>24</b>	<b>Commerce Major</b>	
Upper Division Business Electives			Upper Division Business Electives	
<b>General Electives</b>		<b>24</b>	<b>General Electives</b>	
<b>TOTAL CREDITS REQUIRED FOR DEGREE</b>		<b>120</b>	<b>TOTAL CREDITS REQUIRED FOR DEGREE</b>	





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Approval of New Academic Program  
BS, Elementary Education](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Pam Wright

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

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**BACKGROUND INFORMATION:**

Elevate the existing specialization in K-5 within the existing Bachelor of Science (B.S.) in Interdisciplinary Studies to a free-standing Bachelor of Science (B.S.) degree with a major in Elementary Education.

For years elementary and middle level education have shared a Bachelor of Science in Interdisciplinary Studies with tracks that include: K-5, 6-8 Math, 6-8 Science, etc. This results in a great deal of confusion among our students and among the administrators at the schools that hire our students. The creation of the new bachelor's degree will not result in any curriculum changes (no new classes) nor will any additional financial support or faculty lines be required.

This action is consistent with the policy of the Tennessee Higher Education Commission that permits existing concentrations with steady enrollment and graduation rate for a period of at least three years to be recognized as a freestanding degree if the establishment of the concentration as a degree does not compromise the remaining degree and does not require new faculty resources.



# Elevation of Existing K-5 Track within the B.S. in Interdisciplinary Studies to a Free-standing Degree with Major in Elementary Education

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**Current and Proposed Program Name, Degree Designation, and CIP Code**

<b>Before Proposed Change</b> <i>(List as it now appears on the official Academic Program Inventory at THEC.)</i>			<b>After Proposed Change</b> <i>(List as it should appear on the official Academic Program Inventory at THEC, once approved.)</i>		
<b>Title</b>	<b>Degree</b>	<b>CIP Code</b>	<b>Title</b>	<b>Degree</b>	<b>CIP Code</b>
Title of Existing Academic Program (Including all existing concentrations before program modification)			Title of New Program after program modification is approved (including all concentrations)		
Interdisciplinary Studies • 6-8 Math • 6-8 Science • 6-8 Social Studies • 6-8 English • K-5	B.S.	13.1206	Interdisciplinary Studies • 6-8 Math • 6-8 Science • 6-8 Social Studies • 6-8 English  Elementary Education	B.S.  B.S.	13.1206  13.1202

**Proposed Implementation Date:**

August 2018

**Proposed Termination Date for Any Concentrations Proposed as Free Standing:**

The existing track in Interdisciplinary Studies K-5 will be terminated at the end of the 2018 summer term.

**Anticipated Delivery Site:**

Middle Tennessee State University campus – Murfreesboro, TN  
Columbia State Community College campus (2+2 Program) – Columbia, TN

**Name and Contact Information of MTSU Academic Program Liaison (APL):**

Dr. Peter H. Cunningham  
Office of the University Provost  
Middle Tennessee State University  
615-494-7611  
[Peter.Cunningham@mtsu.edu](mailto:Peter.Cunningham@mtsu.edu)



## **Background for Proposed Academic Program Modification:**

We are requesting the establishment of a freestanding degree program in Elementary Education from an existing track with a steady enrollment and graduation rate for a period of at least three years.

The establishment of a freestanding B.S. in Elementary Education has been a goal of the program for a number of years, but it has only been recent that the program has received support for this change.

For many years elementary and middle level education shared a Bachelor of Science in Interdisciplinary Studies with tracks that included: K-5, 6-8 Math, 6-8 Science, 6-8 Social Studies, and 6-8 English & Language Arts. This results in a great deal of confusion among our students, who when asked, “What’s your major?” reply, “Elementary Education”, among the public, and among public and private schools that hire our graduates. It is also impossible to distinguish between our graduates on ARGOS Graduation Reports as all students are identified as Interdisciplinary Studies regardless of their specific graduate path.

Last year the Tennessee Department of Education changed elementary licensure from K-6 to K-5 and implemented new literacy and science standards. The program changes that we proposed last year (2016-2017) and were approved reflect these new requirements. We feel this would be the perfect time to create a new, stand-alone, program for Elementary Education.

## **Need for Program:**

Earning a degree with the intent of obtaining an elementary teaching license has been a program of study at MTSU since its inception as the Middle Tennessee Normal School in 1911 (<http://www.mtsu.edu/about/history-more.php>). Most recently the program was titled Interdisciplinary Studies with a track in K-6, now K-5 (2017). We are now proposing Elementary Education as the name of the proposed freestanding B.S. degree program. The title Elementary Education is descriptive of what has been an established field of study for over a hundred years.

One of the challenges the program has faced has been lack of awareness by prospective students and schools who employ our graduates. With the program buried in an Interdisciplinary Studies degree, the program has missed out on the awareness it would have otherwise had. Making this program a freestanding degree will help get the right students into the program, and also give their college degree more value in the workplace.

## **Potential Impact of Modification on Current Program:**

This change will have no negative impact on fiscal resources, diversity, or other clientele. It will not cause any change in curriculum or requirements for graduation. Students currently enrolled will note that their major will change from Interdisciplinary Studies

to Elementary Education. Their licensure requirements remain the same. The advantages of changing to the new degree program for current students will be greater visibility and ease of identification of their program of study by potential employers and colleagues.

The change to a freestanding degree, rather than a concentration within a broader degree, will provide students and graduates with a more clearly defined program of study when entering the work force and/or graduate school. This will benefit all students equally, including members of diverse and under-represented groups. This change will not impact fiscal resources as all courses, faculty, and laboratories are already in place within the existing concentration. It will not require any change in curriculum or change the requirements for graduation.

With recent changes in our university's administration, restructuring and rethinking of our accreditation needs (NCATE to CAEP and new mandates from the State Department of Education), we believe it is timely to establish a freestanding degree program from this existing track. We have demonstrated a steady enrollment and graduation rate. Recognition as a freestanding degree does not require new resources, but creates great value for our students. We feel it is in the best interest of the program and students to raise its visibility and focus by removing it from the current degree umbrella of Interdisciplinary Studies.

#### **Existing Programs Offered at Public and Private Tennessee Institutions:**

Programs leading to teacher licensure in Elementary Education (K-5) are common at most universities. The universities listed below have programs that lead to K-5 certification as part of an undergraduate degree. These are only a few of the many available in Tennessee.

<b>University</b>	<b>Degree</b>	<b>Major</b>	<b>Licensure</b>
University of Memphis	B.S.Ed.	Teaching All Learners	K-6 & Sped Modified K-12
University of Tennessee, Martin	B.S.Ed.	Integrated Studies	K-3, K-5, or 6-8
Tennessee State University	B.S. in Arts & Sciences	Interdisciplinary Studies, Elementary Education	K-5
Tennessee Tech	B.S.	Multidisciplinary Studies, Elementary Education	K-5
East Tennessee State University	B.S.	Interdisciplinary Studies in Education (K-6)	K-5

## Enrollment and Degrees Awarded by Concentration:

	Fall Headcount Enrollment				Degrees Awarded			
	Fall 2015	Fall 2016	Fall 2017	3 Year Fall Average	Academic Year 2015-16	Academic Year 2016-17	Academic Year 2017-18	3 Year Average
Interdisciplinary Studies K-5	359	313	250	307.3	114	113	112 (est)	113
4-8 English	13	5	1	6.3	*Graduation data for these individual tracks are not distinguishable from one another as tracks are not listed on students' diplomas or reported in ARGOS Graduation Reports.			
6-8 English	7	8	6	7				
4-8 Math	22	8	2	10.6				
6-8 Math	6	14	17	12.3				
4-8 Science	14	5	5	8				
6-8 Science	1	12	12	8.3				
4-8 Social Studies	6	1	0	2.3				
6-8 Social Studies	0	5	9	4.6				
Total Program	428	371	302	367				

*\* The Tennessee Department of Education changed licensure bands from 4-8 to 6-8. Data above display this change, moving forward all students will be 6-8. Based on enrollment, we anticipate at least 100 degree conferrals per year in Elementary Education going forward and at least 15 degree conferrals per year in Middle Level 6-8.*

### Student Learning Outcomes:

Within the conceptual framework of the College of Education and the Department of Elementary and Special Education, the teacher preparation program for Interdisciplinary Studies in Education is designed to educate “Teachers as Instructional Decision Makers”. The theoretical and philosophical base for this theme is best explained by the following set of purpose statements endorsed by the Interdisciplinary Studies K-5 Education faculty. The purposes are:

- to facilitate the learning and development of teacher candidates as they grow in their ability to encourage the learning and development of children;
- to establish a connection of personal and professional development that is intended to aid teacher candidates in creating and adopting appropriate ideas about learning and development; and
- to foster the professional development of teacher candidates with their own philosophies and appropriate pedagogical practices.

The Elementary Education program is a performance-based program aligned with CAEP and InTASC standards that have been developed at the national level by professional organizations. These standards enhance the philosophy, purposes, and assumptions

within the curriculum of the major in Elementary Education. The faculty of the Department of Elementary and Special Education has adopted the following performance-based standards for the Interdisciplinary Studies in Education program. All students who select Elementary Education as a major area of study are expected to:

- understand, demonstrate and apply the central concepts, tools of inquiry, and structures of the discipline(s) he or she teaches and can create learning experiences that make these aspects of subject matter meaningful for students (CAEP 1; InTASC 1, 4);
- understand how children learn and develop, and provide learning opportunities that support their intellectual, social and personal development (CAEP 1; InTASC 1);
- know how students differ in their approaches to learning and create instructional opportunities that are adapted to diverse learners (CAEP 1; InTASC 2);
- use a variety of instructional strategies to encourage students' development of critical thinking, problem solving, and performance skills (CAEP 1; InTASC 2);
- use individual and group motivation and behavior to create a learning environment that encourages positive social interaction, active engagement in learning, and self-motivation (CAEP 1; InTASC 3);
- demonstrate knowledge of effective verbal, nonverbal, and media communication techniques to foster active inquiry, collaboration, and supportive interaction in the classroom (CAEP 1; InTASC 3);
- demonstrate knowledge of subject matter, students, the community, and curriculum goals in the planning of instruction (CAEP 1; InTASC 5);
- use formal and informal assessment strategies to evaluate and ensure the continuous intellectual, social and physical development of the learner (CAEP 1; InTASC 6);
- demonstrate reflective practice by continually evaluating the effects of his/her choices and actions on others (students, parents, the learning community) and by actively seeking out opportunities to grow professionally (CAEP 1; InTASC 6 9 10); and
- foster relationships with school colleagues, parents, and agencies in the larger community to support students' learning and wellbeing (CAEP 1; InTASC 9 10)

### **Assessment:**

This program includes required capstone experiences for all majors. The capstone experiences, Residency I and Residency II, involve students serving as interns in a public, elementary school. During these two semesters students plan, assess, and reflect on lessons they have implemented under the guidance of their classroom mentors and university supervisors. Feedback from their mentor teachers, evaluation of planning and instruction using a modified TEAM rubric, and rubrics created for CAEP assessments are used to grade their performance as well as to inform further development of the curriculum. If seeking licensure, students are also required to take and pass PRAXIS II

tests in Elementary Education: Curriculum, Instruction, & Assessment, #5017, (passing score 153), Content Knowledge, #5018, (passing score 163), and Teaching Reading: Elementary Education, #5203, (passing score 162). Additionally, interns are required to participate in and pass edTPA during Residency II. edTPA is a student teacher performance assessment developed by the Stanford Center for Assessment, Learning and Equity (SCALE). Assessments are subject-specific designed to allow teacher candidates to highlight their developing skills as teachers via video, data collection and analysis, and reflective writing. edTPA is being used by Educator Preparation Programs in over 30 states. The current passing scores required by the College of Education is 42 with our students' average scores of just over 46.

### **Accreditation:**

Teacher preparation programs for undergraduates at MTSU are accredited by the National Council for Accreditation of Teacher Education (NCATE) and are Council for the Accreditation of Educator Preparation (CAEP) eligible. MTSU's K-5 program is also approved by the Tennessee Department of Education (<https://www.tn.gov/education/topic/educator-preparation>). MTSU is also accredited by the Southern Association of Colleges and Schools Commission on Colleges (SACSCOC), the regional body for accreditation of degree-granting institutions in the southeastern United States (<http://www.mtsu.edu/accreditation/>). Since we are not proposing a new program or curricular changes, we do not foresee issues with accreditation requirements.

### **Current and Proposed Curriculum Requirements:**

See Attachment A – Comparison of Current & Proposed Curriculum. Note: There are no changes to the overall curriculum, however we include a reorganization of courses to reflect courses available to students before they are admitted to the teacher education program (TEP) and courses that require admission to the TEP for enrollment.

### **New Courses Needed:**

Because this is a long-standing program, no new courses are required to make the transition to a freestanding degree.

### **Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:**

There are **no** proposed changes to the curriculum required for the new B.S. degree in Elementary Education. Courses will remain the same from the Interdisciplinary Studies K-5 track to the proposed B.S. in Elementary Education. Despite there being no change, we have included a crosswalk of all courses K-5 students take (both general education and upper division) and how they align with Elementary CAEP and InTASC standards. Please see Attachment B for this table.

## **Distance Learning:**

This program is not proposed to be a distance-learning program although it is possible that several courses will be in an online format.

## **Current and Proposed Admission, Retention and Graduation Policies:**

Admission Policies: The current concentration in Interdisciplinary Studies, K-5 and the proposed free-standing B.S. degree in Elementary Education adhere to the University's general admission criteria. Students admitted to the university are permitted to pursue the Elementary Education major.

Retention Policies: The current concentration in Interdisciplinary Studies, K-5 and the proposed free-standing B.S. degree in Elementary Education both require students to be admitted to candidacy in order to continue into advanced study within the program.

Students must meet the following retention requirements:

1. Completion of 45 hours with at least six hours at MTSU before applying for admission to the Teacher Education Program (TEP)
2. Take and pass the Praxis Core Academic Skills for Educators (CORE) exams.  
Reading – 156 Passing Score  
Math – 150 Passing Score  
Writing – 162 Passing Score  
\*Students with an ACT Score of 22 or higher or SAT score of 1020 or higher are exempt from taking the CORE exam.
3. Compete EESE 1010 and EESE 1011 with a grade of C or better.
4. Minimum overall GPA in all college coursework of 2.75
5. Participate in three favorable interviews with faculty members inside and outside of the department and college.
6. Completion of fingerprinting and background check.
7. Disciplinary clearance from the College of Education.

Admission to Residency I Policies: The current concentration in Interdisciplinary Studies, K-5 requires students to maintain their candidacy (see requirements above) as well as earn a C- or better in their Content Major Requirements and Professional Education courses in order to advance into Residency I and Residency II. The proposed free-standing B.S. degree in Elementary Education will require that students earn a C or better in their Content Major Requirement and Professional Education courses as well as take the Praxis II Content exam before registering for Residency I courses.

Graduation Policies: The current concentration in Interdisciplinary Studies, K-5 requires students to earn a C- or better in their Content Major Requirements and Professional Education courses in order to graduate. The proposed free-standing B.S. degree in

Elementary Education will require that students earn a C or better in their Content Major Requirement and Professional Education courses to graduate.

**Current Faculty:**

<b>Name</b>	<b>Rank</b>	<b>Highest Degree</b>	<b>Primary Department</b>	<b>FTE in Program</b>	<b># of Theses/ Dissertations</b>
Becky Alexander	Associate Professor	Ed.D	Elementary & Special Ed	100%	N/A
Beverly Joan Boulware	Professor	Ed.D.	Elementary & Special Ed	100%	N/A
Kathleen Burriss	Professor	Ed.D.	Elementary & Special Ed	100%	N/A
Shannon Harmon	Assistant Professor	Ed.D	Elementary & Special Ed	100%	N/A
Katherine Mangione	Assistant Professor	Ph.D.	Elementary & Special Ed	100%	N/A
Willis Means	Associate Professor	Ed.D.	Elementary & Special Ed	100%	N/A
Terri Tharp	Associate Professor	Ed.D	Elementary & Special Ed	100%	N/A
Jeremy Winters	Associate Professor	Ph.D.	Elementary & Special Ed	100%	N/A
Faculty Search	Assistant Professor	Terminal	Elementary & Special Ed	100%	N/A
Full Time Temporary / Adjunct Faculty*	Lecturer	Varies	Elementary & Special Ed	100%	N/A
Full Time Temporary / Adjunct Faculty*	Lecturer	Varies	Elementary & Special Ed	100%	N/A

\* Note: This program is allotted two full time temporary instructors and many adjuncts each semester. Each instructor recruited meets SACSCOC eligibility criteria. Some past and current instructors include:

- Christy Rowe, M.Ed., Residency I, Theory into Practice, Assessment and Learning, and Language and Literacy in Elementary Schools.
- Katie M. Schrod, Ph.D., Corrective Reading, Language and Literacy in Elementary Schools, Overview of Education I & II

**Finance:**

No new costs will result from establishing this concentration as a free-standing degree as all courses and faculty resources already exist and are in place.



**Attachment A:  
Comparison of Before & After Curriculum**

<b>ATTACHMENT: Comparison of Before and After Curriculum – Proposed B.S. in Elementary Education (NOTE: the only change has been reorganizing classes based on admission to the teacher education program.)</b>	
<b>CURRENT CURRICULUM (Interdisciplinary Studies)</b>	<b>PROPOSED CURRICULUM (Elementary Education)</b>
Hours	Hours
<b>General Education</b>	<b>General Education</b>
<b>41</b>	<b>41</b>
<b>Content Major Requirements</b>	<b>Content Major Requirements</b>
BIOL 3000 – Life Science for Elementary Teachers (4 hrs) PSCI 4030 – Experimental Physical Science (4 hrs) ENGL 3510 – English Grammar for Educators (3 hrs) MATH 1410 – Concepts & Structures of Elem Math (3 hrs) MATH 1420 – Informal Geometry (3 hrs) READ 4015 – Language & Literacy (6 hrs) ELED 3000 – Contemporary Classroom (3 hrs) PSY 2300 – Developmental Psychology (3 hrs) ENGL 3740 – Children’s Literature (3 hrs) OR LIBS 4150 – Books, Media, Literacy for Children (3 hrs) ART 3200 – Art Education for Teachers (3 hrs) OR CDIS 3250 – Speech & Language Development (3 hrs) OR MUED 3210 – Elementary Grades Nonmusic Maj. (3 hrs) OR THEA 3600 – Child Drama (3 hrs) OR HLTH 4300 – The School Health Program (3 hrs)	EESE 1010 – Teachers as Problem Solvers (2 hrs) EESE 1011 – Creating Differentiated Instruction (2 hrs) MATH 1410 – Concepts & Structures of Elem Math (3 hrs) MATH 1420 – Informal Geometry (3 hrs) PSY 2300 – Developmental Psychology (3 hrs) BIOL 3000 – Life Science for Elementary Teachers (4 hrs) PSCI 4030 – Experimental Physical Science (4 hrs) ENGL 3510 – English Grammar for Educators (3 hrs) SPED 3010 – Characteristics of Learners w/ Excep. (3 hrs) ENGL 3740 – Children’s Literature (3 hrs) OR LIBS 4150 – Books, Media, Literacy for Children (3 hrs) ART 3200 – Art Education for Teachers (3 hrs) OR CDIS 3250 – Speech & Language Development (3 hrs) OR MUED 3210 – Elementary Grades Nonmusic Maj. (3 hrs) OR THEA 3600 – Child Drama (3 hrs) OR HLTH 4300 – The School Health Program (3 hrs)
<b>35</b>	<b>33</b>
<b>Professional Education</b>	<b>Professional Education</b>
EESE 1010 – Teachers as Problem Solvers (2 hrs) EESE 1011 – Creating Differentiated Instruction (2 hrs) ELED 3150 – Mathematics Methodologies (3 hrs) ELED 3400 – Teaching Science & SS through Literacy (3 hrs) ELED 3100 – Experiencing Elementary Education (1 hr) ELED 3300 – Digital Applications for Teaching (3 hrs) SPED 3010 – Characteristics of Learners w/ Excep. (3 hrs) ELED 4350 – Theory into Practice (6 hrs) ELED 4200 – Assessing Elementary Learners (3 hrs) ELED 4130 – Academic Interventions (3 hrs) ELED 4340 – Managing Learning Environments (3 hrs) ELED 4110 – Residency II/Student Teaching (12 hrs)	ELED 3000 – Contemporary Classroom (3 hrs) ELED 3100 – Experiencing Elementary Education (1 hr) ELED 3150 – Mathematics Methodologies (3 hrs) ELED 3300 – Digital Applications for Teaching (3 hrs) ELED 3400 – Teaching Science & SS through Literacy (3 hrs) READ 4015 – Language & Literacy (6 hrs) ELED 4350 – Theory into Practice (6 hrs) ELED 4200 – Assessing Elementary Learners (3 hrs) ELED 4130 – Academic Interventions (3 hrs) ELED 4340 – Managing Learning Environments (3 hrs) ELED 4110 – Residency II/Student Teaching (12 hrs)
<b>44</b>	<b>46</b>
<b>Required Minor</b>	<b>Required Minor</b>
<b>0</b>	<b>0</b>
<b>Electives</b>	<b>Electives</b>
<b>0</b>	<b>0</b>
<b>TOTAL CREDITS REQUIRED FOR DEGREE</b>	<b>TOTAL CREDITS REQUIRED FOR DEGREE</b>
<b>120</b>	<b>120</b>

**Attachment B:  
Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies**

<b>Course</b>	<b>Course Title</b>	<b>Elementary Standards</b>	<b>InTASC Standards</b>
ENGL 1010	Expository Writing	2a	4
ENGL 1020	Research and Argumentative Writing	2a	4
COMM 2200	Fundamental of Communication	2a	
COMM 2200	Fundamental of Communication	2a	
HIST 2010	Survey of US History I	2d	4
HIST 2020	Survey of US History II	2d	4
HIST 2030	Tennessee History	2d	4
HUM/FA			4
MATH 1010	Mathematics for General Studies	2b	4
MATH 1710	College Algebra	2b	4
BIOL 1030/1031	Exploring Life	2 (c?)	4 (j, o)
PSCI 10301/1031	Topics in Physical Science	2 (c?)	4 (j, o)
GEOG 2000	Intro to Regional Geography	2d	4
HLTH 1530/1531	Health and Wellness	none	4 (j, o)
PSCI 4030	Experimental Physical Science	2 (c, e); 4 (a)	3 (b, j, q); 4 (a, b, c, d, e, j, k); 7 (a, g); 8 (e); 9 (a)
ENGL 3510	English Grammar and Usage for Educators	2a	4
MATH 1410	Elementary School Mathematics	2b	4,5
MATH 1420	Informal Geometry	2b	4,5
READ 4015	Language and Literacy, K-6	1,2,3,4	1,2,3,4,5
HLTH 4300	The School Health Program	None	
PSY 2300	Developmental Psychology	1	1,2
ANTH 2010	Cultural Anthropology	2d	2
COMM 3560	Intercultural Communication	2d	2
ENGL 3740	Children's Literature	2a	4

LIBS 4150	Books, Media, Literacy for Children	2a	4
ART 3200	Art Education for Teachers	None	
CDIS 3250	Speech Language Development	None	
MUED 3210	Elementary Grades Nonmusic Maj.	None	
THEA 3600	Child Drama	None	
EESE 1010	Overview of Education	1	2 (l, m); 3 (q); 5 (i, s); 7 (i); 8 (m); 9 (a, b, d, m, n); 10 (l, m, r)
EESE 1011	Overview of Education II	1	2 (l, m); 3 (q); 5 (i, s); 7 (i); 8 (m); 9 (a, b, d, m, n); 10 (l, m, r)
ELED 3000	Contemporary Classroom	1	2 (l, m); 3 (q); 5 (i, s); 7 (i); 8 (m); 9 (a, b, d, m, n); 10 (l, m, r)
ELED 3150	Mathematics Methodology	2,3,4	4,5,7,8
ELED 3300	Digital Learning in the Elementary Classroom, K-8	2e,4	5,7,8
ELED 3100	Experiencing Elementary Education	1	2 (l, m); 3 (q); 5 (i, s); 7 (i); 8 (m); 9 (a, b, d, m, n); 10 (l, m, r)
ELED 3400	Teaching Sci & SS through Literacy	1	1(b, c, d, g, j, k); 2 (a, e, f, m); 3 (a, b, c, d, e, n, p, q, r); 7 (a, b, c, d); 8 (a, e, j)
SPED 3010	Characteristics and Teaching of Diverse Learners	1	1,2
ELED 4350	Theory into Practice	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10
ELED 4200	Assessing Elementary Learners	1,2,3,4	1,2,4,5,6,7,8
READ 4130	Academic Interventions	3,4	4,5,6,7,8
ELED 4340	Managing Learning Environments	1,3,4	1,2,3,8
ELED 4110	Residency II	1,2,3,4,5	1,2,3,4,5,6,7,8,9,10





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Approval of New Academic Programs  
BS, English and BS, Communication](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Pam Wright

ACTION REQUIRED: Voice Vote

STAFF RECOMMENDATION: Approval

---

**BACKGROUND INFORMATION:**

**Add a Degree Designation for an Existing Degree**

- 1) Add a Bachelor of Science (B.S.) to the existing Bachelor of Arts (B.A.) in English

The B.S. in English mirrors the B.A. in English with the exception of elective credits replacing the foreign language requirement. The increased number of elective credits will make the program more accessible for students, particularly those who change majors or transfer into the program, in addition to those students who would like to double major in English and another subject.

- 2) Add a Bachelor of Arts (B.A.) to the existing Bachelor of Science (B.S. in Communication

The B.A. in Communication mirrors the B.S. in Communication with the exception of a foreign language requirement replacing 12 hours of electives. The addition of this option will attract a broader range of high ability students, particularly those who wish to combine their major with foreign language study.



# Academic Program Modification Request

## Add a B.S. Degree Designation to the Existing B.A. Degree in English (with No Significant Change in Curriculum or Program Purpose)

### Table of Contents

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Potential Impact of Modification on Current Program	2
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Current and Proposed Curriculum Requirements	3
New Courses Needed	3
Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies	3
Distance Learning	3
Current and Proposed Admission, Retention and Graduation Policies	3
Current Faculty	4
Finance	4
Comparison of Before & After Curriculum	Attachment A

**Current and Proposed Program Name, Degree Designation, and CIP Code**

<b>Before Proposed Change</b> <i>(List as it now appears on the official Academic Program Inventory at THEC.)</i>			<b>After Proposed Change</b> <i>(List as it should appear on the official Academic Program Inventory at THEC, once approved.)</i>		
<b>Title</b>	<b>Degree</b>	<b>CIP Code</b>	<b>Title</b>	<b>Degree</b>	<b>CIP Code</b>
Title of Existing Academic Program (Including all existing concentrations before program modification)			Title of New Program after program modification is approved (including all concentrations)		
English	B.A.	23.0101.00	English English	B.A. B.S.	23.0101.00 23.0101.00

**Proposed Implementation Date:**

Fall, 2018

**Proposed Termination Date for Any Concentrations Proposed as Free Standing:**

N/A

**Anticipated Delivery Site:**

Middle Tennessee State University campus – Murfreesboro, TN

**Name and Contact Information of MTSU Academic Program Liaison (APL):**

Dr. Peter H. Cunningham  
 Office of the University Provost  
 Middle Tennessee State University  
 615-494-7611  
[Peter.Cunningham@mtsu.edu](mailto:Peter.Cunningham@mtsu.edu)



**Background for Proposed Academic Program Modification:** *(State the rationale for the proposed change.)*

The BS in English mirrors the BA in English with the exception of elective credits replacing the BA foreign language requirement. The increased number of elective credits will make the program more accessible for students, particularly those who change majors, wish to double major, or transfer into the program

**Need for Program:** *(Submit letter of documentation from accrediting body if program modification request is based on recommendation from accrediting agency.)*

N/A

**Potential Impact of Modification on Current Program:** *(including other concentrations within the current Program and other similar programs within the institution)*

The BS will be an option *only* for the major without concentrations. All concentration programs within the major will remain as BA degrees. In addition to attracting new majors—in particular those students who want to double major in English and another subject—the BS option will offer alternatives to English majors who wish to drop a concentration.

**Existing Programs Offered at Public and Private Tennessee Institutions:** *List all programs within the same CIP code definition at the same academic level (Bachelor's, Master's, Doctoral) currently offered in public and private higher education in Tennessee.*

N/A

**Enrollment and Degrees Awarded by Concentration:** *Complete only if APM request is for elevation of existing concentration to a free-standing degree program. (Please utilize the following tabular format).*

N/A

**Student Learning Outcomes:** *Describe what students should know, understand and /or be able to do at the conclusion of the program.*

**SLO 1: Knowledge:** Demonstrate familiarity with the content of areas in the field and competence in specific areas.

**SLO 2: Skill:** Demonstrate the ability to analyze literature and to develop an essay focusing on literary analysis.

**SLO 3: Ethics:** Demonstrate an understanding of the value of intellectual property.

**Assessment:** *Provide a plan for assessing student learning outcomes while the students are in the program and after they have completed the program.*

The English Department uses the ENGL 4999 Senior Portfolio as a means of assessing all majors. During their last enrolled term students compile and submit a portfolio of at least three different essays representing their progress through the program. Those students pursuing the BS in English will likewise complete ENGL 4999.

**Accreditation:** *Where appropriate, indicate any professional organizations that accredit the proposed academic program and any substantive change that may require a SACSCOC review.*

N/A

**Current and Proposed Curriculum Requirements:**

See Attachment A – Comparison of Current & Proposed Curriculum.

**New Courses Needed:** *List any new courses which must be added to initiate the program; include a catalog description for each of these courses.*

No new courses are required in order to implement the B.S. degree option.

**Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:** *(if applicable)*

N/A

**Distance Learning:** *Indicate whether this program will be offered via distance learning and which courses are available via distance learning.*

As with the English BA programs, students can take a number of classes via distance learning but cannot at this point fully complete the degree through this mode. The following upper division English courses are either approved or in the process of approval to be offered via distance learning: 3007, 3010, 3020, 3030, 3230, 3330, 3340, 3410, 3510, 3570, 3620, 3730, 3745, 4510, 4520, 4570.

**Current and Proposed Admission, Retention and Graduation Policies:**

These policies mirror those established for the BA in English.

**Current Faculty:** *List the name, rank, highest degree, primary department and estimate of the level of involvement of all faculty members who will participate in the proposed program. If the program is at the graduate level, also list the number of master's theses and doctoral dissertations each of these faculty members have directed to completion. (Use the following tabular format.)*

N/A – the same faculty will teach the existing courses

**Finance:** *Complete the THEC Financial Projection Form*

There are no new revenues or expenses associated with the addition of the B.S. degree designation. To the existing B.A. English major.

ATTACHMENT: Comparison of Before and After Curriculum – Proposed B.S. in English

<b>CURRENT CURRICULUM</b>		<b>PROPOSED CURRICULUM</b>	
	Hours		Hours
<b>General Education</b>	<b>41</b>	<b>General Education</b>	<b>41</b>
<b>English Core</b>	<b>15</b>	<b>English Core</b>	<b>15</b>
ENGL 3000-Introduction to English Studies OR ENGL 3007—Writing and the Literary Imagination ENGL 3010-British Literature I ENGL 3020-British Literature II ENGL 3030-American Literature ENGL 4999-Senior Portfolio (0 credit) <i>One from the following</i> ENGL 3570-Introduction to Linguistics ENGL 4520-The Structure of English ENGL 4530-The History of the English Language ENGL 4605-Advanced Composition ENGL 4670-Special Topics in Writing (topics approved by faculty advisor)		ENGL 3000-Introduction to English Studies OR ENGL 3007—Writing and the Literary Imagination ENGL 3010-British Literature I ENGL 3020-British Literature II ENGL 3030-American Literature ENGL 4999-Senior Portfolio (0 credit) <i>One from the following</i> ENGL 3570-Introduction to Linguistics ENGL 4520-The Structure of English ENGL 4530-The History of the English Language ENGL 4605-Advanced Composition ENGL 4670-Special Topics in Writing (topics approved by faculty advisor)	
<b>Guided Electives</b>	<b>21</b>	<b>Guided Electives</b>	<b>21</b>
21 hours of upper division English courses chosen in consultation with faculty advisor.		21 hours of upper division English courses chosen in consultation with faculty advisor.	
<b>Bachelor of Arts Foreign Language Requirement</b>	<b>6</b>		
Completion of 2010 and 2020 or 6 hours above the 2000 level in a single foreign language			
<b>BA Approved Minor</b>	<b>15-18</b>	<b>BA Approved Minor</b>	<b>15-18</b>
<b>Electives</b>	<b>19-22</b>	<b>Electives</b>	<b>25-28</b>
<b>TOTAL CREDITS REQUIRED FOR DEGREE</b>	<b>120</b>	<b>TOTAL CREDITS REQUIRED FOR DEGREE</b>	<b>120</b>

# Academic Program Modification Request

## Add a B.A. Degree Designation to the Existing B.S. Degree in Communication (with No Significant Change in Curriculum or Program Purpose)

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Current and Proposed Curriculum Requirements	3
New Courses Needed	3
Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies	3
Distance Learning	3
Current and Proposed Admission, Retention and Graduation Policies	3
Current Faculty	3
Finance	4

**Current and Proposed Program Name, Degree Designation, and CIP Code**

<b>Before Proposed Change</b> <i>(List as it now appears on the official Academic Program Inventory at THEC.)</i>			<b>After Proposed Change</b> <i>(List as it should appear on the official Academic Program Inventory at THEC, once approved.)</i>		
<b>Title</b> Title of Existing Academic Program (Including all existing concentrations before program modification)	<b>Degree</b>	<b>CIP Code</b>	<b>Title</b> Title of New Program after program modification is approved (including all concentrations)	<b>Degree</b>	<b>CIP Code</b>
Communication <ul style="list-style-type: none"> <li>• Organizational Communication</li> <li>• Culture and Social Influence</li> </ul>	B.S.	09.0101.00	Communication <ul style="list-style-type: none"> <li>• Organizational Communication</li> <li>• Culture and Social Influence</li> </ul> Communication <ul style="list-style-type: none"> <li>• Organizational Communication</li> <li>• Culture and Social Influence</li> </ul>	B.S.  B.A.	09.0101.00  09.0101.00

**Proposed Implementation Date:**

Fall, 2018

**Proposed Termination Date for Any Concentrations Proposed as Free Standing:**

N/A

**Anticipated Delivery Site:**

Middle Tennessee State University campus – Murfreesboro, TN

**Name and Contact Information of MTSU Academic Program Liaison (APL):**

Dr. Peter H. Cunningham  
 Office of the University Provost  
 Middle Tennessee State University  
 615-494-7611  
[Peter.Cunningham@mtsu.edu](mailto:Peter.Cunningham@mtsu.edu)

**Background for Proposed Academic Program Modification:** *(State the rationale for the proposed change.)*

Currently the program offers a B.S. in Communication; however, in order to attract a broader range of students, we propose to additionally offer a B.A. in Communication. The only difference is the required 12 units of a foreign language and we believe students who meet this requirement would also be ideal Communication students. This will also provide an option for a double major for students currently pursuing a B.A. degree.

**Need for Program:** *(Submit letter of documentation from accrediting body if program modification request is based on recommendation from accrediting agency.)*

N/A

**Potential Impact of Modification on Current Program:** *(including other concentrations within the current Program and other similar programs within the institution)*

This proposal is will increase the number of majors in the program. The ability to offer a B.A. or B.S. in Communication with concentrations in Organizational Communication and Culture and Social Influence offers more flexibility for current and future students.

**Existing Programs Offered at Public and Private Tennessee Institutions:** *List all programs within the same CIP code definition at the same academic level (Bachelor's, Master's, Doctoral) currently offered in public and private higher education in Tennessee.*

University of Tennessee, Knoxville School of Communication Studies

**Enrollment and Degrees Awarded by Concentration:** *Complete only if APM request is for elevation of existing concentration to a free-standing degree program. (Please utilize the following tabular format).*

N/A

**Student Learning Outcomes:** *Describe what students should know, understand and /or be able to do at the conclusion of the program.*

The newly proposed B.A. in Communication will adhere to the same previously approved Student Learning Outcomes as the current B.S. in Communication.

**Assessment:** *Provide a plan for assessing student learning outcomes while the students are in the program and after they have completed the program.*

The newly proposed B.A. in Communication will adhere to the same previously approved assessment plan as the current B.S. in Communication.

**Accreditation:** *Where appropriate, indicate any professional organizations that accredit the proposed academic program and any substantive change that may require a SACSCOC review.*

N/A

**Current and Proposed Curriculum Requirements:**

The only difference between the B.S. and B.A. is the required 12 units of foreign language competency.

**New Courses Needed:** *List any new courses which must be added to initiate the program; include a catalog description for each of these courses.*

No new courses are required in order to implement the B.S. degree option.

**Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:** *(if applicable)*

N/A

**Distance Learning:** *Indicate whether this program will be offered via distance learning and which courses are available via distance learning.*

This program is not currently offered via distance learning.

**Current and Proposed Admission, Retention and Graduation Policies:**

The program will continue to adhere to MTSU's admission, retention, and graduation policies. These are the same as for the existing B.S. major.

**Current Faculty:** *List the name, rank, highest degree, primary department and estimate of the level of involvement of all faculty members who will participate in the proposed program. If the program is at the graduate level, also list the number of master's theses and doctoral dissertations each of these faculty members have directed to completion. (Use the following tabular format.)*

N/A – the same faculty will teach the existing courses



**Finance:** *Complete the THEC Financial Projection Form*

There are no new revenues or expenses associated with the addition of the B.A. degree designation. To the existing B.S. Communication major.





**Middle Tennessee State University  
Board of Trustees**

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# Tab 3

Finance and Personnel Committee Meeting  
January 25, 2018  
February 27, 2018





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Finance & Personnel Committee](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Joey Jacobs

ACTION REQUIRED: Voice Vote/Roll Call Vote

STAFF RECOMMENDATION: Approval

---

- Athletics Master Plan Amendment
- Compensation Strategy
- Rule Promulgation and Policy Revision





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Athletics Master Plan Amendment](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Joey Jacobs

ACTION REQUIRED: Voice Vote

---

**BACKGROUND INFORMATION:**

The University is seeking approval from the Board of Trustees for the new Athletics Master Plan. Upon Board approval, the Athletics Master Plan will be submitted to the Tennessee Higher Education Commission for review and approval, and subsequently to the State Building Commission for inclusion as an amendment to the University's Campus Master Plan. Inclusion of these items in the Campus Master Plan is required by the Tennessee Higher Education Commission to proceed with the improvements documented.

The Athletics Master Plan is a multi-phase plan including improvements such as a new football team facility, Murphy Center practice court improvements, an entry plaza, Floyd Stadium club seating, and a new multi-sport indoor practice facility. Please refer to the attached materials for an executive summary of the plan.





## I. EXECUTIVE SUMMARY

### INTRODUCTION

Middle Tennessee State University, commonly referred to as MTSU or MT, is located in Murfreesboro, Tennessee approximately 35 miles southeast of Nashville along I-24. At a population of 132,000 people, Murfreesboro is Tennessee's fastest growing major city offering expanding opportunities for the University. The campus itself is comprised of over 100 buildings on approximately 500 acres. MTSU offers over 140 majors and has nearly 20,000 undergraduate students putting them as one of the largest undergraduate programs in Tennessee.

MTSU Athletics is a member of the National Collegiate Athletic Association (NCAA) Division I-A and currently competes in Conference USA. Throughout the years, Middle Tennessee State University student-athletes have achieved over 200 Conference Championships, 68 since 2001, and 12 National Championships. MTSU services and provides athletic opportunities to approximately 335 student-athletes across 17 (8 Mens/9 Womens) NCAA Division I-A sports programs.

In May of 2015, Middle Tennessee State University initiated the process to develop an Athletic Facilities Master Plan in conjunction with the Campus Master Plan. The charge for the Athletic Master Plan was to provide a proactive long-term plan to locate the athletic facilities within the campus with a primary focus on a new football operations facility and subsequent backfill of the Murphy Center. Heery International was selected as the athletic planning consultant to lead this effort. A Steering Committee that was comprised of individuals from the Tennessee Board of Regents, MTSU Administration, and MTSU Athletics provided the vision and guidance throughout the process.

### MASTER PLAN GOALS

The goals of the Athletics Facilities Master Plan:

- Create a proactive, actionable road map for athletic facilities improvements and modernizations
- Focus on building a new football operations facility that gives Blue Raider Football their own home
- Maximizing the vacated space in the Murphy Center to improve the student-athlete experience
- Enhancing both the student-athlete and fan experience by creating a True Blue athletic district
- Creating a unique branded 'MTSU feel' within Floyd Stadium and Murphy Center

### MASTER PLANNING PROCESS

The master planning process kicked off with an on-site interactive work session and Q&A with Heery's design team, Steering Committee, and MTSU Coaching Staff. This collaborative session formulated the overall direction and goals for the athletic master plan.

Throughout the course of the master planning process, the Heery team collaborated with the Steering Committee while benchmarking against comparable facilities both in and out of Conference USA to develop a right-sized program and overall plan for the MTSU Athletic District. The design team had bi-monthly meetings, both in-person and web-based, with MTSU to develop the Athletic Master Plan that is further detailed on the following pages.

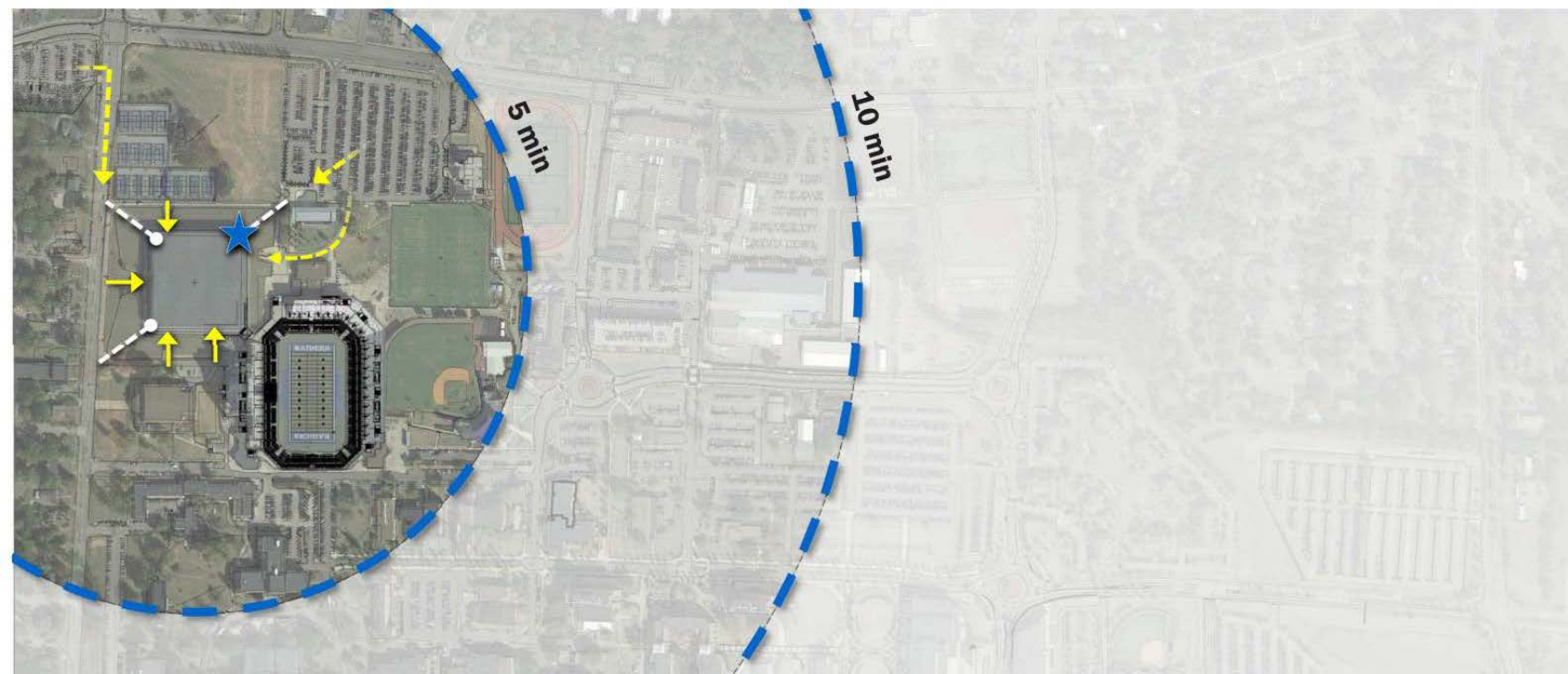


Figure 1.3 - Vehicular and Pedestrian Circulation to Floyd Stadium and the Murphy Center

## I. EXECUTIVE SUMMARY

### EXISTING CONDITIONS

Most of MTSU's athletic facilities are located in the northwest corner of the MTSU campus with the softball stadium and women's soccer practice field located on the other side of campus. The hub of the Athletic District consists of the Murphy Center Basketball Arena and Floyd Football Stadium. Built in 1972, the Murphy Center is an 11,500-seat multi-purpose Arena that houses: Men's and Women's Basketball operations (locker rooms and offices), Football Operations, Tennis Operations, the majority of the University Athletic Offices, multiple practice gyms, the main athletic training room and the additional campus uses such as classrooms, dance studios, and PE locker rooms.

Johnny "Red" Floyd Football Stadium is the home field for MTSU Football. Located just to the southeast of the Murphy Center, the stadium was originally built in 1933 with substantial renovations in 1997 to obtain a capacity of 30,788 seats. The west side of the stadium is the original precast stadia with a 5-story club, press and suite tower behind. The remaining stadium consists of a pre-engineered metal octagonal lower bowl grandstand with a pre-engineered upper grandstand wrapping the North and East. The visiting team locker room is in the southeast corner, the satellite academic center is in the southwest corner, the strength and conditioning center is attached north of the stadium, and the home team locker room is located one level down within the Murphy Center to the northwest.

The remaining facilities in the Athletic District include: two football practice fields located northeast of Floyd Stadium, Kennon Sports Hall of Fame located adjacent to the Greenland parking lot and north of the strength and conditioning building, Reese Smith Jr. Baseball Stadium located east of Floyd Stadium, Dean A. Hayes Soccer/Track Stadium, and Bouldin Tennis Center.

A new women's sports village for women's soccer, softball, and beach volleyball is currently master planned to replace the MTSU parking lot at the corner of MTSU Blvd and North Rutherford Blvd.

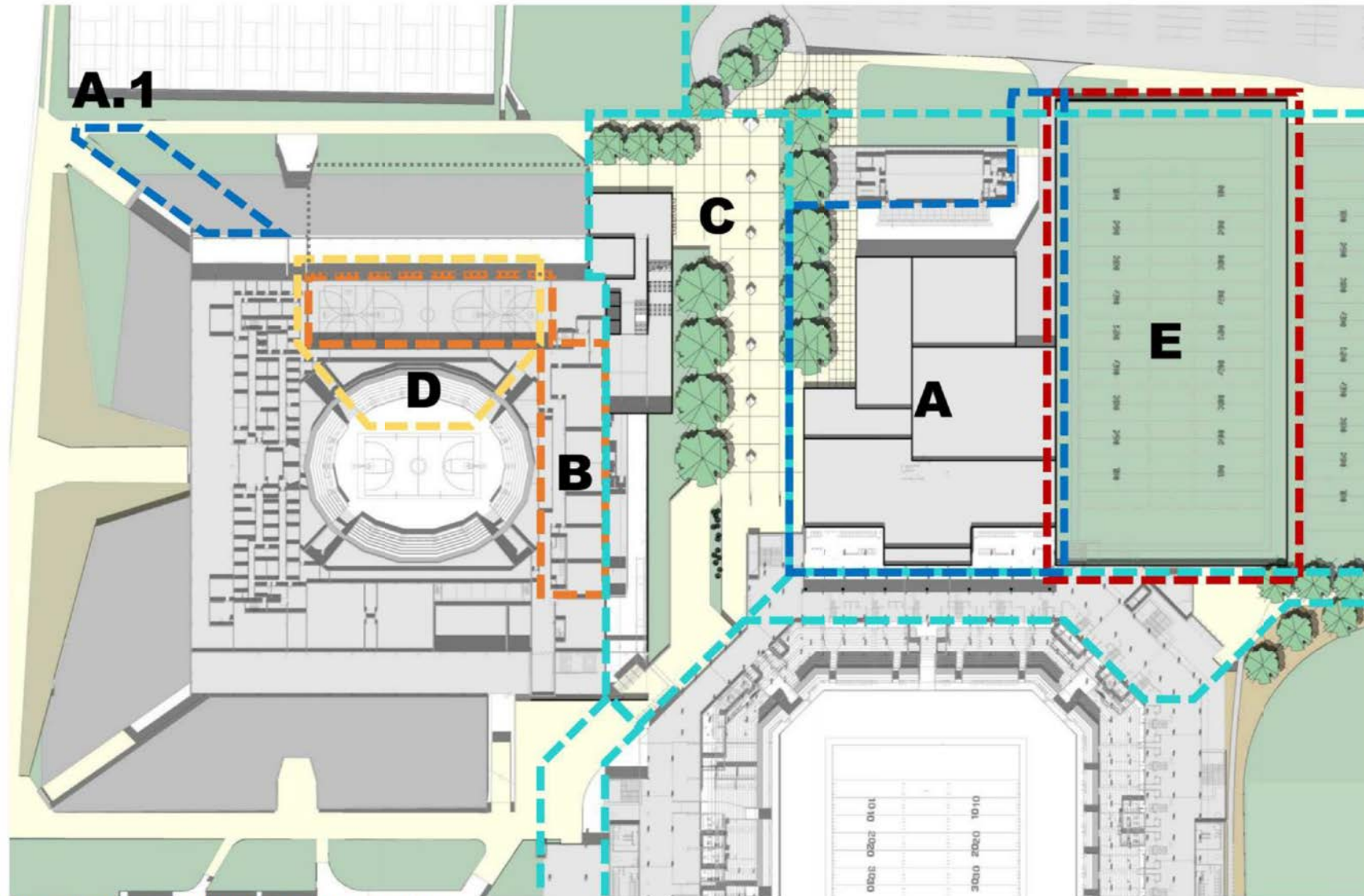


Figure 1.5 - Conceptual Athletic District Phasing Plan

## I. EXECUTIVE SUMMARY

### CONCEPTUAL ATHLETIC DISTRICT

The plan to the left indicates the conceptual Athletic District with subsequent project phasing. The first phase "A" is a new football team facility located in the north end zone. The new team facility would be the anchor to the district sitting between Floyd Stadium, Kennon Sports Hall of Fame, Murphy Center, and football practice fields. The proposed football facility requires the re-location of the existing Murphy Center loading dock. "A.1" shows an option for the re-location of the loading dock. Additional Floyd Stadium upgrade opportunities were investigated and can be incorporated during Phase "A" or as separate projects.

The new football facility frees up space in the Murphy Center. "B" represents the backfill of the vacated space and practice court reconfiguration.

Phase "C" enhances the student-athlete and fan experience by creating a True Blue athletic district. It provides a new front door with easier access into the Murphy Center and creates an athletic plaza between the Murphy Center and new football facility, connecting the Greenland Lot to Floyd Stadium.

Upgraded VIP amenities within the Murphy Center, including new club seating, suites, and loges are proposed for Phase "D". Phase "E" proposes a new multi-sport Indoor Practice Facility located in the area between the practice fields and the new football facility.

The following report elaborates on each of these phases including additional fan amenity upgrades to the facilities.



Figure 2.1 - Conceptual Rendering of the Proposed Football Facility and Floyd Stadium Entrance



Figure 1.4 - Conceptual Rendering from overhead of Proposed Athletic District Improvements





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Compensation Strategy](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Joey Jacobs

ACTION REQUIRED: Voice Vote

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**BACKGROUND INFORMATION:**

The Committee requested additional information at the November 29, 2017 meeting prior to approving a request to allow the University to implement market based pay adjustments before implementing a merit pay system. The following information has been provided in these meeting materials as requested:

- **Listing of peers used in the University's compensation plan.** The peers are chosen based on Carnegie Classification of Doctoral/Research Universities or Research Universities, Public Doctoral Granting Institutions, enrollment data and program mix.
- **Salary ranges used for hiring faculty and staff, including employee benefits.** Thirty-five percent (35%) has been used for employee benefits in this illustration; however, the actual percentage of benefits is based on an employee's salary and the elections made for retirement, health insurance and other benefits.
- **Turnover percentages for faculty, administrative and classified staff.** The numbers presented include terminations and resignations for the past three calendar years.





Key issues the University is experiencing with employee pay are shown below:

- **Salary compression.** This has resulted from market rates for University jobs outpacing increases historically given to current employees.
- **Staff turnover.** The University has experienced some of its highest employee turnover rates in the areas of IT, student admission recruiters and University police.
- **Funding levels from the state for employee raises.** Even though state funding for employee raises has risen the past couple of years, the percentages are still considered low in trying to address market salaries and merit pay.

The following information has also been included in the materials for your convenience:

- Resolution from Faculty Senate recommending cost-of-living adjustments and salary equity be resolved on an annual basis before merit pay is considered or implemented. This information was provided to the Academic Affairs, Student Life and Athletic Committee on December 5, 2017.
- Summary of adjustments made since 2013 based on our current compensation plan and data regarding funds needed to implement the plan.

The University is currently exploring merit pay systems as requested by the Committee and determining changes to our current system and processes. One of these processes would be the development of training for all campus departments on the awarding of merit pay.

Due to the limited funding that has been available for the current compensation plan, the University's recommendation is to use available funding in the upcoming fiscal years toward additional implementation of the compensation plan.



### Peer Institutions for Salary Data

Count	Institution	State	Carnegie	Fall 2014 Enroll
	Middle Tennessee State University	TN	DRU	23,881
1	Auburn University	AL	RU/H	24,864
2	University of South Alabama	AL	RU/H	15,065
3	Arkansas State University	AR	Master's L	13,144
4	Northern Arizona University	AZ	RU/H	26,606
5	University of Colorado Denver	CO	RU/H	17,815
6	Florida Atlantic University	FL	RU/H	30,759
7	Georgia Southern University	GA	DRU	20,517
8	Illinois State University	IL	DRU	20,272
9	Northern Illinois University	IL	RU/H	21,138
10	Southern Illinois University-Edwardsville	IL	Master's L	13,850
11	Western Illinois University	IL	Master's L	11,707
12	Ball State University	IN	RU/H	20,503
13	Indiana State University	IN	DRU	12,448
14	Western Kentucky University	KY	Master's L	20,448
15	Louisiana Tech University	LA	RU/H	11,014
16	University of Louisiana at Lafayette	LA	RU/H	16,646
17	University of Massachusetts Boston	MA	RU/H	16,277
18	University of Massachusetts Lowell	MA	RU/H	16,932
19	Central Michigan University	MI	DRU	26,841

20	Oakland University	MI	DRU	20,169
21	Western Michigan University	MI	RU/H	24,294
22	Missouri State University	MO	Master's L	23,092
23	University of Central Missouri	MO	Master's L	12,513
24	University of Missouri - Kansas City	MO	RU/H	15,746
25	University of Southern Mississippi	MS	RU/H	15,249
26	East Carolina University	NC	DRU	26,887
27	University of Northern Carolina at Charlotte	NC	DRU	26,571
28	University of North Carolina at Greensboro	NC	RU/H	18,074
29	University of North Dakota Main Campus	ND	RU/H	15,143
30	University of Nebraska at Omaha	NE	DRU	15,227
31	University of Nevada - Las Vegas	NV	RU/H	27,848
32	University of Nevada, Reno	NV	RU/H	18,776
33	Bowling Green State University	OH	RU/H	19,408
34	Cleveland State University	OH	RU/H	17,730
35	Kent State University Main Campus	OH	RU/H	28,968
36	Miami University	OH	RU/H	23,743
37	University of Akron, Main Campus	OH	RU/H	26,000
38	University of Toledo	OH	RU/H	20,782
39	Wright State University Main Campus	OH	RU/H	17,595
40	Portland State University	OR	RU/H	29,452
41	Indiana University of Pennsylvania	PA	DRU	14,369
42	Clemson University	SC	RU/H	21,303
43	Lamar University	TX	DRU	14,452
44	Sam Houston State University	TX	DRU	19,210

45	Texas Woman's University	TX	DRU	15,058
46	University of North Texas	TX	RU/H	33,168
47	University of Texas at Dallas	TX	RU/H	21,193
48	University of Texas at San Antonio	TX	RU/H	28,623
49	George Mason University	VA	RU/H	33,917
50	Old Dominion University	VA	RU/H	24,828

## ADMINISTRATIVE SALARY RANGE

Pay Grade	Minimum	Minimum + 35% Benefits	Midpoint +		Maximum	Maximum + 35% Benefits
			Midpoint	35% Benefits		
2	29,084	39,263	35,629	48,099	42,173	56,934
3	31,965	43,153	39,370	53,150	46,775	63,146
4	35,255	47,594	43,659	58,940	52,061	70,282
5	39,025	52,684	48,585	65,590	58,146	78,497
6	43,350	58,523	54,259	73,250	65,170	87,980
7	48,325	65,239	60,809	82,092	73,293	98,946
8	54,062	72,984	68,389	92,325	82,716	111,667
9	60,694	81,937	77,182	104,196	93,670	126,455
10	68,377	92,309	87,408	118,001	106,440	143,694
11	77,303	104,359	99,333	134,100	121,365	163,843
12	87,698	118,392	113,276	152,923	138,855	187,454
13	99,835	134,777	129,620	174,987	159,404	215,195
14	114,047	153,963	148,832	200,923	183,616	247,882
15	130,731	176,487	171,475	231,491	212,219	286,496

## CLASSIFIED SALARY RANGES

Skill Level	Minimum + 35%		Midpoint + 35%		Maximum + 35%	
	Minimum	Benefits	Midpoint	Benefits	Maximum	Benefits
<b>1</b>	16,748	22,610	20,097	27,131	23,447	31,653
<b>2</b>	18,255	24,644	21,997	29,696	25,739	34,748
<b>3</b>	19,959	26,945	24,150	32,603	28,341	38,260
<b>4</b>	21,889	29,550	26,595	35,903	31,300	42,255
<b>5</b>	24,077	32,504	29,374	39,655	34,671	46,806
<b>6</b>	26,565	35,863	32,543	43,933	38,520	52,002
<b>7</b>	29,399	39,689	36,161	48,817	42,923	57,946
<b>8</b>	32,633	44,055	40,301	54,406	47,970	64,760
<b>9</b>	36,331	49,047	45,051	60,819	53,770	72,590
<b>10</b>	40,570	54,770	50,510	68,189	60,450	81,608
<b>11</b>	45,438	61,341	56,797	76,676	68,157	92,012





**Summary of CUPA 2014-15 Average Salaries by Discipline and Rank, 50 Peer Institution Grouping**

Discipline ( 4 -digit )	RANK	CIP+RANK*	Minimum	Minimum +35% Benefits	Midpoint	Midpoint +35% Benefits	Maximum	Maximum +35% Benefits
<b>[01.] AGRICULTURE, AGRICULTURE OPERATIONS, AND RELATED SCIENCES</b>								
Agriculture, General	Professor	01001	\$ 69,213	\$ 93,437	\$ 91,707	\$ 123,804	\$ 114,201	\$ 154,172
	Associate Professor	01002	\$ 53,218	\$ 71,844	\$ 69,183	\$ 93,397	\$ 85,148	\$ 114,950
	Assistant Professor	01003	\$ 48,957	\$ 66,092	\$ 62,420	\$ 84,267	\$ 75,883	\$ 102,442
<b>[05.] AREA, ETHNIC, CULTURAL, GENDER AND GROUP STUDIES</b>								
Area Studies	Professor	05011	\$ 83,512	\$ 112,741	\$ 110,653	\$ 149,382	\$ 137,794	\$ 186,022
	Associate Professor	05012	\$ 60,461	\$ 81,622	\$ 78,599	\$ 106,109	\$ 96,737	\$ 130,595
	Assistant Professor	05013	\$ 55,252	\$ 74,590	\$ 70,446	\$ 95,102	\$ 85,640	\$ 115,614
<b>[09.] COMMUNICATION, JOURNALISM AND RELATED PROGRAMS</b>								
Communication, General	Professor	09011	\$ 69,624	\$ 93,993	\$ 92,252	\$ 124,540	\$ 114,880	\$ 155,088
	Associate Professor	09012	\$ 53,422	\$ 72,120	\$ 69,449	\$ 93,756	\$ 85,476	\$ 115,392
	Assistant Professor	09013	\$ 44,657	\$ 60,287	\$ 56,938	\$ 76,866	\$ 69,219	\$ 93,445
Journalism	Professor	09041	\$ 70,212	\$ 94,786	\$ 93,031	\$ 125,592	\$ 115,850	\$ 156,397
	Associate Professor	09042	\$ 56,983	\$ 76,927	\$ 74,078	\$ 100,005	\$ 91,173	\$ 123,083
	Assistant Professor	09043	\$ 47,774	\$ 64,495	\$ 60,912	\$ 82,231	\$ 74,050	\$ 99,967
Radio, Television, and Digital Comm.	Professor	09071	\$ 72,561	\$ 97,957	\$ 96,143	\$ 129,793	\$ 119,725	\$ 161,629
	Associate Professor	09072	\$ 53,187	\$ 71,802	\$ 69,143	\$ 93,343	\$ 85,099	\$ 114,884
	Assistant Professor	09073	\$ 46,778	\$ 63,150	\$ 59,642	\$ 80,517	\$ 72,506	\$ 97,883
<b>[11.] COMPUTER AND INFORMATION SCIENCES AND SUPPORT SERVICES</b>								
Computer Science	Professor	11071	\$ 87,798	\$ 118,527	\$ 114,137	\$ 154,085	\$ 142,133	\$ 191,879
	Associate Professor	11072	\$ 75,526	\$ 101,960	\$ 98,184	\$ 132,548	\$ 120,842	\$ 163,136
	Assistant Professor	11073	\$ 65,136	\$ 87,933	\$ 83,048	\$ 112,115	\$ 100,960	\$ 136,296
<b>[13.] EDUCATION</b>								
Curriculum & Instruction	Professor	13031	\$ 71,424	\$ 96,423	\$ 94,637	\$ 127,760	\$ 117,850	\$ 159,097
	Associate Professor	13032	\$ 53,253	\$ 71,892	\$ 69,229	\$ 93,459	\$ 85,205	\$ 115,027
	Assistant Professor	13033	\$ 46,587	\$ 62,893	\$ 59,399	\$ 80,189	\$ 72,211	\$ 97,484
Ed Administration & Supervision	Professor	13041	\$ 71,675	\$ 96,762	\$ 94,970	\$ 128,210	\$ 118,265	\$ 159,657
	Associate Professor	13042	\$ 56,317	\$ 76,028	\$ 73,212	\$ 98,836	\$ 90,107	\$ 121,645
	Assistant Professor	13043	\$ 48,609	\$ 65,623	\$ 61,977	\$ 83,669	\$ 75,345	\$ 101,715
Special Ed & Teaching	Professor	13101	\$ 72,802	\$ 98,282	\$ 91,002	\$ 122,853	\$ 109,202	\$ 147,423
	Associate Professor	13102	\$ 56,049	\$ 75,666	\$ 70,061	\$ 94,582	\$ 84,073	\$ 113,499
	Assistant Professor	13103	\$ 47,813	\$ 64,547	\$ 59,766	\$ 80,684	\$ 71,719	\$ 96,821
Student Counseling & Personnel Svcs	Professor	13111	\$ 77,629	\$ 104,799	\$ 97,036	\$ 130,999	\$ 116,443	\$ 157,198
	Associate Professor	13112	\$ 56,358	\$ 76,084	\$ 70,448	\$ 95,105	\$ 84,538	\$ 114,126
	Assistant Professor	13113	\$ 48,265	\$ 65,157	\$ 60,331	\$ 81,447	\$ 72,397	\$ 97,736
Teacher Ed & Prof Dev, Levels & Meth	Professor	13121	\$ 70,178	\$ 94,740	\$ 87,722	\$ 118,425	\$ 105,266	\$ 142,110
	Associate Professor	13122	\$ 55,538	\$ 74,976	\$ 69,422	\$ 93,720	\$ 83,306	\$ 112,464
	Assistant Professor	13123	\$ 48,035	\$ 64,848	\$ 60,044	\$ 81,059	\$ 72,053	\$ 97,271
Teacher Ed & Prof Dev, Subjects	Professor	13131	\$ 74,522	\$ 100,605	\$ 98,742	\$ 133,302	\$ 122,962	\$ 165,998
	Associate Professor	13132	\$ 53,327	\$ 71,991	\$ 69,325	\$ 93,589	\$ 85,323	\$ 115,186
	Assistant Professor	13133	\$ 46,207	\$ 62,380	\$ 58,914	\$ 79,534	\$ 71,621	\$ 96,688
<b>[15.] ENGINEERING TECHNOLOGIES AND ENGINEERING RELATED FIELDS</b>								
General	Professor	15001	\$ 77,589	\$ 104,746	\$ 102,806	\$ 138,788	\$ 128,023	\$ 172,830
	Associate Professor	15002	\$ 60,168	\$ 81,227	\$ 78,219	\$ 105,596	\$ 96,270	\$ 129,964
	Assistant Professor	15003	\$ 54,408	\$ 73,451	\$ 69,370	\$ 93,650	\$ 84,332	\$ 113,848
<b>[16.] FOREIGN LANGUAGES, LITERATURES, AND LINGUISTICS</b>								
Romance	Professor	16091	\$ 70,653	\$ 95,381	\$ 93,615	\$ 126,380	\$ 116,577	\$ 157,379
	Associate Professor	16092	\$ 52,314	\$ 70,624	\$ 68,008	\$ 91,811	\$ 83,702	\$ 112,998
	Assistant Professor	16093	\$ 45,536	\$ 61,473	\$ 58,058	\$ 78,378	\$ 70,580	\$ 95,283

**Summary of CUPA 2014-15 Average Salaries by Discipline and Rank, 50 Peer Institution Grouping**

Discipline ( 4 -digit )	RANK	CIP+RANK*	Minimum	Minimum +35% Benefits	Midpoint	Midpoint +35% Benefits	Maximum	Maximum +35% Benefits
<b>[19.] FAMILY AND CONSUMER SCIENCES/HUMAN SCIENCES</b>								
General	Professor	19011	\$ 68,577	\$ 92,578	\$ 90,864	\$ 122,666	\$ 113,151	\$ 152,754
	Associate Professor	19012	\$ 53,214	\$ 71,839	\$ 69,178	\$ 93,390	\$ 85,142	\$ 114,942
	Assistant Professor	19013	\$ 47,075	\$ 63,551	\$ 60,020	\$ 81,027	\$ 72,965	\$ 98,503
<b>[23.] ENGLISH LANGUAGE AND LITERATURE/LETTERS</b>								
General	Professor	23011	\$ 67,045	\$ 90,510	\$ 88,834	\$ 119,926	\$ 110,623	\$ 149,342
	Associate Professor	23012	\$ 51,798	\$ 69,928	\$ 67,338	\$ 90,906	\$ 82,878	\$ 111,885
	Assistant Professor	23013	\$ 44,465	\$ 60,028	\$ 56,693	\$ 76,536	\$ 68,921	\$ 93,043
<b>[25.] LIBRARY SCIENCE</b>								
Library Science & Administration (Annualized)	Professor	25011	\$ 83,188	\$ 112,303	\$ 110,224	\$ 148,802	\$ 137,260	\$ 185,301
	Associate Professor	25012	\$ 69,719	\$ 94,121	\$ 90,635	\$ 122,357	\$ 111,551	\$ 150,594
	Assistant Professor	25013	\$ 64,625	\$ 87,243	\$ 82,396	\$ 111,235	\$ 100,168	\$ 135,227
<b>[26.] BIOLOGICAL AND BIOMEDICAL SCIENCES</b>								
General	Professor	26011	\$ 74,977	\$ 101,219	\$ 99,345	\$ 134,116	\$ 123,713	\$ 167,012
	Associate Professor	26012	\$ 57,450	\$ 77,558	\$ 74,685	\$ 100,825	\$ 91,920	\$ 124,092
	Assistant Professor	26013	\$ 51,627	\$ 69,696	\$ 65,824	\$ 88,862	\$ 80,021	\$ 108,029
<b>[27.] MATHEMATICS AND STATISTICS</b>								
Mathematics	Professor	27011	\$ 73,121	\$ 98,713	\$ 96,885	\$ 130,795	\$ 120,649	\$ 162,876
	Associate Professor	27012	\$ 56,270	\$ 75,965	\$ 73,151	\$ 98,754	\$ 90,032	\$ 121,543
	Assistant Professor	27013	\$ 50,905	\$ 68,722	\$ 64,904	\$ 87,620	\$ 78,903	\$ 106,519
Statistics	Professor	27051	\$ 77,694	\$ 104,887	\$ 102,945	\$ 138,976	\$ 128,196	\$ 173,064
	Associate Professor	27052	\$ 63,353	\$ 85,527	\$ 82,359	\$ 111,185	\$ 101,365	\$ 136,843
	Assistant Professor	27053	\$ 56,207	\$ 75,880	\$ 71,664	\$ 96,746	\$ 87,121	\$ 117,613
<b>[31.] PARKS, RECREATION, LEISURE AND FITNESS STUDIES</b>								
Parks, Recreation, & Leisure Studies	Professor	31011	\$ 63,460	\$ 85,670	\$ 84,084	\$ 113,513	\$ 104,708	\$ 141,356
	Associate Professor	31012	\$ 53,406	\$ 72,098	\$ 69,428	\$ 93,728	\$ 85,450	\$ 115,357
	Assistant Professor	31013	\$ 48,233	\$ 65,114	\$ 61,497	\$ 83,021	\$ 74,761	\$ 100,927
Health & Physical Education/Fitness	Professor	31051	\$ 70,669	\$ 95,403	\$ 93,636	\$ 126,409	\$ 116,603	\$ 157,414
	Associate Professor	31052	\$ 55,782	\$ 75,305	\$ 72,516	\$ 97,897	\$ 89,250	\$ 120,488
	Assistant Professor	31053	\$ 47,426	\$ 64,025	\$ 60,468	\$ 81,632	\$ 73,510	\$ 99,239
<b>[38.] PHILOSOPHY AND RELIGIOUS STUDIES</b>								
Philosophy	Professor	38011	\$ 71,285	\$ 96,234	\$ 94,452	\$ 127,510	\$ 117,619	\$ 158,786
	Associate Professor	38012	\$ 53,113	\$ 71,703	\$ 69,047	\$ 93,213	\$ 84,981	\$ 114,724
	Assistant Professor	38013	\$ 45,173	\$ 60,984	\$ 57,596	\$ 77,755	\$ 70,019	\$ 94,525
<b>[40.] PHYSICAL SCIENCES</b>								
Chemistry	Professor	40051	\$ 79,272	\$ 107,017	\$ 105,035	\$ 141,797	\$ 130,798	\$ 176,578
	Associate Professor	40052	\$ 58,661	\$ 79,192	\$ 76,259	\$ 102,950	\$ 93,857	\$ 126,707
	Assistant Professor	40053	\$ 52,005	\$ 70,207	\$ 66,307	\$ 89,514	\$ 80,609	\$ 108,821
Geological & Earth Sci/Geosciences	Professor	40061	\$ 75,205	\$ 101,526	\$ 99,646	\$ 134,522	\$ 124,087	\$ 167,518
	Associate Professor	40062	\$ 58,358	\$ 78,783	\$ 75,865	\$ 102,418	\$ 93,372	\$ 126,053
	Assistant Professor	40063	\$ 51,237	\$ 69,170	\$ 65,327	\$ 88,191	\$ 79,417	\$ 107,213
Physics	Professor	40081	\$ 78,375	\$ 105,806	\$ 103,847	\$ 140,193	\$ 129,319	\$ 174,581
	Associate Professor	40082	\$ 58,148	\$ 78,500	\$ 75,593	\$ 102,051	\$ 93,038	\$ 125,601
	Assistant Professor	40083	\$ 52,579	\$ 70,981	\$ 67,038	\$ 90,501	\$ 81,497	\$ 110,021
<b>[42.] PSYCHOLOGY</b>								
General	Professor	42011	\$ 75,556	\$ 102,001	\$ 100,112	\$ 135,151	\$ 124,668	\$ 168,301
	Associate Professor	42012	\$ 55,871	\$ 75,426	\$ 72,632	\$ 98,053	\$ 89,393	\$ 120,681
	Assistant Professor	42013	\$ 49,908	\$ 67,376	\$ 63,633	\$ 85,905	\$ 77,358	\$ 104,433

**Summary of CUPA 2014-15 Average Salaries by Discipline and Rank, 50 Peer Institution Grouping**

Discipline ( 4 -digit )	RANK	CIP+RANK*	Minimum	Minimum +35% Benefits	Midpoint	Midpoint +35% Benefits	Maximum	Maximum +35% Benefits
<b>[43.] HOMELAND SECURITY, LAW ENFORCEMENT, FIREFIGHTING AND RELATED PROTECTIVE SERVICE</b>								
Criminal Justice & Corrections	Professor	43011	\$ 78,463	\$ 105,925	\$ 103,963	\$ 140,350	\$ 129,463	\$ 174,776
	Associate Professor	43012	\$ 56,488	\$ 76,259	\$ 73,435	\$ 99,137	\$ 90,382	\$ 122,015
	Assistant Professor	43013	\$ 48,042	\$ 64,857	\$ 61,254	\$ 82,693	\$ 74,466	\$ 100,529
<b>[44.] PUBLIC ADMINISTRATION AND SOCIAL SERVICE PROFESSIONS</b>								
Social Work	Professor	44071	\$ 71,294	\$ 96,246	\$ 94,464	\$ 127,526	\$ 117,634	\$ 158,806
	Associate Professor	44072	\$ 55,561	\$ 75,007	\$ 72,229	\$ 97,509	\$ 88,897	\$ 120,011
	Assistant Professor	44073	\$ 48,518	\$ 65,500	\$ 61,861	\$ 83,512	\$ 75,204	\$ 101,525
<b>[45.] SOCIAL SCIENCES</b>								
Anthropology	Professor	45021	\$ 69,725	\$ 94,128	\$ 92,385	\$ 124,720	\$ 115,045	\$ 155,311
	Associate Professor	45022	\$ 52,278	\$ 70,575	\$ 67,961	\$ 91,747	\$ 83,644	\$ 112,920
	Assistant Professor	45023	\$ 46,231	\$ 62,412	\$ 58,945	\$ 79,576	\$ 71,659	\$ 96,739
Political Science & Government	Professor	45101	\$ 71,959	\$ 97,145	\$ 95,346	\$ 128,717	\$ 118,733	\$ 160,289
	Associate Professor	45102	\$ 55,171	\$ 74,481	\$ 71,722	\$ 96,825	\$ 88,273	\$ 119,169
	Assistant Professor	45103	\$ 46,893	\$ 63,305	\$ 59,788	\$ 80,714	\$ 72,683	\$ 98,123
Sociology	Professor	45111	\$ 71,734	\$ 96,841	\$ 95,048	\$ 128,315	\$ 118,362	\$ 159,788
	Associate Professor	45112	\$ 53,242	\$ 71,877	\$ 69,215	\$ 93,440	\$ 85,188	\$ 115,003
	Assistant Professor	45113	\$ 46,340	\$ 62,558	\$ 59,083	\$ 79,762	\$ 71,826	\$ 96,966
		45114	\$ -	\$ -		\$ -	\$ -	\$ -
<b>[49.] TRANSPORTATION AND MATERIAL SERVICES</b>								
Air Transportation	Professor	49011	\$ 89,009	\$ 120,163	\$ 117,937	\$ 159,215	\$ 146,865	\$ 198,268
	Associate Professor	49012	\$ 69,785	\$ 94,210	\$ 90,721	\$ 122,473	\$ 111,657	\$ 150,736
	Assistant Professor	49013	\$ 50,609	\$ 68,323	\$ 64,527	\$ 87,111	\$ 78,445	\$ 105,900
<b>[50.] VISUAL AND PERFORMING ARTS</b>								
Design & Applied Arts	Professor	50041	\$ 63,956	\$ 86,341	\$ 84,742	\$ 114,402	\$ 105,528	\$ 142,462
	Associate Professor	50042	\$ 53,625	\$ 72,394	\$ 69,713	\$ 94,113	\$ 85,801	\$ 115,831
	Assistant Professor	50043	\$ 47,551	\$ 64,193	\$ 60,627	\$ 81,846	\$ 73,703	\$ 99,500
Dramatic/Theatre Arts & Stagecraft	Professor	50051	\$ 65,099	\$ 87,883	\$ 86,256	\$ 116,446	\$ 107,413	\$ 145,008
	Associate Professor	50052	\$ 50,135	\$ 67,682	\$ 65,175	\$ 87,986	\$ 80,215	\$ 108,291
	Assistant Professor	50053	\$ 42,707	\$ 57,654	\$ 54,451	\$ 73,509	\$ 66,195	\$ 89,364
Fine & Studio Art	Professor	50071	\$ 64,699	\$ 87,343	\$ 85,726	\$ 115,730	\$ 106,753	\$ 144,117
	Associate Professor	50072	\$ 50,814	\$ 68,599	\$ 66,058	\$ 89,178	\$ 81,302	\$ 109,758
	Assistant Professor	50073	\$ 43,554	\$ 58,798	\$ 55,531	\$ 74,967	\$ 67,508	\$ 91,136
Music	Professor	50091	\$ 64,089	\$ 86,520	\$ 84,918	\$ 114,639	\$ 105,747	\$ 142,758
	Associate Professor	50092	\$ 50,528	\$ 68,213	\$ 65,687	\$ 88,677	\$ 80,846	\$ 109,141
	Assistant Professor	50093	\$ 42,637	\$ 57,560	\$ 54,362	\$ 73,389	\$ 66,087	\$ 89,218
<b>[51.] HEALTH PROFESSIONS AND RELATED PROGRAMS</b>								
Communication Disorders Sci & Svs	Professor	51021	\$ 71,917	\$ 97,088	\$ 95,290	\$ 128,642	\$ 118,663	\$ 160,195
	Associate Professor	51022	\$ 55,586	\$ 75,041	\$ 72,262	\$ 97,554	\$ 88,938	\$ 120,066
	Assistant Professor	51023	\$ 48,237	\$ 65,120	\$ 61,502	\$ 83,028	\$ 74,767	\$ 100,936
Allied Health Diag, Interv, & Treat Profs	Professor	51091	\$ 72,642	\$ 98,066	\$ 96,250	\$ 129,938	\$ 119,858	\$ 161,809
	Associate Professor	51092	\$ 62,573	\$ 84,474	\$ 81,345	\$ 109,816	\$ 100,117	\$ 135,158
	Assistant Professor	51093	\$ 52,753	\$ 71,216	\$ 67,260	\$ 90,801	\$ 81,767	\$ 110,386
Public Health	Professor	51221	\$ 80,986	\$ 109,331	\$ 107,306	\$ 144,863	\$ 133,626	\$ 180,396
	Associate Professor	51222	\$ 63,148	\$ 85,249	\$ 82,092	\$ 110,824	\$ 101,036	\$ 136,399
	Assistant Professor	51223	\$ 55,998	\$ 75,597	\$ 71,397	\$ 96,386	\$ 86,796	\$ 117,175
Rehabilitation and Therapeutic Prof	Professor	51231	\$ 77,156	\$ 104,161	\$ 102,232	\$ 138,013	\$ 127,308	\$ 171,865
	Associate Professor	51232	\$ 65,715	\$ 88,715	\$ 85,429	\$ 115,329	\$ 105,143	\$ 141,944
	Assistant Professor	51233	\$ 54,001	\$ 72,901	\$ 68,851	\$ 92,949	\$ 83,701	\$ 112,997

**Summary of CUPA 2014-15 Average Salaries by Discipline and Rank, 50 Peer Institution Grouping**

Discipline ( 4 -digit )	RANK	CIP+RANK*	Minimum	Minimum +35% Benefits	Midpoint	Midpoint +35% Benefits	Maximum	Maximum +35% Benefits
Reg Nursing, Nursing Admin, Nursing Research, and Clinical Nursing	Professor	51381	\$ 77,560	\$ 104,706	\$ 102,767	\$ 138,735	\$ 127,974	\$ 172,765
	Associate Professor	51382	\$ 63,300	\$ 85,455	\$ 82,290	\$ 111,092	\$ 101,280	\$ 136,728
	Assistant Professor	51383	\$ 56,260	\$ 75,950	\$ 71,731	\$ 96,837	\$ 87,202	\$ 117,723
<b>[52.] BUSINESS, MANAGEMENT, MARKETING, AND RELATED SUPPORT SVS</b>								
Admin, Management & Operations	Professor	52021	\$ 99,429	\$ 134,229	\$ 131,743	\$ 177,853	\$ 164,057	\$ 221,477
	Associate Professor	52022	\$ 92,365	\$ 124,693	\$ 120,075	\$ 162,101	\$ 147,785	\$ 199,509
	Assistant Professor	52023	\$ 85,837	\$ 115,880	\$ 109,442	\$ 147,747	\$ 133,047	\$ 179,614
Accounting & Related Services	Professor	52031	\$ 105,946	\$ 143,028	\$ 140,379	\$ 189,512	\$ 174,812	\$ 235,996
	Associate Professor	52032	\$ 103,638	\$ 139,912	\$ 134,730	\$ 181,886	\$ 165,822	\$ 223,859
	Assistant Professor	52033	\$ 101,435	\$ 136,938	\$ 129,330	\$ 174,596	\$ 157,225	\$ 212,253
Corporate Communications	Professor	52051	\$ 80,453	\$ 108,611	\$ 106,600	\$ 143,910	\$ 132,747	\$ 179,209
	Associate Professor	52052	\$ 58,385	\$ 78,819	\$ 75,900	\$ 102,465	\$ 93,415	\$ 126,111
	Assistant Professor	52053	\$ 51,451	\$ 69,459	\$ 65,600	\$ 88,560	\$ 79,749	\$ 107,661
Managerial Economics	Professor	52061	\$ 90,223	\$ 121,801	\$ 119,545	\$ 161,386	\$ 148,867	\$ 200,971
	Associate Professor	52062	\$ 76,375	\$ 103,107	\$ 99,288	\$ 134,039	\$ 122,201	\$ 164,971
	Assistant Professor	52063	\$ 70,793	\$ 95,570	\$ 90,261	\$ 121,852	\$ 109,729	\$ 148,134
Finance & Financial Mgt Svcs	Professor	52081	\$ 106,555	\$ 143,850	\$ 141,186	\$ 190,601	\$ 175,817	\$ 237,352
	Associate Professor	52082	\$ 102,758	\$ 138,723	\$ 133,585	\$ 180,340	\$ 164,412	\$ 221,957
	Assistant Professor	52083	\$ 99,145	\$ 133,846	\$ 126,410	\$ 170,654	\$ 153,675	\$ 207,461
Mgt Information Sys & Svcs	Professor	52121	\$ 99,481	\$ 134,299	\$ 131,812	\$ 177,946	\$ 164,143	\$ 221,593
	Associate Professor	52122	\$ 92,448	\$ 124,804	\$ 120,182	\$ 162,246	\$ 147,916	\$ 199,687
	Assistant Professor	52123	\$ 85,953	\$ 116,036	\$ 109,590	\$ 147,947	\$ 133,227	\$ 179,857
Marketing	Professor	52141	\$ 98,076	\$ 132,403	\$ 129,951	\$ 175,434	\$ 161,826	\$ 218,465
	Associate Professor	52142	\$ 92,408	\$ 124,750	\$ 120,130	\$ 162,176	\$ 147,852	\$ 199,601
	Assistant Professor	52143	\$ 87,103	\$ 117,589	\$ 111,056	\$ 149,926	\$ 135,009	\$ 182,262
Business Law	Professor	52911	\$ 84,377	\$ 113,909	\$ 111,800	\$ 150,930	\$ 139,223	\$ 187,951
	Associate Professor	52912	\$ 70,231	\$ 94,812	\$ 91,300	\$ 123,255	\$ 112,369	\$ 151,698
	Assistant Professor	52913	\$ 57,333	\$ 77,400	\$ 73,100	\$ 98,685	\$ 88,867	\$ 119,970
<b>[54.] HISTORY GENERAL</b>								
History	Professor	54011	\$ 68,833	\$ 92,925	\$ 91,204	\$ 123,125	\$ 113,575	\$ 153,326
	Associate Professor	54012	\$ 52,531	\$ 70,917	\$ 68,290	\$ 92,192	\$ 84,049	\$ 113,466
	Assistant Professor	54013	\$ 44,640	\$ 60,264	\$ 56,916	\$ 76,837	\$ 69,192	\$ 93,409
Note: The midpoint for each rank/discipline is set at 100% of average market value for similar institutions.								
Data Sources: CUPA 2014-15 for 50 peer institutions for all disciplines (except Business Law and Corporate Communication - used AACSB data)								

**Faculty and Staff Turnover  
2015-2017**

Year	Faculty			Administrative			Classified		
	Active Employees	Resignations and Terminations	% Turnover Rate	Active Employees	Resignations and Terminations	% Turnover Rate	Active Employees	Resignations and Terminations	% Turnover Rate
2017	986	55	5.6%	713	47	6.6%	528	32	6.1%
2016	992	58	5.8%	705	59	8.4%	517	50	9.7%
2015	993	41	4.1%	708	61	8.6%	518	35	6.8%



Office of the Faculty Senate  
James Union Building, Room 100  
P.O. Box 921  
Murfreesboro, Tennessee 37132  
Office: (615) 898-2582



**Faculty Senate Resolution 2017-2018/1: Considering Merit-Based Adjustments of Faculty Salaries at Middle Tennessee State University**

Date approved: November 4, 2017

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1 *WHEREAS* the Middle Tennessee State University (MTSU) faculty are concerned about the prioritization of merit  
2 pay before cost-of-living raises are funded and market equity is achieved,  
3

4 *WHEREAS* the faculty believes that the fundamental issue of compensation at MTSU is lack of parity with peer  
5 institutions and the market in general, which leads to wasted money on failed searches and faculty attrition,  
6

7 *WHEREAS* awarding merit pay raises before equity adjustments are made will exacerbate inequities in faculty  
8 salaries within departments, colleges, and academic units,  
9

10 *WHEREAS* merit pay distorts the mission of universities because it encourages faculty to devote their energy  
11 toward measurable goals (number of publications, dollar value of grants, scores of student evaluations) rather  
12 than doing multiple, diverse tasks well,  
13

14 *WHEREAS* implementing successful merit pay programs requires significant time commitments from faculty and  
15 administrators, detracting from the time spent on the core mission of the university,  
16

17 *WHEREAS* merit pay often brings an increase in litigation, which makes the cost of such a program likely to  
18 outweigh its rewards, therefore be it  
19

20 RESOLVED that the MTSU Faculty Senate requests that cost-of-living adjustments and salary equity be resolved  
21 on an annual basis before merit pay is considered or implemented at MTSU; and be it further  
22

23 RESOLVED that the MTSU Faculty Senate firmly believes that if the MTSU Board of Trustees goes forward with  
24 merit pay, there should be faculty involvement in its design and implementation.





# History of Faculty Compensation Plan

- Prior to 2012 – used 1993 Pay Plan developed by Mercer, Inc.
  - Adjusted Peer Institutions Used for Data Collection
  - Adjusted Amounts Awarded for Promotion
- 2012 – Implementation of Market Adjustments  
(2005-06 Market Data) – Increases limited to 7%
- 2013 – Implementation of Market Adjustments  
(2005-06 Market Data) – Increases limited to 6%  
(including the 2.5% ATB from July 2012)

# History of Administrative and Classified Staff Compensation Plan

- Prior to 2012 – used 1993 Pay Plan developed by Mercer, Inc.
- 2007 – Contracted with Mercer, Inc. to develop new plan for Administrative and Classified Staff
- 2008 – Updated Pay Plan Finalized - Due to Funding Cuts Implementation of Plan was delayed
- 2011 – Market Salary Ranges for Updated Pay Plan Increased by 4% for Market Fluctuation since 2007
- 2012 – Implemented Compensation Plan
  - New Hires – 90% of Midpoint
  - Current Employees – Increased to Minimum of Salary Grade
- 2013 – Implementation of New Plan
  - MTSU years of Experience
  - Increases limited to 6% (including the 2.5% or \$750 from July 2012)

# Faculty Compensation Plan

- College and University Personnel Association (CUPA) Data
- Peer data from 50 institutions by discipline and rank
- 2014-15 data used for salary comparison
- 647 of 727 (89%) Faculty are below Predicted Salary

# Administrative Compensation Plan

- Salary Range Assigned to Each Position
- Salary Ranges Established by Mercer, Inc. – Based on 2012 Market Data
- Position Slotting – No longer market based due to outdated data
- Using 2014-15 CUPA Data – Salary Ranges should be increased by 14.01% to reflect current market
- 379 of 598 (64%) of Administrators are below their Predicted Salary
- 98 of 598 (16%) of Administrators are below the Minimum of Salary Range

# Classified Compensation Plan

- Salary Range Assigned to Each Position
- Salary Ranges Established by Mercer, Inc. in 2012 based on local market data
- Use Point Factor Analysis to Slot positions
- Increase Salary Ranges by 14.01% - Same as Administrative
- 435 of 520 (84%) Classified Staff are below Predicted Salary
- 132 of 520 (25%) Classified Staff are below the Minimum of Salary Range

# Cost to Implement

- **Faculty**

- Based on three factors: (1) High Degree, (2) Years of Experience and (3) Years in Rank – \$6,900,000 plus benefits

- **Administrative**

- Based on MTSU Years of Experience to Predicted Salary - \$1,705,795 plus benefits
- Based on MTSU Years of Experience to Minimum - \$175,606 plus benefits

- **Classified**

- Based on MTSU Years of Experience to Predicted Salary - \$1,274,545 plus benefits
- Based on MTSU Years of Experience to Minimum - \$137,590 plus benefits

## Total Cost to Implement

	Fully Fund Salary	Benefits	Total
Faculty	6,900,000	1,725,000	8,625,000
Administrative	1,705,795	426,500	2,132,295
Classified	1,274,545	318,600	1,593,145
Total	9,880,340	2,470,100	12,350,440







**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: Rule Promulgation and Policy Revision  
Policy 775 - Traffic, Parking, and Safety Enforcement

DATE: March 27, 2018

PRESENTER: Committee Chair Joey Jacobs

ACTION REQUIRED: Roll Call Vote

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**BACKGROUND INFORMATION:**

T.C.A. § 49-8-203(a)(1)(D) requires the Board of Trustees to promulgate a rule concerning traffic, parking, and safety enforcement. The proposed rule is drafted to comply with that mandate, and is consistent with Policy 775 Traffic, Parking, and Safety Enforcement. The proposed rule is provided for review by the Finance and Personnel Committee. Upon its recommendation, the proposed rule must be approved by the Board of Trustees.

The revised Traffic, Parking, and Safety Enforcement Policy 775 is provided in a redlined format as well as a clean format for review by the Committee. The policy has been revised to be more concise, consistent in terminology usage, and user friendly. Upon its recommendation, the proposed policy must be approved by the Board of Trustees.



Rules  
of  
Middle Tennessee State University, Murfreesboro  
Chapter 0240-07-07  
Traffic, Parking, and Safety Enforcement

New

Table of Contents is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

Table of Contents

0240-07-07.01 Purpose  
0240-07-07.02 Scope  
0240-07-07.03 Definitions  
0240-07-07.04 Registration of Vehicles and Parking Permits  
0240-07-07.05 Operation of Vehicle Enforcement  
0240-07-07.06 Towing/Booting of Vehicles  
0240-07-07.07 Violations and Penalties  
0240-07-07.08 Visitors  
0240-07-07.09 Resident Parking  
0240-07-07.10 Bicycles on Campus  
0240-07-07.11 Appeal of Citations

0240-07-07-.01 Purpose is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.01 Purpose. This Chapter will define Middle Tennessee State University ("MTSU" or "University") traffic, parking and safety enforcement. It will facilitate the orderly and efficient flow of traffic on the MTSU campus and property owned by MTSU, endeavor to provide a safe atmosphere for both pedestrians and vehicle operators, and provide order with regard to parking within limited space.

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

0240-07-07-.02 Scope is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.02 Scope. MTSU reserves the right to regulate the use and/or parking of all vehicles on its campus or on property owned by MTSU in accordance with this rule and to forbid the use of a vehicle by any person whose operation of the vehicle fails to comply with University policies, City of Murfreesboro ordinances, and/or Tennessee state laws pertaining to vehicles.

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

0240-07-07-.03 Definitions is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.03 Definitions

- (1) Campus. The main MTSU campus and any additional property owned by the University.
- (2) Vehicle. Any self-propelled vehicle, including, but not limited to, automobiles, motorcycles, scooters, mopeds, and golf carts capable of exceeding twenty-five (25) miles per hour over level, paved surfaces.
- (3) Visitor. Any person on the campus who is not a current student, member of the faculty, staff, or administration.

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

0240-07-07-.04 Registration of Vehicles and Parking Permits is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.04 Registration of Vehicles and Parking Permits

- (1) All students and employees must register vehicles they park on campus with the MTSU Parking and Transportation Services Office by purchasing a parking permit. Any vehicle parked on campus must display a current and valid parking permit. Failure to do so may result in the issuance of a parking citation.
- (2) The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the rules, policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on campus.
- (3) The cost of parking permits, together with appropriate information sufficient to justify the amount, shall be submitted for review and approval to the MTSU Board of Trustees (Board). Once adopted or amended, parking permit costs, along with requirements, limitations and procedures for securing parking permits, shall be affirmatively communicated to the MTSU faculty, staff, and students through the Parking Services website, [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php) and the Traffic and Parking Regulations handbook.
- (4) Parking permits may be denied for any student or employee who has outstanding fines from prior semester(s) until they are paid in full. The first citation issued to an employee for an expired parking permit may result in towing of the vehicle.
- (5) Parking permits are issued to students only after all registration fees are paid.
- (6) The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle with the decal number facing the outside of the vehicle and clearly readable. In those cases where compliance with the above is not feasible, the parking permit must be clearly visible when viewing the vehicle or the parking permit holder must consult with Parking and Transportation Services for proper placement of the parking permit.
- (7) The parking permit holder will be responsible for parking violations received by any vehicle bearing his/her parking permit.
- (8) It is considered fraudulent for a registered parking permit holder to give his/her parking permit to another person. Parking permits are transferable from vehicle to vehicle provided that the vehicles are registered under the same account. Parking permits are not transferable from person to person. When a parking permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the parking permit. If it is found that an individual reported a parking permit lost or stolen, but in fact gave the parking permit to another individual for use, both parties may be cited with a fine for their actions.
- (9) Temporary Parking Permits may be issued to employees, students, and visitors as identified on the Parking Services website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php).
- (10) Visitors, including family members of employees or students, must park at meters or register their vehicles with Parking and Transportation Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine may not be waived.
- (11) Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
  - (a) To obtain an MTSU Disabled Parking Permit, persons must have a state-issued disabled license plate or placard and must provide proof of its ownership.
  - (b) Temporary disabled parking permits, whether state issued, or issued by MTSU may be issued for the estimated duration of the disabling condition as noted on a physician's statement certifying an impairment but not in excess of six (6) months.

1. Those with MTSU-issued temporary parking permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits.
  2. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.
- (c) The individual to whom the disabled license plate or placard has been issued must be using the vehicle in order for the vehicle to be parked in the disabled space. The owner of the parking permit or owner of the vehicle may be charged the maximum fine allowed by law for improper use of a disabled placard or license plate.
- (d) Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.
- (12) Parking permit colors. The area authorized for parking is denoted by the color of the parking permit.
- (a) White - Available to faculty/administrators/staff (including resident directors and graduate assistants).
  - (b) Green - Available to commuter students.
  - (c) Blue - Available to students and employees with qualified disabilities.
  - (d) Red - Available to on-campus residents.
- (13) The following parking spaces are reserved as noted:
- (a) Disabled Parking, Health Services, Library staff, Housing staff, Maintenance spaces, President, Vice Presidents, University Deans – reserved twenty-four (24) hours a day.
  - (b) Speech Clinic spaces, CDC Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.
- (14) Parking is allowed only in clearly designated parking spaces. Only one (1) vehicle is permitted to park per space. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.
- (15) All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 5:30 p.m., except for the following streets and parking lots which will open for all permitted parking at 6:30 p.m.:
- (a) Old Main Circle and Faulkenberry Drive (on-street parking).
  - (b) Davis Science Lot.
  - (c) Honors Lot.
  - (d) Founders Lot.
- (16) If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking and Transportation Services along with a replacement fee to obtain a new parking permit.
- (17) Damaged parking permits must be replaced within three (3) business days.
- (18) The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking and Transportation Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of MTSU policies.
- (19) No personal recreational or work travel trailers should be parked or stored on campus property, except as authorized.

(20) Advertising vehicles "For Sale" in MTSU parking lots is prohibited. Any vehicle identified for such wrongful display for a period of forty-eight (48) hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

Authority: T.C.A. § 49-8-203(a)(1)(D); T.C.A. § 49-8-101(a)(2)(A); T.C.A. § 55-21-108.

0240-07-07-.05 Operation of Vehicle Enforcement is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.05 Operation of Vehicle Enforcement

- (1) All Tennessee laws, City of Murfreesboro ordinances, and MTSU rules and policies pertaining to vehicles are applicable twenty-four (24) hours a day, unless otherwise noted.
- (2) Operators of vehicles on MTSU property must obey all traffic rules, regulations, posting, or directions, regardless of whether the rule, regulation, posting, or direction is included in these rules.
- (3) Moving violations will be charged to the operator of the vehicle at the time of the violation.
- (4) Speed limits are posted throughout the campus. All speed limits are radar enforced.
- (5) Passing on campus is prohibited.
- (6) All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- (7) Motorists are to yield the right-of-way to all pedestrians in a cross walk.
- (8) Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to, or as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- (9) All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.
- (10) All vehicles must come to a complete stop for a school bus loading or unloading children.
- (11) Any person who drives in willful and wanton disregard for the safety of persons or property will be considered to have engaged in reckless driving.
- (12) The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- (13) U-turns are prohibited on the campus.
- (14) Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.
- (15) Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

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

0240-07-07-.06 Towing/Booting of Vehicles is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.06 Towing/Booting of Vehicles

- (1) Vehicles may be towed/booted if the vehicle is parked or left in violation of MTSU rules or policies, City of Murfreesboro ordinances, and/or Tennessee laws pertaining to motor vehicles, if said vehicle constitutes a traffic/pedestrian hazard, if five (5) or more traffic/parking citations were issued in a semester, or other violations found on the Parking Services website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php). The owner/parking permit holder of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting.
- (2) Any person whose vehicle is impounded may appeal such action as provided below in Rule 0240-07-07-.11 and on the Parking Services website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php).
- (3) If a boot is removed by the owner/parking permit holder of the vehicle and damaged, the owner/parking permit holder will be responsible for the cost of the boot as well as the fine and boot removal fee. The owner/parking permit holder of the vehicle may be prosecuted if a boot is improperly removed or damaged.

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

0240-07-07-.07 Violations and Penalties is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.07 Violations and Penalties

- (1) Fines may be assessed for violations found on the Parking Services website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php). Fines may be set as determined by MTSU, but will not exceed the amounts imposed by Tennessee law or local ordinance for the same offenses. Such fines are subject to the prior review and approval of the Board. Proposed fines shall be submitted to the Board together with information sufficient to justify the amount of the fine. Such information shall include consideration of fines for the same offense set by Tennessee law or local ordinance, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic or parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students through the Parking Services website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php) and the Traffic and Parking Regulations handbook.
- (2) Citations may be given every four (4) hours. No more than two (2) citations will be issued per day for the same violation at the same location. This does not apply to being parked at parkingmeters.
- (3) Overtime parking citations (meters) may be issued every hour.
- (4) All fines are to be paid at the Business Office in the Student Services and Admissions Center, Monday through Friday, 8:00 a.m.-4:00 p.m.
- (5) Any student with unpaid parking fines may not receive grades or transcripts or be able to register for the next semester until the fines are paid.
- (6) A parking permit may be revoked for repeated or flagrant parking or moving vehicle violations. Additionally, a parking permit may be revoked for:
  - (a) operating a vehicle while impaired;
  - (b) leaving the scene of an accident;
  - (c) failure to yield the right-of-way to an emergency vehicle when displaying its emergency lights; or,
  - (d) failure to obey an officer directing traffic.

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

0240-07-07-.08 Visitors is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

SS-7038 (June 2016)

0240-07-07-.08 Visitors

- (1) Visitors are subject to the rules, policies, ordinances, and laws pertaining to vehicles while on the campus. Violation of such may result in a citation and/or towing of the vehicle.
- (2) All visitors are requested to use parking meters or obtain a visitor's parking pass at either the Parking and Transportation Services Office or its website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php). Visitor parking passes may not be issued to vehicles registered to current students or employees. See Visitor Parking website <http://www.mtsu.edu/parking/visitors.php>.
- (3) Upon securing a visitor parking pass, visitors may park in the Visitor Lot, or any white, red, green or blue color-coded space that is not marked as reserved.
- (4) Requests for special guest parking passes should be submitted to the Parking and Transportation Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) calendar days in advance.

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

0240-07-07-.09 Resident Parking is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.09 Resident Parking

- (1) All on-campus residents seeking to park a vehicle on campus are required to obtain a parking permit according to their residential area. A maximum of two (2) parking permits may be obtained by any family residing at Womack Lane Apartments.
- (2) Any on-campus resident who holds a valid MTSU Blue parking permit may park in any clearly marked Blue, White, Red, or Green parking space as well as the parking meters.
- (3) Any resident who holds a valid MTSU White parking permit may park in any clearly marked White, Red, or Green permit parking area.

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

0240-07-07-.10 Bicycles on Campus is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-07-.10 Bicycles on Campus

- (1) All bicycles on MTSU property must be operated in accordance with all traffic rules, regulations, postings, or directions, regardless of whether the rule, regulation, posting, or direction is included in these rules.
- (2) Employees and students using bicycles on campus must register them with Parking and Transportation Services to ensure proper return if recovered after theft, confiscation due to illegal or improper parking, or abandonment.
- (3) Bicycle racks are available throughout campus for bicycle parking. Bicycles may not be parked in any other areas not designated for such parking.
- (4) Bicycles that are inappropriately parked, in a state of disrepair (flat tires, bent rims, broken chains, etc.) or abandoned (appearance of non-use, etc.) are subject to impoundment.

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

0240-07-07-.11 Appeal of Citations is added to Chapter 0240-07-07 Traffic, Parking, and Safety Enforcement and



shall read as follows:

0240-07-07-.11 Appeal of Citations

- (1) Any MTSU student, other than a student holding a faculty/administrative/staff parking permit, who receives a parking/traffic citation may appeal the citation within fifteen (15) calendar days of issuance by going to the SGA website <http://www.mtsu.edu/sga/> which provides the specific hearing procedures.
- (2) Any MTSU employee or campus visitor holding a faculty/administrative/staff parking permit or parking pass who receives a citation may appeal the citation within fifteen (15) calendar days of issuance by filing an appeal form or by going to the Parking Services website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php). Specific hearing procedures are described at the website.
- (3) Any MTSU student or employee who has his/her vehicle towed may appeal such action as indicated above. This can be done only after the vehicle has been secured from impoundment and within seven (7) calendar days of the towing date.
- (4) All appeal decisions are available on the Parking Services website [www.mtsu.edu/parking/index.php](http://www.mtsu.edu/parking/index.php). Individuals who have appealed will also be notified of the appeal decision through the email address provided with the appeal. The appeal decision is final.
- (4) The payment of citations will in no way restrict the Office of Student Conduct or the University Parking and Traffic Committee from revoking parking privileges.

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





## 775 Traffic, Parking, and Safety Enforcement

Approved by President \_\_\_\_\_  
Sidney A. McPhee, President

### Board of Trustees

Effective Date: \_\_\_\_\_, 2018

Responsible Division: Business and Finance

Responsible Office: Administration

Responsible Officer: Assistant Vice President, Administration

### I. Purpose

This policy ~~facilitates the orderly and efficient flow of traffic on the~~ will define Middle Tennessee State University (MTSU or University) ~~campus, traffic, parking, and safety enforcement. It will facilitate the orderly and efficient flow of traffic on the MTSU campus and property owned by MTSU, endeavor~~ to provide a safe atmosphere for both pedestrians and ~~motor~~ vehicle operators, and ~~to~~ provide order with regard to parking within limited space. ~~This policy shall be published at least annually, and, as appropriate, through signage, traffic/parking handbooks, student/faculty handbooks, and institutional websites. It shall also serve to acquaint all administrators, faculty, staff, and students of the policy pertaining to registration of motor vehicles, traffic, and parking policies, and the penalties for violation of said policy.~~

### II. Scope

MTSU reserves the right to regulate the use and/or parking of all vehicles, ~~including motorcycles, motor scooters, mopeds, golf carts, and bicycles/bikes, on theits campus or on property owned by MTSU in accordance with this policy~~ and to forbid the use of a vehicle by any person whose ~~conduct indicates that he/she is not complying~~ operation of the vehicle fails to comply with University policies, City of Murfreesboro ordinances, and/or Tennessee state laws pertaining to ~~motor~~ vehicles.

- ~~III. Failure to observe the policies, ordinances, and laws governing the operation and parking of a vehicle.~~
- 3- Leaving the scene of an accident.
- 4- Five (5) or more parking citations in a semester.

~~5. Obtaining an MTSU parking permit through false pretenses. Parking and Transportation Services may remove any permit which has been forged, altered, or obtained illegally.~~

~~6. Failure to yield the right-of-way to an emergency vehicle when displaying red/blue flashing lights.~~

~~7. Unless noted otherwise, all aspects of the traffic and parking policy are enforced twenty-four (24) hours a day, seven (7) days a week.~~

~~F. The University assumes no responsibility for damage or loss to a vehicle while it is parked or operated on the campus.~~

~~G. Any vehicle receiving two (2) or more citations in one semester for "No Campus Permit", or failure to have a permit displayed as required by these policies, will receive a written warning. If after three (3) business days following the issuance of the warning, the vehicle is found parked on campus without being properly registered and having the permit properly displayed as set forth in this policy, the vehicle will be towed at the owner's/registrant's expense.~~ **Definitions**

A. Campus. The main MTSU campus and any additional property owned by the University.

B. Vehicle. Any self-propelled vehicle, including, but not limited to, automobiles, motorcycles, scooters, mopeds, and golf carts capable of exceeding twenty-five (25) miles per hour over level, paved surfaces.

C. Visitor. Any person on the campus who is not a current student, member of the faculty, staff, or administration.

#### **IV. Registration of Motor Vehicles and Parking Permits**

All students and employees must register vehicles operated on the campus of MTSU must be registered they park on campus with the MTSU Parking and Transportation Services Office by purchasing a parking permit. Any vehicle parked on campus must ~~have~~display a current and valid parking permit ~~displayed in the vehicle.~~

~~Parking permits are issued only after all registration fees are paid. Permits are issued at the Parking and Transportation Services Office, located at 1403 East Main Street in the rear of the building. In order to receive a parking permit, a photo ID and the vehicle's license plate number will be needed. The issuance of permits will be limited to one (1) permit per person, with the exception of Womack Lane Apartments residents (who are allowed two [2] permits per family) and those who also have a motorcycle (who will be allowed a permit for a vehicle and one (1) sticker permit for a motorcycle). All registrants will be responsible for their issued permits throughout the academic year.~~

- ~~C. The registrant of a permit will be responsible for parking violations received by any vehicle bearing his/her parking permit. Dependents, friends, and/or associates of any authorized permit holder are not authorized to use that person's permit while parking for their personal convenience.~~

~~Students are eligible to receive a student parking permit upon payment of all registration fees. Faculty and staff permits are payable at the Parking and Transportation Services Office located at 1403 East Main Street.~~

- ~~E. Cost of permits can be found on the [Parking Services](#) website.~~
- ~~F. Parking permits will be denied for faculty/administration/staff who have outstanding fines from prior semester(s) until they are paid in full. The first (1<sup>st</sup>) fine after permit expiration will result in towing of vehicle.~~
- ~~G. 1. Vehicles displaying white permits also are permitted in Green and Red parking areas. Faculty, administrators, and staff may not transfer their permit to any student (or student vehicle).~~
- ~~2. Failure to 3. Blue—Students and Employees with Disabilities. Available to qualified students and employees.~~
- ~~4. Red—Available to On-Campus Residents only. Vehicles displaying Red permits also permitted in Green parking areas.~~

~~Any person who changes parking category should bring his/her original permit to Parking and Transportation Services. Any additional fees associated with the change in permit will be paid at this time.~~

- ~~A. 1. Damaged permits must be replaced within three (3) working days. The remnants must be turned in to Parking and Transportation Services at the time of replacement. Failure to do so may result in the individual having to pay the full registration fee issuance of a parking citation.~~

- ~~J. Temporary Parking Permits will be issued as follows:~~

- ~~1. To any employee or student operating a vehicle as a temporary substitute for a registered vehicle. The permit will be valid for seven (7) days from the date of issuance and a total of three (3) temporary permits may be issued during any semester. The permit will indicate the appropriate color code area in which the vehicle may park. This permit is subject to a fee.~~

- ~~2. Temporary Parking Permits are available to visitors at Parking and Transportation Services Office and are valid for metered spaces, white, red, and green color coded areas that are not marked as reserved. A fee is charged for visitor parking permits. The permit is valid for the day of issuance.~~
  - ~~3. Temporary Loading/Unloading Permits may be issued at the discretion of Parking and Transportation Services. This permit allows the operator of the vehicle up, to but not to exceed, thirty (30) minutes parking in a loading/unloading zone for the express purpose of loading or unloading his/her vehicle. Disabled Parking Permits 1- For parking on the MTSU campus, persons must have a state issued license plate or placard to obtain a Disabled Parking Permit. Persons must prove ownership of the state issued plate or placard.~~
  - ~~2. Temporary disabled permits will be issued for injuries or disabilities of limited duration as specified by a physician's statement certifying an impairment. Those with Those holding temporary state issued disabled placards may also park in the blue disabled parking spaces.~~
  - ~~3. Applicants denied a parking permit have the right to appeal to the Committee on Programs for Students and Employees with Disabilities, who will make the final decision as to whether someone receives a decal.~~
- B. ~~LM~~. The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the rules, policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on campus.
- C. The cost of parking permits, together with appropriate information sufficient to justify the amount, shall be submitted for review and approval to the MTSU Board of Trustees (Board). Once adopted or amended, parking permit costs, along with requirements, limitations and procedures for securing parking permits, shall be affirmatively communicated to the MTSU faculty, staff, and students through the Parking Services website, and the Traffic and Parking Regulations handbook.
- D. Parking permits may be denied for any student or employee who has outstanding fines from prior semester(s) until they are paid in full. The first citation issued to an employee for an expired parking permit may result in towing of the vehicle.
- E. Parking permits are issued to students only after all registration fees are paid.
- F. The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle ~~being operated~~ with the decal number facing the outside of the ~~car~~ vehicle and clearly readable. In those cases where compliance with the above is not feasible, the parking permit must be clearly visible ~~through the front windshield~~ when vieweing ~~the~~

vehicle from outside or the parking registrant must consult with Parking and Transportation Services for proper placement of the permit. The responsibility of transferring and properly displaying the hang tag rests with the individuals to whom the permit was originally issued. If for some reason the hang tag is not transferred to the vehicle being parked on campus, the individual originally purchasing the hang tag will be required to obtain a temporary one (1)-day permit. If an individual with a current permit receives a citation for a display violation, the citation will be cancelled only if the citation is taken to the Parking and Transportation Services Office within seven (7) class days of issuance of the citation and the violator can show the current permit at that time. (Vehicle must be parked in designated parking area according to permit color for citation to be cancelled). No more than three (3) such citations will be cancelled per semester. (Note: In the event that a vehicle receives more than one "No Campus Permit" ticket while parked in the same location during a calendar day, those tickets will be reviewed as one offense.) A class day is considered Monday through Friday, unless it is an official University holiday for faculty, staff, and/or students. permit holder must consult with Parking and Transportation Services for proper placement of the parking permit.

~~G. Immediate family members of faculty, administrators, staff, and students must park at meters or register their vehicles with Parking and Transportation Services by obtaining a temporary parking permit. G. The parking permit holder will be responsible for parking violations received by any vehicle bearing his/her parking permit.~~

~~H. Permits may only be used by the permit holder registered with Parking and Transportation Services.~~

It is considered fraudulent for a registered parking permit holder to give his/her parking permit to another person ~~for use on the campus~~. Parking pPermits are transferable from vehicle to vehicle provided that the vehicles are registered under the same account. Parking pPermits are not transferable from person to person. When a parking permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the parking permit. ~~In the event~~If it is found that an individual reported a parking permit lost or stolen, but in fact gave the parking permit to another individual for use, both parties may~~will~~ be cited with a fine for their actions.

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~~I. Temporary Parking Permits may be issued to employees, students, and visitors as identified on the Parking Services website.~~

**~~Bicycle Registration and Parking~~**

~~A. Authority~~

- ~~1. The Tennessee Rules of the Road, T.C.A. § 55-8-101 et seq., govern the operation of bicycles on public roadways as set forth in T.C.A. § 55-8-172.~~
- ~~2. University Police Department is responsible for the regulation of moving vehicles and bicycles on University property.~~

- ~~3. Parking and Transportation Services is responsible for the regulation of vehicles and bicycles that are parked on University property.~~
- ~~B. All bicycles must be registered. J. Visitors, including family members of employees or students, must park at meters or register their vehicles with Parking and Transportation Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine may will not be waived.~~
- ~~K. Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
  - ~~1. To obtain an MTSU Disabled Parking Permit, persons must have a state-issued disabled license plate or placard and must provide proof of its ownership.~~
  - ~~2. Temporary disabled parking permits, whether state issued, or issued by MTSU, may be issued for the estimated duration of the disabling condition as noted on a physician's statement certifying an impairment but not in excess of six (6) months.
    - ~~a. Those with MTSU-issued temporary parking permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits.~~~~~~

~~b. with Parking and Transportation Services. Bicycles can be marked with an identifying number by MTSU Parking Services to ensure proper return if recovered after theft or confiscation due to illegal parking or abandonment. All bicycles on University property must be operated in accordance with University rules and appropriate Tennessee motor vehicle laws.~~

~~C. Laws and regulations are designed for the safety of cyclists. When a person rides a bicycle on a roadway within the MTSU campus, the person is a driver and must operate under Tennessee Rules of the Road. He/she must follow state laws, give signals, obey stop signs and yield right of way just as car drivers do, including stopping at stop signs and red lights, yielding to pedestrians in crosswalks, displaying proper illumination, and riding with the traffic flow.~~

~~D. Bicycle Operating Regulations~~

~~Persons operating bicycles and other non-motorized devices on public roadways, including roadways on campus, shall follow the Tennessee Rules of the Road as required by T.C.A. § 55-8-172.~~

~~Persons operating bicycles and other non-motorized devices on campus shall practice courteous, defensive riding, giving right of way to pedestrians, traveling at safe speeds, and having their bicycles under control at all times.~~

~~Every person operating a bicycle should obey regulatory signs and rules for MTSU and this policy.~~

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~~Bicycles shall not be operated in parking garages or in any areas where bicycles are restricted by policy or signs.~~

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~~No person operating a bicycle on University property, including bike lanes, should exceed a speed that is reasonable and prudent with respect to the number of pedestrians or other cyclists present, visibility, traffic, weather, and surface conditions that exist at the time, or that endangers property or the safety of any person.~~

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~~Bicycle parking is available throughout campus and is designated by the presence of bicycle racks. Bicycles must be parked within the boundaries of designated bike racks.~~

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~~Parking and/or placement of any non-motorized devices not covered under these regulations must be approved by Parking and Transportation Services.~~

~~G. The following are general guidelines regarding bicycle parking on campus:~~

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~~Racks are not to be utilized as long-term bicycle storage.~~

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~~Bicycle-related gear (or other items) should not be left at the bicycle racks.~~

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~~Bicycles shall be parked in accordance with federal, state, and local fire and safety regulations.~~

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~~H. Bicycles shall not be parked or stored:~~

~~In any public access, ingress, or egress area inside any University building (i.e., hallways, classrooms or parking structures) without express permission of the appropriate department head, such as a director or dean, in academic space. For policies regarding the storage or parking of bicycles inside residence halls, please refer to [Policy 541 Housing and Residential Life Rules](#).~~

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~~Against or fastened to any tree, plant, bush, or foliage.~~

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~~Against or fastened to any water, steam or gas pipe, fitting, electrical fixture, fence, sign post, railing, public seating fixture, or emergency safety device.~~

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~~Upon or attached to any ingress/egress ramp, stairway or stairwell railing or otherwise fastened to or blocking any exit/entrance or handicap access to any University building.~~

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~~In any other area not designated for bicycle parking or where parking is specifically prohibited by this policy or by signs.~~

~~Impounding may be necessary in an effort to have bicycle parking available for those using their bicycles and to address improperly parked bicycles:~~

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~~Bicycles that are inappropriately parked, in a state of disrepair or which appear to be abandoned. Bicycles subject to impoundment will be booted and/or tagged before impounding, giving the bicycle owner time to remedy the situation before impoundment.~~

~~State of disrepair means the bicycle has flat tire(s), bent rims, rusted or broken chain links, broken or rusted brakes, etc., and is otherwise in poor condition.~~

~~Signs of abandonment include, but are not limited to, appearance of non-use, spider webs, missing parts, etc.~~

~~It may be necessary to move a bicycle before it is booted or tagged for impoundment due to safety because it is blocking or impeding ingress or egress to a fire exit, stairwell, or handicapped ramp. If moving the bicycle is necessary, it will be moved to a nearby bicycle rack and booted to maintain security of the bicycle or immediately impounded.~~

~~In cases that result in the removal of the chain/lock, the owner will absorb the cost of replacement.~~

~~After the close of the spring semester, all abandoned bicycles will be removed from all on-campus racks. Bicycles that appear to be abandoned will be impounded. In cases that result in the removal of the chain/lock, the owner will absorb the cost of replacement.~~

~~Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.~~

- 3. ~~The individual to whom the disabled license plate or placard has been issued must be using the vehicle in order for the vehicle to be parked in the disabled space. The owner of the parking permit or owner of the vehicle may be charged the maximum fine allowed by law for improper use of a disabled placard or license plate.~~
- 4. ~~Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.~~

L. Parking Permit colors. The area authorized for parking is denoted by the color of the parking permit.

- 1. White - Available to faculty/administrators/staff (including resident directors and graduate assistants).
- 2. Green - Available to commuter students.

~~MTSU is not responsible for the safety of bicycles that are booted or impounded as a result of violations of this policy or State, Federal, or local law. MTSU will attempt to take reasonable steps necessary to contact bicycle owners in the event that their bicycles are booted or impounded and to confirm the identity of the individual claiming booted or impounded bicycles. Obviously, if MTSU does not know who owns a booted or impounded bicycle (i.e., because it was not registered) it will not be able to contact the owner and will have a difficult time conclusively determining the ownership of the bicycle when it is claimed. The best course of action to ensure that MTSU can contact the bicycle owner in the event that the bicycle is booted~~

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or impounded is to register the bicycle with MTSU and ensure that the registration information remains up to date.

1. After booting or impounding a bicycle that has been registered under this part, MTSU will use reasonable efforts to attempt to contact the owner using the owner's registration information. Registered bicycles will only be released to the registered owner with valid photo identification.
2. An owner of a bicycle that has not been registered may still reclaim his/her bicycle as long as the purported owner can provide an accurate description of the bicycle, a valid MTSU identification card (for students, faculty, and employees) or photo identification (for outside parties), and the key or combination to the lock that was being used to secure the booted or impounded bicycle. Parking and Transportation Services will verify the information provided and confirm that the key/combination provided opens the bicycle lock. The bicycle owner will be required to register the bicycle before the bicycle will be released.

3. Impounded bicycles that are not claimed will be disposed of in accordance with the Tennessee Uniform Disposition of Unclaimed Property Act, T.C.A. 5-66-29-103 et seq. Blue – Available to Parking Policies

- A. Color-coded parking is used to regulate the parking of vehicles. The color of the parking permit denotes the area in which a person may park.
- B. The following spaces are reserved as noted:
  3. ~~1.~~ students and employees with qualified disabilities.
  4. Red - Available to on-campus residents.

M. The following parking spaces are reserved twenty-four (24) hours a day as noted:

Disabled Parking, Health Services – reserved twenty-four (24) hours a day

~~3.~~ 1. Library staff – reserved twenty four (24) hours a day

~~4.~~ 1. Housing staff – reserved twenty four (24) hours a day

~~5.~~ 1. Maintenance spaces – reserved twenty-four (24) hours a day

~~6.~~ Speech Clinic spaces – reserved Monday through Thursday, from 8:00 a.m. to 7:00 p.m.  
Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.

1. ~~8.~~ President, Vice Presidents, University Deans – reserved twenty-four (24) hours a day.

2. Speech Clinic spaces, CDC Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.
- ~~C. Special Event Parking. It may occasionally be necessary to close spaces or a lot due to construction, a workshop or conference, or a special event. Parking and Transportation Services will give advance notice of closings whenever possible.~~
- ~~D. Vehicles are not to be parked at any time where parking is not designated, where curbing is painted yellow, where sidewalks intersect streets, on sidewalks, across parking lines, on campus lawns (grass), or other places where signs indicate no parking. N. Parking is allowed only in clearly designated parking spaces. Vehicles that are parked or waiting in a fire lane will be towed. Only one (1) vehicle is permitted to park per space. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow. Only one (1) vehicle/motorcycle is permitted to park per space.~~
- ~~E. Vehicles are not to be parked in any manner as to constitute a traffic/pedestrian hazard or to impede the flow of traffic/pedestrians.~~
- ~~F. Every vehicle stopped or parked upon a roadway where there are adjacent curbs shall be so stopped or parked with the right hand wheels of the vehicle parallel to and within eighteen (18) inches of the right hand curb.~~
- ~~G. All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 5:30 p.m., except for the following streets and parking lots which will open for all permitted parking at 6:30 p.m.:~~
  1. Old Main Circle and Faulkenberry Drive (on-street parking).
  2. Davis Science Lot.
  3. Honors Lot.
  4. Founders Lot.
- P. If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking and Transportation Services along with a replacement fee to obtain a new parking permit.
- ~~H. After 6:30 p.m. on Monday through Friday and on weekends, White, Red, and Green permit parking areas are open for any permitted vehicle. Yellow curbs, no parking zones, disabled and reserved spaces are in effect twenty-four (24) hours a day, seven (7) days a week.~~
- ~~I. Short-term parking is governed by parking meters. The parking meters are considered in operation from 7:30 a.m. to 6:30 p.m., Monday through Friday. A charge of fifty cents (50¢) for thirty (30) minutes is required while parked in these spaces.~~
- ~~J. Vehicles are not permitted to park in campus directory drives. This is enforced twenty-four (24) hours a day.~~

~~K. Vehicles will be towed from campus streets, parking areas, lawns, drives, restricted areas, loading areas, etc., if the vehicles are parked or left in violation of University policies, City of Murfreesboro ordinances, and/or state laws pertaining to motor vehicles, or if said vehicle constitutes a traffic/pedestrian hazard. The cost of towing and any penalties will be the responsibility of the owner/registrant. All tow zones are enforced twenty-four (24) hours a day.~~

~~Q. Damaged parking permits must be replaced within three (3) business days.~~

R. The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking and Transportation Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University policies.

S. No personal recreational or work travel trailers should be parked or stored on campus property, except ~~for equipment purchased by academic/administrative departments for University-related purposes as authorized.~~

T. Advertising vehicles "For Sale" in University parking lots is prohibited. Any vehicle identified for such wrongful display for a period of forty-eight (48) hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

~~V. Garage parking is restricted to currently enrolled student displaying a current student parking permit.~~

#### **VI. Operation of ~~Motor Vehicles~~ Vehicle Enforcement**

A. All ~~state~~ Tennessee laws, City of Murfreesboro ordinances, and University policies pertaining to ~~motor~~ vehicles are applicable twenty-four (24) hours a day, unless otherwise noted.

B. Operators of vehicles on MTSU property must obey all traffic rules, regulations, posting, or directions, regardless of whether the rule, regulation, posting, or direction is included in this policy.

C. Moving violations will be charged to the operator of the vehicle at the time of the violation.

~~B.D.~~ Speed limits are posted throughout the campus. All speed limits are radar enforced.

~~C.E.~~ Passing on campus is prohibited.

~~D.F.~~ All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.

~~E.G.~~ Motorists are to yield the right-of-way to all pedestrians in a cross walk.

~~F.H.~~ Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to ~~and, or~~ as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.

~~G.I.~~ All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.

~~H.J.~~ All vehicles must come to a complete stop for a school bus loading or unloading children.

~~I.~~ ~~Littering from a vehicle (as well as littering in general) is prohibited and subjects those littering to a fine.~~

~~I.K.~~ Any person who drives in willful and wanton disregard for the safety of persons or property ~~will be considered to have engaged in is guilty of~~ reckless driving.

~~J.L.~~ The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.

~~K.M.~~ U-turns are prohibited on the campus.

~~L.N.~~ Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.

~~M.O.~~ Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

## **VI. Towing/Booting of Vehicles**

~~A.~~ Vehicles ~~may~~ will be towed/booted if the vehicle is parked or left in violation of University policies, City of Murfreesboro ordinances, and/or ~~state~~ Tennessee laws pertaining to motor vehicles, ~~or~~ if said vehicle constitutes a traffic/pedestrian hazard ~~if five (5) or more traffic/parking citations were issued in a semester, or other violations found on the Parking Services website.~~ The owner/~~parking registrant~~ permit holder of the

vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting. ~~Vehicles may be towed/booted for, but not limited to, the following:~~

- ~~1. Parking in a disabled parking space/ramp without disability permit.~~
- ~~2. Blocking a fire hydrant.~~
- ~~3. Parked in a fire lane.~~
- ~~4. Blocking the roadway, walkway, or disabled ramp.~~
- ~~5. Parking so as to constitute a traffic/pedestrian hazard.~~
- ~~6. Parking in a loading zone.~~
- ~~7. Abandoned/immobile.~~
- ~~8. Five (5) or more traffic/parking citations (paid or not paid) in a semester.~~
- ~~9. Parking in a campus directory drive.~~
- ~~10. Excessive No-Campus-Permit violations.~~
- ~~11. Displaying a forged or altered permit.~~
- ~~12. Parking on campus while parking privileges have been revoked.~~
- ~~13. Displaying a lost or stolen permit.~~
- ~~14. Any vehicle parked on campus with no visible means of identification; i.e. the license tag has been removed and the vehicle identification number covered or removed.~~
- ~~15. Faculty/staff/administration with outstanding fines from prior semester who receive first fine after permit expiration.~~

- B. Any person whose vehicle is impounded may appeal such action as provided below in Section XI and on the Parking Services website.
- C. If a boot is removed by the owner/parking registrant/permit holder of the vehicle and damaged, the owner/parking registrant/permit holder will be responsible for the cost of the boot as well as the ticket fine and boot removal fee. The owner/parking-registrant/permit holder of the vehicle will/may be prosecuted if a boot is improperly removed and/or damaged.

## **VII. Violations and Penalties**

- A. Fines may be assessed for violations found on the Parking Services website. Fines may be set as determined by MTSU, but will not exceed the amounts imposed by Tennessee law or local ordinance for the same offenses. Such fines are subject to the prior review and approval of the Board. Proposed fines shall be submitted to the Board together with information sufficient to justify the amount of the fine. Such information shall include consideration of fines for the same offense set by Tennessee law or local ordinance, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic or parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- B. Citations may be given every four (4) hours. No more than two (2) citations will be issued per day for the same violation at the same location. This does not apply to being parked at parking meters.
- ~~A-C.~~ Overtime parking citations (meters) may will be given issued every hour.
- D. All fines are to be paid at the Business Office in the Student Services and Admissions Center, Monday through Friday, 8:00 a.m.-4:00 p.m.
- ~~B-E.~~ Any student with unpaid parking fines may will not receive grades or transcripts or be able to register for the next semester until the fines are paid.
- F. A parking permit may be revoked for repeated or flagrant parking or moving vehicle violations. Additionally, a parking permit may be revoked for:
  - 1. operating a vehicle while impaired;
  - 2. leaving the scene of an accident;
  - 3. failure to yield the right-of-way to an emergency vehicle when displaying its emergency lights; or,
  - 1-4. failure to obey an officer directing traffic.
- ~~A.~~ A visitor is any person who has business or other reason to be on the campus but who is not a current student, member of the faculty, staff, or administration.

## **~~B.~~ VIII. Visitors**

- A. Visitors are subject to the policies, ordinances, and laws pertaining to vehicles while on the campus. Violation of such may result in a citation and/or towing of the vehicle.



A.B. \_\_\_\_\_ All visitors are requested to use parking meters or obtain a visitor's parking ~~pass~~ permit at either the Parking and Transportation Services Office ~~at 1403 East Main Street~~, or its website. Visitor parking permits ~~may~~ will not be issued to vehicles registered to current students or employees. See Visitor Parking website.

B.C. \_\_\_\_\_ Upon securing a visitor parking pass, visitors may park in the Visitor Lot, or any white, red, green or blue color-coded space that is not marked as reserved. ~~Visitors are reminded that they are subject to the policies, ordinances, and laws pertaining to motor vehicles while on the campus and that violation of such may result in a citation and/or towing of the vehicle.~~

C.D. \_\_\_\_\_ Requests for special guest parking passes should be submitted to the Parking and Transportation Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) calendar days in advance. ~~This time is needed to coordinate because of the numerous parking requests received.~~

#### IX. Resident Parking

- A. All on-campus residents seeking to park a vehicle on campus are required to obtain a parking permit according to their residential area. A maximum of two (2) parking permits may be obtained by any family residing at Womack Lane Apartments.
- B. Any on-campus resident who holds a valid MTSU Blue parking permit may park in any ~~legal~~ clearly marked Blue, White, Red, or Green parking space as well as the parking meters.
- C. Any resident who holds a valid MTSU White parking permit may park in any ~~legal~~ clearly marked White, Red, or Green permit parking area.

#### X. Bicycles on Campus

- A. All bicycles on MTSU property must be operated in accordance with all traffic rules, regulations, postings, or directions, regardless of whether the rule, regulation, posting, or direction is included in this policy.
- B. Employees and students using bicycles on campus must register them with Parking and Transportation Services to ensure proper return if recovered after theft, confiscation due to illegal or improper parking, or abandonment.
- C. Bicycle racks are available throughout campus for bicycle parking. Bicycles may not be parked in any other areas not designated for such parking.

*Bicycles that are inappropriately parked, in a state of disrepair (flat tires, bent rims, broken chains, etc.) or abandoned (appearance of non-use, etc.) are subject to impoundment.*

**Judicial Procedures**

D.

**XI. Appeal of Citations**

A. Any MTSU student, other than a student holding a faculty/administrative/staff parking permit, who receives a parking/traffic citation may appeal the citation within fifteen (15) calendar days of issuance by going to the SGA web site. SGA web site which provides the specific hearing procedures are at the website.

B. Any MTSU employee or student holding a faculty/administrative/staff parking permit or parking pass who receives a citation may appeal the citation within fifteen (15) calendar days of issuance by filing an appeal form or by going to the Parking Services web site. An appeal form may be obtained at the Parking and Transportation Services Office. Attach the citation to the appeal form and forward to Parking and Transportation Services, P.O. Box 147. The MTSU Parking and Traffic Committee will handle disposition of the appeal. Specific hearing procedures are described at the website.

C. Any MTSU student or employee who has his/her vehicle towed may appeal such action to the appropriate judicial body as indicated above. This can be done only after the vehicle has been secured from impoundment and within seven (7) calendar days of the towing date.

D. All appeal decisions are available on the Parking Services website. Individuals who have appealed will also be notified of the appeal decision through the email address provided with the appeal. The appeal decision is final. Specific hearing procedures are described at the website.

D.E. The payment of citations will in no way restrict the Office of Student Conduct or the University Parking and Traffic Committee from revoking parking privileges.

**XI. Accidents**

A. All accidents involving a vehicle must be reported to the University Police as soon as possible. The vehicle(s) are not to be moved until the investigating officer instructs the parties to do so. Failure to comply with the provisions of this paragraph may result in criminal prosecution.

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~~B. A copy of the accident report will be furnished to all involved parties at one dollar (\$1.00) per page. The copy may be secured at the University Police, Monday through Friday, 8:00 a.m.—4:00 p.m.~~

~~A. **XII. for** violations found on the Parking Services Regulations website.~~

~~B. Vehicles of violators with five (5) or more citations (paid or not paid) in a semester will be towed/booted at the owner's/registrator's expense.~~

~~C. No more than two (2) tickets will be issued per day for the **same violation at the same location**. This does not apply to being parked in a parking meter.~~

~~D. E. 4:00 p.m.~~

~~**F. XIII. Parking and Transportation Services/Public Safety**~~

~~A. The Parking and Transportation Services Office is located in 1403 East Main Street. The phone number is 615-898-2850. The office is open 7:30 a.m. to 5:30 p.m., Monday through Thursday, and 7:30 a.m. to 4:30 p.m. on Friday. Note: During non-peak times when classes are not in session, hours of operation will be 7:30 a.m. to 4:30 p.m.~~

~~B. The University Police Department is recognized by the State of Tennessee as an independent police agency and is empowered to perform all duties required by law.~~

Forms: none.

Revisions: June 5, 2017 (new); \_\_\_\_\_, 2017, none.

References:





## **775 Traffic, Parking, and Safety Enforcement**

**Approved by Board of Trustees**

**Effective Date:** \_\_\_\_\_, 2018

**Responsible Division:** Business and Finance

**Responsible Office:** Administration

**Responsible Officer:** Assistant Vice President, Administration

### **I. Purpose**

This policy will define Middle Tennessee State University (MTSU or University) traffic, parking, and safety enforcement. It will facilitate the orderly and efficient flow of traffic on the MTSU campus and property owned by MTSU, endeavor to provide a safe atmosphere for both pedestrians and vehicle operators, and provide order with regard to parking within limited space.

### **II. Scope**

MTSU reserves the right to regulate the use and/or parking of all vehicles on its campus or on property owned by MTSU in accordance with this policy and to forbid the use of a vehicle by any person whose operation of the vehicle fails to comply with University policies, City of Murfreesboro ordinances, and/or Tennessee state laws pertaining to vehicles.

### **III. Definitions**

- A. Campus. The main MTSU campus and any additional property owned by the University.
- B. Vehicle. Any self-propelled vehicle, including, but not limited to, automobiles, motorcycles, scooters, mopeds, and golf carts capable of exceeding twenty-five (25) miles per hour over level, paved surfaces.
- C. Visitor. Any person on the campus who is not a current student, member of the faculty, staff, or administration.

### **IV. Registration of Vehicles and Parking Permits**

- A. All students and employees must register vehicles they park on campus with the MTSU Parking and Transportation Services Office by purchasing a parking permit. Any vehicle parked on

campus must display a current and valid parking permit. Failure to do so may result in the issuance of a parking citation.

- B. The acceptance by any person of a parking permit, whether temporary or permanent, shall constitute the acceptance of the rules, policies, ordinances, and/or laws governing the safe and responsible operation and parking of a vehicle on campus.
- C. The cost of parking permits, together with appropriate information sufficient to justify the amount, shall be submitted for review and approval to the MTSU Board of Trustees (Board). Once adopted or amended, parking permit costs, along with requirements, limitations and procedures for securing parking permits, shall be affirmatively communicated to the MTSU faculty, staff, and students through the Parking Services website, and the Traffic and Parking Regulations handbook.
- D. Parking permits may be denied for any student or employee who has outstanding fines from prior semester(s) until they are paid in full. The first citation issued to an employee for an expired parking permit may result in towing of the vehicle.
- E. Parking permits are issued to students only after all registration fees are paid.
- F. The MTSU parking permit must be properly attached to the front windshield in the extreme lower corner on the driver's side or hung from the rearview mirror of the vehicle with the decal number facing the outside of the vehicle and clearly readable. In those cases where compliance with the above is not feasible, the parking permit must be clearly visible when viewing the vehicle or the parking permit holder must consult with Parking and Transportation Services for proper placement of the parking permit.
- G. The parking permit holder will be responsible for parking violations received by any vehicle bearing his/her parking permit.
- H. It is considered fraudulent for a registered parking permit holder to give his/her parking permit to another person. Parking permits are transferable from vehicle to vehicle provided that the vehicles are registered under the same account. Parking permits are not transferable from person to person. When a parking permit is reported as lost or stolen, but is found in another vehicle on campus, an inquiry will be made into the parking permit. If it is found that an individual reported a parking permit lost or stolen, but in fact gave the parking permit to another individual for use, both parties may be cited with a fine for their actions.
- I. Temporary Parking Permits may be issued to employees, students, and visitors as identified on the [Parking Services](#) website.
- J. Visitors, including family members of employees or students, must park at meters or register their vehicles with Parking and Transportation Services by obtaining a temporary parking permit. Failure to comply may result in the vehicle being issued a "No Campus Permit" citation, and the fine may not be waived.

- K. Disabled Parking Permits. Any person, whether student or employee, may apply for disabled parking privileges.
1. To obtain an MTSU Disabled Parking Permit, persons must have a state-issued disabled license plate or placard and must provide proof of its ownership.
  2. Temporary disabled parking permits, whether state issued, or issued by MTSU, may be issued for the estimated duration of the disabling condition as noted on a physician's statement certifying an impairment but not in excess of six (6) months.
    - a. Those with MTSU-issued temporary parking permits must park in white or green spaces only. The blue disabled parking spaces are reserved for those holding permanent disabled parking permits.
    - b. Those holding temporary state-issued disabled placards may also park in the blue disabled parking spaces.
  3. The individual to whom the disabled license plate or placard has been issued must be using the vehicle in order for the vehicle to be parked in the disabled space. The owner of the parking permit or owner of the vehicle may be charged the maximum fine allowed by law for improper use of a disabled placard or license plate.
  4. Pursuant to T.C.A. § 55-21-108, fines for violating the disabled parking law cannot be suspended or waived.
- L. Parking permit colors. The area authorized for parking is denoted by the color of the parking permit.
1. White - Available to faculty/administrators/staff (including resident directors and graduate assistants).
  2. Green - Available to commuter students.
  3. Blue – Available to students and employees with qualified disabilities.
  4. Red - Available to on-campus residents.
- M. The following parking spaces are reserved as noted:
1. Disabled Parking, Health Services, Library staff, Housing staff, Maintenance spaces, President, Vice Presidents, University Deans – reserved twenty-four (24) hours a day.
  2. Speech Clinic spaces, CDC Parent spaces in Fairview parking lot – reserved Monday through Thursday, from 8:00 a.m. to 4:00 p.m.
- N. Parking is allowed only in clearly designated parking spaces. Only one (1) vehicle is permitted to park per space. In gravel lots, legal parking spaces are designated by concrete bumper blocks, except for those painted yellow.
- O. All students and employees are to park in their assigned areas, Monday through Friday, 7:00 a.m. to 5:30 p.m., except for the following streets and parking lots which will open for all permitted parking at 6:30 p.m.:
1. Old Main Circle and Faulkenberry Drive (on-street parking).

2. Davis Science Lot.
  3. Honors Lot.
  4. Founders Lot.
- P. If a parking permit is lost or stolen, a "Parking Permit Loss Report" must be provided to Parking and Transportation Services along with a replacement fee to obtain a new parking permit.
- Q. Damaged parking permits must be replaced within three (3) business days.
- R. The operator of any disabled vehicle parked in violation of University policies must report the vehicle immediately to Parking and Transportation Services. Failure to report may result in traffic citations and/or towing. The vehicle must be called in each day it is disabled and parked in violation of University policies.
- S. No personal recreational or work travel trailers should be parked or stored on campus property, except as authorized.
- T. Advertising vehicles "For Sale" in University parking lots is prohibited. Any vehicle identified for such wrongful display for a period of forty-eight (48) hours or more will be identified as a disabled vehicle and may result in traffic citations and/or towing.

#### **V. Operation of Vehicle Enforcement**

- A. All Tennessee laws, City of Murfreesboro ordinances, and University policies pertaining to vehicles are applicable twenty-four (24) hours a day, unless otherwise noted.
- B. Operators of vehicles on MTSU property must obey all traffic rules, regulations, posting, or directions, regardless of whether the rule, regulation, posting, or direction is included in this policy.
- C. Moving violations will be charged to the operator of the vehicle at the time of the violation.
- D. Speed limits are posted throughout the campus. All speed limits are radar enforced.
- E. Passing on campus is prohibited.
- F. All vehicles must come to a complete stop at intersections where a stop sign (either mounted on a post or painted on the street surface) is displayed.
- G. Motorists are to yield the right-of-way to all pedestrians in a cross walk.



- H. Upon the immediate approach of an authorized emergency vehicle making use of audible and visual signals, or a police vehicle properly and lawfully making use of an audible signal only, the drivers of all other vehicles shall yield the right-of-way and shall immediately drive to a position parallel to, or as close as possible to, the right hand edge or curb of any intersection and shall stop and remain in such position until the authorized emergency vehicle has passed, except when otherwise directed by a police officer.
- I. All persons riding on a motorcycle, either as operator or passenger, must wear a helmet of the type approved by the Commissioner of Safety for the State of Tennessee.
- J. All vehicles must come to a complete stop for a school bus loading or unloading children.
- K. Any person who drives in willful and wanton disregard for the safety of persons or property will be considered to have engaged in reckless driving.
- L. The driver of any vehicle shall obey the instructions of any official traffic-control device unless otherwise directed by a traffic or police officer.
- M. U-turns are prohibited on the campus.
- N. Loud mufflers, cut-outs, and any other noise-making devices attached to or located within or on any vehicle are prohibited.
- O. Excessive loud playing of radios and stereos in vehicles is prohibited. The playing shall be deemed excessively loud if it is disturbing the academic environment of the campus.

## **VI. Towing/Booting of Vehicles**

- A. Vehicles may be towed/booted if the vehicle is parked or left in violation of University policies, City of Murfreesboro ordinances, and/or Tennessee laws pertaining to motor vehicles, if said vehicle constitutes a traffic/pedestrian hazard if five (5) or more traffic/parking citations were issued in a semester, or other violations found on the Parking Services website. The owner/parking permit holder of the vehicle will be responsible for any fines assessed against the vehicle and the cost of towing/booting.
- B. Any person whose vehicle is impounded may appeal such action as provided below in Section XI and on the [Parking Services](#) website.
- C. If a boot is removed by the owner/parking permit holder of the vehicle and damaged, the owner/parking permit holder will be responsible for the cost of the boot as well as the fine and boot removal fee. The owner/parking permit holder of the vehicle may be prosecuted if a boot is improperly removed or damaged.

## VII. Violations and Penalties

- A. Fines may be assessed for violations found on the Parking Services website. Fines may be set as determined by MTSU, but will not exceed the amounts imposed by Tennessee law or local ordinance for the same offenses. Such fines are subject to the prior review and approval of the Board. Proposed fines shall be submitted to the Board together with information sufficient to justify the amount of the fine. Such information shall include consideration of fines for the same offense set by Tennessee law or local ordinance, fines for the same offense at similarly situated institutions, association to enforcement costs at the institution, and/or the unique traffic or parking considerations at each institution. Once adopted or amended, all fines shall be affirmatively communicated to the faculty, staff, and students through the Parking Services website and the Traffic and Parking Regulations handbook.
- B. Citations may be given every four (4) hours. No more than two (2) citations will be issued per day for the same violation at the same location. This does not apply to being parked at parking meters.
- C. Overtime parking citations (meters) may be issued every hour.
- D. All fines are to be paid at the Business Office in the Student Services and Admissions Center, Monday through Friday, 8:00 a.m.-4:00 p.m.
- E. Any student with unpaid parking fines may not receive grades or transcripts or be able to register for the next semester until the fines are paid.
- F. A parking permit may be revoked for repeated or flagrant parking or moving vehicle violations. Additionally, a parking permit may be revoked for:
  1. operating a vehicle while impaired;
  2. leaving the scene of an accident;
  3. failure to yield the right-of-way to an emergency vehicle when displaying its emergency lights; or,
  4. failure to obey an officer directing traffic.

## VIII. Visitors

- A. Visitors are subject to the policies, ordinances, and laws pertaining to vehicles while on the campus. Violation of such may result in a citation and/or towing of the vehicle.
- B. All visitors are requested to use parking meters or obtain a visitor's parking pass at either the Parking and Transportation Services Office or its website. Visitor parking

permits may not be issued to vehicles registered to current students or employees. See [Visitor Parking](#) website.

- C. Upon securing a visitor parking pass, visitors may park in the Visitor Lot, or any white, red, green or blue color-coded space that is not marked as reserved.
- D. Requests for special guest parking passes should be submitted to the Parking and Transportation Services Office as far in advance as possible. Special event parking requests should be submitted at least seven (7) calendar days in advance.

### **IX. Resident Parking**

- A. All on-campus residents seeking to park a vehicle on campus are required to obtain a parking permit according to their residential area. A maximum of two (2) parking permits may be obtained by any family residing at Womack Lane Apartments.
- B. Any on-campus resident who holds a valid MTSU Blue parking permit may park in any clearly marked Blue, White, Red, or Green parking space as well as the parking meters.
- C. Any resident who holds a valid MTSU White parking permit may park in any clearly marked White, Red, or Green permit parking area.

### **X. Bicycles on Campus**

- A. All bicycles on MTSU property must be operated in accordance with all traffic rules, regulations, postings, or directions, regardless of whether the rule, regulation, posting, or direction is included in this policy.
- B. Employees and students using bicycles on campus must register them with Parking and Transportation Services to ensure proper return if recovered after theft, confiscation due to illegal or improper parking, or abandonment.
- C. Bicycle racks are available throughout campus for bicycle parking. Bicycles may not be parked in any other areas not designated for such parking.
- D. Bicycles that are inappropriately parked, in a state of disrepair (flat tires, bent rims, broken chains, etc.) or abandoned (appearance of non-use, etc.) are subject to impoundment.

### **XI. Appeal of Citations**

- A. Any MTSU student, other than a student holding a faculty/administrative/staff parking permit, who receives a parking/traffic citation may appeal the citation within fifteen (15)

calendar days of issuance by going to the SGA web site which provides the specific hearing procedures.

- B. Any MTSU employee or campus visitor holding a faculty/administrative/staff parking permit or parking pass who receives a citation may appeal the citation within fifteen (15) calendar days of issuance by filing an appeal form or by going to the Parking Services web site. Specific hearing procedures are described at the website.
- C. Any MTSU student or employee who has his/her vehicle towed may appeal such action as indicated above. This can be done only after the vehicle has been secured from impoundment and within seven (7) calendar days of the towing date.
- D. All appeal decisions are available on the Parking Services website. Individuals who have appealed will also be notified of the appeal decision through the email address provided with the appeal. The appeal decision is final.
- E. The payment of citations will in no way restrict the Office of Student Conduct or the University Parking and Traffic Committee from revoking parking privileges.

Forms: none.

Revisions: June 5, 2017 (new); \_\_\_\_\_, 2017.

References:



**Middle Tennessee State University  
Board of Trustees**

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# Tab 4

Executive and Governance Committee Meeting  
February 27, 2018  
March 13, 2018





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Executive and Governance Committee](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Stephen Smith

ACTION REQUIRED: Voice Vote/Roll Call Vote

STAFF RECOMMENDATION: Approval

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- Institutional Mission/Mission Profile
- Board of Trustees Policy Selection, Evaluation and Retention of the President
- President's Compensation and Contract







**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [Institutional Mission/Mission Profile](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Steve Smith

ACTION REQUIRED: Voice Vote

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**BACKGROUND INFORMATION:**

Tenn. Code Ann. § 49-8-101 (d) requires the institution to annually submit its mission statement to THEC for review and approval. The University Planning Committee reviewed and revised the mission statement, posted the revision for campus-wide review, and it was then reviewed and approved by the President. The Executive and Governance Committee reviewed the documents and recommends approval by the Board. Once approved by the Board, the mission statement will be provided to THEC to fulfill this statutory requirement.



### Statement of Mission

Middle Tennessee State University, a comprehensive, innovative institution, attracts students to distinctive bachelors, master's, specialist, and doctoral programs that prepare graduates to thrive in their chosen professions and a changing global society. Students and faculty generate, preserve, and disseminate knowledge and collaboratively promote excellence through teaching and learning, research, creative activity, and public engagement.

*Approved by the MTSU Board of Trustees.*

### Institutional Mission Profile

Middle Tennessee State University is a selective, comprehensive institution located in the geographic center of the state. The University embraces its role as a destination of choice for Tennessee undergraduates while its distinctive programs draw students from across the nation and around the world. Through innovative undergraduate and graduate programs, MTSU attracts a diverse, largely full-time student population with a broad range of academic preparedness. The University is committed to using advanced research-based practices to help students recognize their academic promise and achieve success: it annually confers more than 5,000 degrees. Dedicated faculty prepare students for lifelong learning that adapts to and shapes a rapidly changing world through an understanding of culture and history, scholarship, and creative undertakings. MTSU's signature Honors College and experiential and integrative learning programs deliver a value-added undergraduate education rich in research, service learning, and civic engagement. Graduate offerings foster the pursuit of scholarly research, creative endeavors, and professional advancement through programs spanning the arts and humanities, education, business, STEM, the social, behavioral, and health sciences, and media and entertainment. MTSU houses centers of excellence in historic preservation and popular music and notable chairs of excellence. MTSU holds the Doctoral Moderate Research and Community Engagement Carnegie Classifications.

*Approved by the MTSU Board of Trustees.*





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: Board of Trustees Policy  
Selection, Evaluation and Retention  
of the President

DATE: March 27, 2018

PRESENTER: Committee Chair Steve Smith

ACTION REQUIRED: Voice Vote

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**BACKGROUND INFORMATION:**

The Executive and Governance Committee approved revisions to this policy regarding the president's evaluation. Other minor revisions were made. Redline and clean versions are provided.



**Middle Tennessee State University  
Board of Trustees Policy  
Selection, Evaluation and Retention of the President**

**Section 1. Purpose**

The Middle Tennessee State University Board of Trustees (Board) has the authority to select, appoint, retain and assess the performance of the chief executive of the University (president). This policy shall set the general parameters for these processes.

**Section 2. Selection of a President**

The Board shall establish a selection process and the qualification criteria as it deems appropriate. The selection process should include a mechanism for consultation and input from the campus and the community, and should reflect the University's commitment to diversity.

Prior to beginning a search for candidates for the office, the Board shall establish the qualification criteria for the position and shall announce the process it will follow for selecting a president.

The selection of the president shall ~~be the~~ solely be the responsibility of the Board.

In the event of a vacancy in the office of the president, the Executive and Governance Committee shall nominate an interim president to be approved by the Board.

**Section 3. Appointment and Retention of the President**

The Board ~~may~~ shall set the terms and conditions of the president's appointment to include:

1. A contract;
2. Compensation;
3. Conditions related to retention; and,
4. Conditions related to removal from office.

The decision to retain or terminate the appointment of the president shall ~~be the~~ solely be the responsibility of the Board.

**Section 4. ~~Annual~~ Evaluation of the President**

The president shall be annually evaluated by the Board based on an evaluation process coordinated by the ~~Board Executive and Governance Committee~~ (Committee). ~~The review may, from time to time, be performed with the assistance of one or more independent consultants to be chosen by the Committee.~~ The ~~evaluation period~~ performance period to be evaluated will be July 1 through June 30.

The purposes of the ~~annual~~ evaluation are: (1) to assist the Board in determining whether the president's performance is effective; (2) to enable the president to enhance his/her

performance and leadership; (3) to promote good communication and strong working relations between the president, the Board and the campus community; (4) to enable the president and the Board to set mutually agreeable goals; and, (5) to inform Board decisions on compensation and other terms of employment for the president.

The president shall prepare a written self-assessment statement (statement) in a format and according to a timetable mutually agreed upon by the president and the Committee. The statement shall include the following:

1. Progress toward meeting goals previously agreed upon by the president and the Board with accompanying data and metrics;
2. Assessment of the overall academic quality of the university, including institutional achievements and accomplishments;
3. Assessment of the financial status of the university;
4. Identification of significant institutional challenges faced over the prior year that impacted progress toward goals with an assessment of continuing or future challenges facing the university;
5. Goals proposed by the president for the upcoming year.

After receipt of the statement, the Chair of the Committee will share the statement with the Board and solicit their written comments.

Once this feedback is collected, the Chair will meet with the president to discuss the self-assessment statement and the proposed goals, expectations and associated metrics for the upcoming year, along with the information gathered from the Board. The Chair will prepare an evaluation report to include a written assessment of the president's performance and an aggregate summary of the views of the Board. The evaluation report may include a recommendation concerning the president's compensation or other terms of employment. A copy of the evaluation report shall be provided to the president.

All job performance evaluations, as that term is defined in T.C.A. §10-7-504(a)(26), shall be confidential and not open for public inspection.

#### **Section 5. Periodic Comprehensive Review**

~~The president shall also be subject to a comprehensive evaluation every five years. When a comprehensive review is performed, it is to be incorporated into the annual review process, with such adjustments to the schedule as may be necessary.~~

~~This review may be performed with the assistance of one or more independent consultants to be chosen by the Executive and Governance Committee (Committee). The specific details for a comprehensive review will be determined by the Committee in consultation with the consultant and the president. However, the review will include input from the university administration, faculty, staff and students, as well as, alumni leadership and the community.~~

Effective Date: September 15, 2017.

Revisions: None.



**Middle Tennessee State University  
Board of Trustees Policy  
Selection, Evaluation and Retention of the President**

**Section 1. Purpose**

The Middle Tennessee State University Board of Trustees (Board) has the authority to select, appoint, retain and assess the performance of the chief executive of the University (president). This policy shall set the general parameters for these processes.

**Section 2. Selection of a President**

The Board shall establish a selection process and the qualification criteria as it deems appropriate. The selection process should include a mechanism for consultation and input from the campus and the community, and should reflect the University's commitment to diversity.

Prior to beginning a search for candidates for the office, the Board shall establish the qualification criteria for the position and shall announce the process it will follow for selecting a president.

The selection of the president shall solely be the responsibility of the Board.

In the event of a vacancy in the office of the president, the Executive and Governance Committee (Committee) shall nominate an interim president to be approved by the Board.

**Section 3. Appointment and Retention of the President**

The Board shall set the terms and conditions of the president's appointment to include:

1. A contract;
2. Compensation;
3. Conditions related to retention; and,
4. Conditions related to removal from office.

The decision to retain or terminate the appointment of the president shall solely be the responsibility of the Board.

**Section 4. Evaluation of the President**

The president shall be annually evaluated by the Board based on an evaluation process coordinated by the Committee. The review may, from time to time, be performed with the assistance of one or more independent consultants to be chosen by the Committee. The performance period to be evaluated will be July 1 through June 30.

The purposes of the evaluation are: (1) to assist the Board in determining whether the president's performance is effective; (2) to enable the president to enhance his/her performance and leadership; (3) to promote good communication and strong working relations between the president, the Board and the campus community; (4) to enable the

president and the Board to set mutually agreeable goals; and, (5) to inform Board decisions on compensation and other terms of employment for the president.

The president shall prepare a written self-assessment statement (statement) in a format and according to a timetable mutually agreed upon by the president and the Committee. The statement shall include the following:

1. Progress toward meeting goals previously agreed upon by the president and the Board with accompanying data and metrics;
2. Assessment of the overall academic quality of the university, including institutional achievements and accomplishments;
3. Assessment of the financial status of the university;
4. Identification of significant institutional challenges faced over the prior year that impacted progress toward goals with an assessment of continuing or future challenges facing the university;
5. Goals proposed by the president for the upcoming year.

After receipt of the statement, the Chair of the Committee will share the statement with the Board and solicit their written comments.

Once this feedback is collected, the Chair will meet with the president to discuss the self-assessment statement and the proposed goals, expectations and associated metrics for the upcoming year, along with the information gathered from the Board. The Chair will prepare an evaluation report to include a written assessment of the president's performance and an aggregate summary of the views of the Board. The evaluation report may include a recommendation concerning the president's compensation or other terms of employment. A copy of the evaluation report shall be provided to the president.

All job performance evaluations, as that term is defined in T.C.A. §10-7-504(a)(26), shall be confidential and not open for public inspection.

Effective Date: September 15, 2017.

Revisions: March 27, 2018.



**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting

SUBJECT: [President's Contract and Compensation](#)

DATE: March 27, 2018

PRESENTER: Committee Chair Steve Smith

ACTION REQUIRED: Voice Vote

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**BACKGROUND INFORMATION:**

The Board of Trustees Policy - Selection, Evaluation and Retention of the President provides that the Board will set the terms and conditions of the president's appointment to include his/her contract and compensation. At its December 2017 meeting the Board approved retaining a consultant to provide compensation evaluation services. A copy of the report from the consultant, Dr. Joseph Johnston of AGB Search, is provided, and a proposal concerning a contract and compensation based on this report is being presented for the Board's review and approval.





Advancing Higher Education Leadership



**College and University Professional  
Association for Human Resources**

**AGB SEARCH/CUPA-HR  
COMPENSATION EVALUATION SERVICE (CES) REPORT  
BENCHMARKS FOR COMPENSATION FOR THE POSITION OF  
PRESIDENT  
AT MIDDLE TENNESSEE STATE UNIVERSITY**

AGB Search and the College and University Professional Association for Human Resources (CUPA-HR) thank Middle Tennessee State University for the opportunity to provide this Compensation Evaluation Service (CES) Report. As requested, the report provides benchmarking information on the compensation of individuals in the position of president at relevant peer institutions. Please read the report in its entirety as it includes background necessary for a full understanding of the findings.

Please direct any questions to:

Joseph Johnston, Ph.D.

Senior Consultant for Administration

AGB Search

1133 20<sup>th</sup> Street, N.W.

Washington, D.C. 20036

[jsj@agbsearch.com](mailto:jsj@agbsearch.com)

202-776-0827

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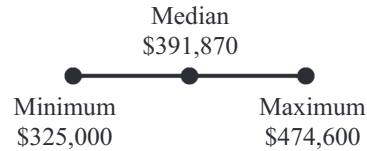


# Executive Summary

Salary Data as of December 2016  
 Middle Tennessee State University | **President**  
**Peer Group**

## Single Position Salary Statistics

Average	\$399,770	10th%	\$347,816
Std. Dev.	\$51,104	20th%	\$350,000
Minimum	\$325,000	30th%	\$350,000
Median	\$391,870	40th%	\$390,000
Maximum	\$474,600	50th%	\$391,870
		60th%	\$400,000
		70th%	\$450,000
		80th%	\$450,000
		90th%	\$468,180



## Ordinal Salary Rank

Rank	Average Salary
1	\$474,600
2	\$468,180
3	\$450,000
4	\$450,000
5	\$400,000
6	\$391,870

Rank	Average Salary
7	\$390,000
8	\$350,000
9	\$350,000
10	\$347,816
11	\$325,000
(AVG)	\$399,770

## Benefits

### Housing

90.0% Full  
 10.0% Partial  
 0.0% No



### Club Membership

50.0% Full  
 10.0% Partial  
 40.0% No



### Performance Bonus

55.6% Yes  
 44.4% No



### Vehicle

70.0% Full  
 30.0% Partial  
 0.0% No



### Deferred Comp

66.7% Yes  
 33.3% No



**Group/Institutions:** Central Michigan University, Eastern Michigan University, Georgia Southern University, Kent State University, Middle Tennessee State University, Northern Arizona University, Northern Illinois University, Sam Houston State University, University of New Orleans, University of Southern Mississippi, University of Wisconsin-Milwaukee

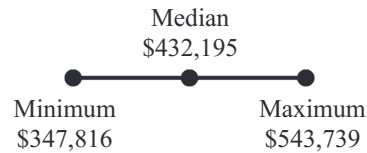


# Executive Summary

Salary Data as of December 2016  
 Middle Tennessee State University | **President**  
**Aspirant Group**

## Single Position Salary Statistics

Average	\$432,975	10th%	\$349,782
Std. Dev.	\$66,005	20th%	\$374,500
Minimum	\$347,816	30th%	\$387,188
Median	\$432,195	40th%	\$404,633
Maximum	\$543,739	50th%	\$432,195
		60th%	\$450,000
		70th%	\$455,454
		80th%	\$481,544
		90th%	\$535,874



## Ordinal Salary Rank

Rank	Average Salary
1	\$543,739
2	\$535,000
3	\$468,180
4	\$450,000
5	\$450,000
6	\$414,389
7	\$390,000
8	\$380,625
9	\$350,000
10	\$347,816
(AVG)	\$432,975

## Benefits

### Housing

88.9% Full  
 11.1% Partial  
 0.0% No



### Club Membership

55.6% Full  
 11.1% Partial  
 33.3% No



### Performance Bonus

44.4% Yes  
 55.6% No



### Vehicle

88.9% Full  
 11.1% Partial  
 0.0% No



### Deferred Comp

55.6% Yes  
 44.4% No



**Group/Institutions:** Georgia State University, Kent State University Main Campus, Middle Tennessee State University, Northern Arizona University, Northern Illinois University, Old Dominion University, University of North Carolina at Charlotte, University of North Carolina at Greensboro, University of North Texas, University of Wisconsin-Milwaukee



## **COMPENSATION EVALUATION: THE CONTEXTS OF GOVERNANCE AND COMPLIANCE**

### **A BASIC BOARD RESPONSIBILITY**

In their legal roles as fiduciaries, governing boards discharge a basic obligation to approve compensation for the institution's senior leaders. A board directly selects and appoints the individual to serve as president, and it approves recommendations as to his or her compensation.

A board may turn to any of several subgroups to review and recommend executive compensation. A board may delegate these responsibilities to an ad hoc task force, to its executive committee, or to its budget, audit or governance committees; or, as on a growing number of campuses, it may have at hand a standing compensation committee, formed expressly for this work. The full board should in any case receive and discuss the resulting recommendations and approve any final decisions.

Typically, the job to be done by a board when reviewing and approving compensation includes:

- Reviewing the various elements of compensation and benefits provided
- Ensuring that performance is appropriately reviewed
- Ensuring that the compensation and benefits to be paid are reasonable and effective in securing the individual's services
- Ensuring that the compensation and benefits are determined and paid in a manner compliant with applicable law.

### **A MATTER OF GOOD GOVERNANCE**

Completing these steps effectively is a matter of good governance. Quite apart from applicable laws and regulations, it is an important goal for any board.

A board that, as a whole, recognizes and carries out its responsibility for setting compensation avoids inappropriately deferring to a board chair or too small a group of board members. It discourages hidden processes and real or perceived conflicts of interest. It also ensures that the board as a whole retains the opportunity to influence—in the structure and amount of top leaders' compensation - a basic determinant of an institution's character and future prospects.

A sound compensation review process exemplifies best practice in governance. It entails both effective delegation and an acknowledgement of collective responsibility. It ensures the engagement of the full board in open discussion and shared decision-making. It provides transparency through documentation of the process used and a record of key considerations underlying final decisions (if not disclosure of confidential detail). It can help keep the institution and the compensation of its leaders out of the headlines. It builds confidence among stakeholders that decisions are being handled with appropriate care. Not least of all, it tends to produce end results consistent with fair market value and common sense.

## **A MATTER OF LEGAL COMPLIANCE FOR PRIVATE INSTITUTIONS (AND RELEVANT GUIDANCE FOR PUBLIC ONES)**

In addition to fostering good governance, a sound process for reviewing and setting compensation helps private institutions' boards achieve legal compliance. The relevant law and regulations have attracted increased notice in higher education in recent years, and with good reason. In 1996, the Internal Revenue Code was amended to both remedy and punish the payment by certain tax-exempt organizations of compensation or benefits deemed "excessive." (The payment in question is one made to any "disqualified person," defined as anyone in a position to exercise substantial influence with respect to the organization's affairs. "Disqualified persons" include key employees with substantial influence and decision-making authority, board members, close relatives of officers and board members. The amended Code provides that if the IRS finds that a benefit [compensation] paid to a "disqualified" non-profit executive [or his or her spouse or other family member] is unreasonable or excessive, the executive, the spouse or family member, and in some cases even individual board members, may be personally liable for IRS tax penalties. Referred to as "intermediate sanctions," these penalties are "intermediate" in that they lie between taking no action and revoking the organization's tax-exempt status. They can be onerous, nonetheless. An executive or family member found to benefit from excessive compensation is personally subject to an initial tax of 25 percent of the amount of the excess benefit. He or she must also correct the excess benefit by repaying it to the institution. A member of the board or board committee who votes in favor of excess compensation knowing that it is excessive is personally subject to an initial tax of 10 percent of the amount of excessive compensation, up to a maximum of \$20,000.)

The primary objective of a board in this context is to ensure that the compensation and benefits provided are reasonable under the all of the facts and circumstances. Of course the notion of "reasonableness" is subjective, and debate over compensation of college and university leaders is common. Fortunately, however, there is for public and private institutions a good governance practice and - for private institutions - legal safe harbor recognized in the law as an appropriate mechanism for ensuring that compensation is reasonable. This process, known as establishing a "rebuttable presumption of reasonableness," is a common-sense means of securing an appropriate result and providing a defense against challenges that excessive compensation has been paid.

The law does not require that boards follow this process, but if they do, it becomes difficult for regulators, courts or stakeholders to overturn a board's decision or pursue claims of personal liability against board members. Under the process of the rebuttable presumption of reasonableness, a college or university's compensation of its employees is presumed to be reasonable if the following conditions are satisfied:

- The compensation arrangement was approved in advance by an authorized body of the institution composed entirely of individuals who do not have a conflict of interest with respect to the arrangement.
- The authorized body obtained and relied upon appropriate data as to comparability prior to making its decision.
- The authorized body adequately documented the basis for its determination concurrently with making that decision.

For purposes of establishing a rebuttable presumption of reasonableness the following definitions apply:

The “authorized body” is the board or board committee with delegated authority to review compensation, such as the compensation committee. Members who take part in the deliberations or vote must not have a conflict of interest as to their participation (See IRS Form 1023, Instructions, Appendix A).

“Appropriate data” includes the report of a compensation consultant, industry surveys and written competing offers. Compensation data from other institutions are relevant only to the extent that these institutions provide true “apples-to-apples” comparison.

“Adequately documenting” the basis for the decision means describing the discussion and determinations made in a timely fashion in the minutes of the committee or board and in other appropriate written or electronic records. (See the “Final Steps” section of this report for additional detail on this).

Clients are advised to consult counsel for further detail on applicable laws and regulations at both the state and federal levels and on the manner and extent to which discussions and decisions can legally be kept confidential. They may also wish to consult “The Compensation Committee,” by Thomas K. Hyatt, in the AGB Effective Committee Series published by AGB Press and the Association of Governing Boards in 2013.

## **THE COMPENSATION EVALUATION SERVICE (CES) REPORT**

This CES Report can be understood in the contexts set out above. It is intended to provide the “authorized body” of the client institution with the “appropriate data” and guidance on the “adequate documentation” required to support compensation recommendations and decisions. It documents the selection of an appropriate group of actual and aspirational peer institutions. For a specified position, it also provides benchmark information on base salary and other compensation provided by institutions in this and several other institutional groupings.

## **METHODOLOGY**

### **SELECTION OF ACTUAL AND ASPIRATIONAL PEER GROUPS**

The first objective in preparing the CES Report was to select a group of institutions similar enough to Middle Tennessee State University to support apples-to-apples comparisons of compensation.

A group of institutions that can be regarded as actual peers for this purpose has been identified by:

- 1) Assembling lists of possible peers. A first set of possible institutions was provided by the client. Additional sets of possible peers were generated by applying proprietary algorithms to data provided by the Integrated Postsecondary Education Data System (IPEDS). IPEDS is the Integrated Postsecondary Education Data System. It is a system of interrelated surveys conducted annually by the U.S. Education Department’s National Center for Education Statistics (NCES). IPEDS gathers information from every college, university, and technical and vocational institution that participates in the federal student financial aid

programs. The Higher Education Act of 1965, as amended, requires that institutions that participate in federal student aid programs report data on enrollments, program completions, graduation rates, faculty and staff, finances, institutional prices, and student financial aid. The algorithms employed to suggest peer groupings score institutions on proprietary combinations of many different characteristics (for example, enrollments size, degree completion rates, location, and the like), weighted in various ways. Lists generated provide a starting pointing only for the current analysis.

- 2) Eliminating from these lists institutions that did not participate in the relevant CUPA-HR Administrators in Higher Education Survey and for which, as a result, reliable and current salary figures are not available.
- 3) Eliminating any that, although they participated, did not provide compensation information for the subject position.
- 4) Eliminating any that, for purposes of compensation analysis, are likely to be problematic. These might include, for example, institutions that are based outside of the United States when the client is based within the U.S.
- 5) Selecting a small set of institutional characteristics that, taken together, are among the likeliest to influence the compensation of institutional leaders: among these, for example, are location, type, size, resources, cost, expenditures and selectivity.
- 6) Creating a spreadsheet that displays for each of the remaining possible peers the relevant descriptor or data point for each of these characteristics. The first university, for example, might appear as located in Missouri, as Research High in classification, as having a student-faculty ratio of 7, etc. The second might appear as located in Illinois, as Doctoral / Research in classification, as having a student/faculty ratio of 14, etc. The Carnegie Classification is provided by the Carnegie Foundation for the Advancement of Teaching. All other values are provided by, or calculated using, recent IPEDS data.
- 7) Calculating for all appropriate data points the percentages of the client's data points they represent. For example, if the client charges total tuition and fees of \$30,000, and two possible peers have total prices of \$20,000 and \$40,000, the latter's "percentage of client" would be 66% and 133%, respectively.
- 8) Establishing for each appropriate characteristic a range of values outside of which an entry might be regarded as an "outlier."
- 9) Calculating as a summative measure of central tendency an average overall "percentage of client" across all characteristics for each possible peer.
- 10) Calculating as a summative measure of variation the number of characteristics on which each possible peer is an "outlier."

Using this basic bivariate analysis, AGB Search and the client (represented by Darrell S. Freeman, Sr. of the Board of Trustees at Middle Tennessee State University) weighed the case for remaining possible peer institutions, and approved the final group for which compensation data was to be provided. Every

institution is unique – at some level literally without peer- so the narrowing down to a final peer group necessarily involved professional judgment. Decisions were based on the preponderance of data, rather than driven by one or two variables.

Based upon these principles, the client, Middle Tennessee State University, chose the following institutions as its peer group:

Central Michigan University

Eastern Michigan University

Georgia Southern University

Kent State University

Northern Arizona University

Northern Illinois University

Sam Houston State university

University of New Orleans

University of Southern Mississippi

University of Wisconsin - Milwaukee

The client also approved the following as its aspirant group – a group of institutions to whose strengths or characteristics it reasonably aspires (the partial overlap of this group with the peer group is intentional):

Georgia State University

Kent State University

Northern Arizona University

Northern Illinois University

Old Dominion University

University of North Carolina at Charlotte

University of North Carolina at Greensboro

University of North Texas

University of Wisconsin - Milwaukee

Both of these peer groups – peer and aspirant - were forwarded to CUPA-HR, which provided data on base salary, and also used by CUPA-HR and AGB Search in the analysis of non-salary compensation.

## **BASE SALARY DATA**

Base salary data provided on the peer and aspirant groups selected are drawn from the 2017 Administrators in Higher Education Salary Survey, conducted by the College and University Professional Association for Human Resources (CUPA-HR). Data reflect salaries as of December 1, 2016, published March 2017. The 2017 survey marks the 50th year for this gathering, analysis and presentation of data on administrative salaries at colleges and universities. The current results reflect the salaries of 50,316 administrators in 191 senior-level positions at 1,134 colleges and universities nationwide

The research department staff in the CUPA-HR association office coordinates and reviews all aspects of survey analysis. The staff also works closely with the many human resources and institutional research professionals responsible for completing the survey.

The Administrative Survey is conducted entirely on the web using Survey OnLine (SOL), CUPA-HR's web-based data collection and reporting system. Thousands of real-time and server-side validation checks are built into the questionnaire. These checks flag data that are significantly different from data reported last year by an institution, or that are extremely low or high. A final validation check flags computational and other potential errors. In order to submit its survey, an institution has to correct all "fatal" errors and correct or annotate all "serious" errors.

Upon receipt of the peer and aspirant groups suggested by the client institution, CUPA-HR has provided a report on the following for each group (Table A, Parts 1 and 2, and Table B, Parts 1 and 2, in the appendices below):

- A set of comparison group statistics based on the peer groups' reported salaries: average, median, minimum and maximum.
- A set of additional percentiles (the 20th percentile is the dollar figure which 20% of all reported salaries in the peer group equal or fall below; the 40th percentile is the dollar figure which 40% equal or fall below, and so forth).
- An ordinal ranking of the salaries at the peer group institutions.

## **NON-SALARY COMPENSATION DATA**

Data on other components of compensation ("non-salary compensation") are drawn from several sources. Tables C, D, E below report on the client's peer group. Tables F, G and H report on the client's aspirant group. Tables I and J provide benchmarks resulting from surveys of much larger sets of institutions.

As part of CUPA-HR's Administrators in Higher Education Survey, institutions are asked whether they provide selected executives any of five "executive-only" benefits or perks. Tables C (on peers) and F (on aspirants) provide basic data on the frequency with which the institutions provided each of several benefits or perks to individuals in the subject position.

A second source of data on non-salary compensation is the annual survey of compensation of college and university leaders reported in the Chronicle of Higher Education. As of the date of the present CES Report, the data most recently reported in the Chronicle is from FY 2015-16.

The Chronicle provides the summary data on non-salary compensation presented here in Tables D (on peers) and G (on aspirants). It also provides the data on certain benefits for Tables E (on peers) and H (on aspirants).

Table I provides the frequency data on the five "executive only" benefits and perks collected by the CUPA-HR Administrators in Higher Education Survey for all individuals in the position being examined at all responding institutions of similar type nationally.

Table J reports on the frequency with which a large national set of doctoral-granting institutions provided in 2012 (the most recent year from which this data is available) a larger number of benefits and conditions of employment. The source is the American College President Study 2017, published by the American Council on Education, 2017.

## **SUMMARY OF TABLES AND SOURCES**

### **BASE SALARY DATA**

#### **Actual Peer Group**

**Table A:** Base Salaries Within Peer Group (CUPA-HR)

**Part 1:** Provides comparison group statistics on the base salaries of presidents in the peer group and percentiles for the range. The source is CUPA-HR's 2017 Administrative Survey.

**Part 2:** Provides an ordinal ranking of base salaries of presidents in the peer group. The source is CUPA-HR's 2017 Administrative Survey.

#### **Aspirational Peer Group**

**Table B:** Base Salaries Within Aspirant Group (CUPA-HR)

**Part 1:** Provides comparison group statistics on the base salaries of presidents in the aspirant group and percentiles for the range. The source is CUPA-HR's 2017 Administrative Survey.

**Part 2:** Provides an ordinal ranking of base salaries of presidents in the aspirant group. The source is CUPA-HR's 2017 Administrative Survey.

## **NON-SALARY COMPENSATION**

### **Peer Group**

#### **Table C:** Selected Frequencies on Non-Salary Compensation (CUPA-HR)

Provides data on the percentage of peer group institutions that provide their presidents certain forms of non-salary compensation. The source is the 2017 CUPA-HR Administrative Survey

#### **Table D:** Summary of Non-Salary Compensation (Chronicle)

Provides data on the dollar amounts of different forms of non-salary compensation which peer group institutions pay their presidents. The source is the Chronicle of Higher Education.

#### **Table E:** Benefits, for Officers, Directors, etc., and Supplemental Information on Presidents (Chronicle)

Provides data on certain benefits provided to officers, directors, trustees, key employees and highest compensated individuals at peer institutions. The source is the Chronicle of Higher Education.

### **Aspirant Group**

#### **Table F:** Selected Frequencies on Non-Salary Compensation (CUPA-HR)

Provides data on the percentage of aspirant group institutions that provide their presidents certain forms of non-salary compensation. The source is the 2017 CUPA-HR Administrative survey

#### **Table G:** Summary of Non-Salary Compensation (Chronicle)

Provides data on the dollar amounts of different forms of non-salary compensation which aspirant group institutions pay their presidents. The source is the Chronicle of Higher Education.

#### **Table H:** Benefits for Officers, Directors, etc., and Supplemental Information on Presidents (Chronicle)

Provides data on certain benefits provided to officers, directors, trustees, key employees and highest compensated individuals at institutions in the aspirant group. The source is the Chronicle of Higher Education.

### **Institutions of Same Type Nationally**

#### **Table I:** Selected Frequencies on Non-Salary Compensation for Presidents Within Doctoral-level Institutions (CUPA-HR)

Provides data on the percentage of institutions of a broadly similar type nationally that provide presidents certain forms of non-salary compensation. The source is the 2017 CUPA-HR Administrative survey.

#### **Table J:** Selected Frequencies of Certain Benefits and Conditions of Employment for Presidents by Institutional Type (ACE)

Provides data on the percentage of doctoral-granting institutions providing certain benefits and conditions of employment. The source is the **American College President 2017**, American Council on Education, 2017.



## **FINAL STEPS**

The data reported above provide Middle Tennessee State University relevant parameters for setting compensation. They support numerous comparisons within and among a well-selected group of actual peers, a group of aspirational peers, and a national group of institutions of broadly similar type. Establishing a rebuttable presumption of reasonableness, however, requires some additional deliberation and documentation.

### **Peer Group Selection**

Sometimes the peer group finally chosen by the client institution contains one or more colleges or universities that were not suggested by quantitative analysis but which for other reasons were thought to provide compelling points of reference. These may be close competitors, for example, or share religious auspices.

In such cases, it is important that the board provide adequate information in the record – meeting minutes, memos to the file regarding conversations with a consultant, research notes, etc. – to enable an auditor or regulator to validate how comparable institutions were determined.

The same applies if there has proven to be a shortage of close peers. In some cases, for example, it is difficult to find a significant number of peers because of regional location, special institutional mission, and so on. When that happens, the board or board committee should explain this problem in the records of its deliberations and the rationale for choosing the institutions that it did.

### **Using Benchmark Data on Compensation**

A final important set of considerations consists of those that might move an “authorized body” at Middle Tennessee State University to set compensation and benefits at some point other than the middle of the range documented by this report. Often – and in good faith – a board believes that there are things about a particular appointee or incumbent, position or institution that justify a departure from the median identified by benchmarking. Relevant questions include the following:

- What is the current financial state of the institution?
- What is the institution’s history and culture with respect to compensation?
- How have those who previously served in the position been compensated?
- At what levels are faculty and staff compensated?
- How would the types and levels of compensation being considered be perceived by these and other constituencies on and off campus?
- Has a comprehensive performance evaluation documented an especially strong record of performance? A record of underperformance?
- How many years has the individual served in this position at this and/or other institutions? Does compensation fairly reflect years of service?
- Has he or she been underpaid or overpaid in prior years?
- Does he or she bring unusual and highly valuable strengths to the position?

- Has the recruitment or retention of individuals for the subject position proven particularly easy or difficult?
- Is the job to be done at the institution more or less challenging—and does it require a more or less advanced set of skills—than is typical for the position?
- Does the job entail more or less professional and/or personal risk than is typical for the position?
- Are there institutional enhancement efforts underway serious enough to warrant increasing the individual’s compensation so as to begin closing gaps with the aspirational peer group?
- Are there components of compensation other than base salary by which the institution can more appropriately incentivize and potentially reward performance?
- Is an adjustment needed because the cost of living in the institution’s location is significantly higher or lower than that at peer institutions (If so, see for example the resources at <http://taxfoundation.org>)?

If these or other considerations lead to approving compensation either above or below the mid-point of the range, the rationale should be recorded.

For additional guidance on the considerations involved in setting executive compensation, clients may wish to consult **Nonprofit Executive Compensation: Planning, Performance, and Pay**, by Brian H. Vogel and Charles W. Quatt, Ph.D., second edition, published by Board Source, 2009. Those shaping a total compensation package should also consult the latest available edition of IRS Publication 15-B, the Employer’s Tax Guide to Fringe Benefits.

### **Documentation**

Finally, as noted above, the records of a board’s or its committee’s deliberations should be made “concurrently.” IRS rules require that they be prepared before the next meeting of the board or board committee or 60 days after the final action is taken, whichever is later.

Records must note: the terms of the arrangement; the date of approval; the members of the committee present when the arrangement was discussed and those who voted for it; what comparability data was relied upon and how it was obtained; and any action with respect to consideration of the arrangement taken by anyone who had a conflict of interest.

Finally, records must be reviewed and approved by the committee or board and determined to be reasonable, accurate and complete within a reasonable time thereafter

Table A: President Base Salaries Within Peer Group (CUPA-HR)

Table A, Part 1, President: Provides comparison group statistics on base salaries of presidents in the peer group and percentiles for the range.

Code/Title	A. Focus Salary		B. Comparison Group Statistics (Based on Average Salaries)								Ratio of A to B		Additional Percentiles							
	NP	Average	Median	Average	Std. Dev.	Minimum	Maximum	NP	NI	Median	Average	10	20	30	40	60	70	80	90	
Across All Positions Selected			391,870	399,770	51,104	325,000	474,600	11	11			347,816	350,000	350,000	390,000	400,000	450,000	450,000	468,180	
<b>Top Executive Officers: 100000 - 145000</b>																				
[101000] CEO-Single Inst/Campus within System			391,870	399,770	51,104	325,000	474,600	11	11			347,816	350,000	350,000	390,000	400,000	450,000	450,000	468,180	

This report was generated by CUPA-HR's Surveys Online application on January 23, 2018 08:00 AM. © 2018 CUPA-HR.

Table A, Part 2, President: Provides an ordinal ranking of base salaries of presidents in the peer group.

Code/Title	Average Salary
<b>Top Executive Officers: 100000 - 145000</b>	
[101000] CEO-Single Inst/Campus within System	474,600
[101000] CEO-Single Inst/Campus within System	468,180
[101000] CEO-Single Inst/Campus within System	450,000
[101000] CEO-Single Inst/Campus within System	450,000
[101000] CEO-Single Inst/Campus within System	400,000
[101000] CEO-Single Inst/Campus within System	391,870
[101000] CEO-Single Inst/Campus within System	390,000
[101000] CEO-Single Inst/Campus within System	350,000
[101000] CEO-Single Inst/Campus within System	350,000
[101000] CEO-Single Inst/Campus within System	347,816
[101000] CEO-Single Inst/Campus within System	325,000
<b>[101000] CEO-Single Inst/Campus within System (avg)</b>	<b>399,770</b>

Table B: President Base Salaries Within Aspirant Group (CUPA-HR)

Table B, Part 1, President: Provides comparison group statistics on base salaries of presidents in the aspirant group and percentiles for the range.

Code/Title	A. Focus Salary		B. Comparison Group Statistics (Based on Average Salaries)							Ratio of A to B		Additional Percentiles							
	NP	Average	Median	Average	Std. Dev.	Minimum	Maximum	NP	NI	Median	Average	10	20	30	40	60	70	80	90
Across All Positions Selected			432,195	432,975	66,005	347,816	543,739	10	10			349,782	374,500	387,188	404,633	450,000	455,454	481,544	535,874
<b>Top Executive Officers: 100000 - 145000</b>																			
[101000] CEO-Single Inst/Campus within System			432,195	432,975	66,005	347,816	543,739	10	10			349,782	374,500	387,188	404,633	450,000	455,454	481,544	535,874

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Table B, Part 2, President: Provides an ordinal ranking of base salaries of presidents in the aspirant group.

Code/Title	Average Salary
<b>Top Executive Officers: 100000 - 145000</b>	
[101000] CEO-Single Inst/Campus within System	543,739
[101000] CEO-Single Inst/Campus within System	535,000
[101000] CEO-Single Inst/Campus within System	468,180
[101000] CEO-Single Inst/Campus within System	450,000
[101000] CEO-Single Inst/Campus within System	450,000
[101000] CEO-Single Inst/Campus within System	414,389
[101000] CEO-Single Inst/Campus within System	390,000
[101000] CEO-Single Inst/Campus within System	380,625
[101000] CEO-Single Inst/Campus within System	350,000
[101000] CEO-Single Inst/Campus within System	347,816
<b>[101000] CEO-Single Inst/Campus within System (avg)</b>	<b>432,975</b>

**Table C: Selected Frequencies on Non-Salary Compensation (CUPA-HR)**

Provides data on the percentage of peer group institutions that provide their presidents certain forms of non-salary compensation. The source is the 2015-2016 CUPA-HR Administrative Survey.

**101000 CEO Benefits**

**CEO, Institution (101000): Housing provided**

Comp group: MTSU\_PEER

	2016-17	
No	0	0.0%
Partial subsidy	1	10.0%
Full subsidy	9	90.0%
No Response	0	
<b>Valid Total</b>	<b>10</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>10</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Club membership provided**

Comp group: MTSU\_PEER

	2016-17	
No	4	40.0%
Partial subsidy	1	10.0%
Full subsidy	5	50.0%
No Response	0	
<b>Valid Total</b>	<b>10</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>10</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Vehicle or allowance provided**

Comp group: MTSU\_PEER

	2016-17	
No	0	0.0%
Partial subsidy	3	30.0%
Full subsidy	7	70.0%
No Response	0	
<b>Valid Total</b>	<b>10</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>10</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Deferred comp program provided**

Comp group: MTSU\_PEER

	2016-17	
No	3	33.3%
Yes	6	66.7%
No Response	0	
<b>Valid Total</b>	<b>9</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>9</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Perform based incentive comp provided**

Comp group: MTSU\_PEER

	2016-17	
No	4	44.4%
Yes	5	55.6%
No Response	0	
<b>Valid Total</b>	<b>9</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>9</b>	

Table D: Summary of Non-Salary Compensation (The Chronicle of Higher Education)

Provides data on the dollar amounts of different forms of non-salary compensation which peer group institutions pay their president. The source is The Chronicle of Higher Education, fiscal year 2015-2016. No information is available on the peer institutions not shown here.

Peer Institutions	President	Bonus and Incentive Compensation	Other Reportable Compensation	Retirement and Deferred Compensation	Non-Taxable Benefits
Central Michigan University	George E. Ross	\$ 30,000.00	\$ -	\$ 71,000.00	\$ 17,137.00
Eastern Michigan University	James M. Smith	n/a	n/a	n/a	n/a
Georgia Southern University	Jean Bartels*	\$ -	\$ -	\$ 27,839.00	\$ 9,432.00
Kent State University at Kent	Beverly J. Warren	\$ 75,000.00	\$ -	\$ 35,142.00	\$ 26,280.00
Middle Tennessee State University	Sidney A. McPhee	\$ 11,310.00	\$ -	\$ 39,377.00	\$ 13,411.00
Northern Arizona University	Rita Cheng	\$ 40,000.00	\$ -	\$ 22,873.00	\$ 14,039.00
Northern Illinois University	Douglas D. Baker	\$ -	\$ -	\$ 33,750.00	\$ -
Sam Houston State University	Dana G. Hoyt	\$ -	\$ -	\$ 29,977.00	\$ 10,881.00
University of New Orleans	John W. Nicklow*	\$ -	\$ -	\$ 2,700.00	\$ -
University of Southern Mississippi	Rodney D. Bennett	\$ -	\$ -	\$ 41,737.00	\$ -
University of Wisconsin-Milwaukee	Mark Mone	\$ -	\$ -	\$ 28,419.00	\$ 18,909.00

**Data is from The Chronicle of Higher Education, fiscal year 2015-2016.** The breakdowns of what can be included in each of the amounts above are provided below:

**Bonus and Incentive Compensation:** bonus paid (including signing bonus), bonus deferred (taxable in current year), incentive compensation paid, incentive compensation deferred (taxable in current year), and other compensation amounts deferred (taxable in current year).

**Other reportable compensation:** severance or change of control payments made, third party sick pay, tax gross-ups paid, vacation/sick leave cashed out, stock options at time of exercise, stock awards paid by taxable organizations substantially vested, stock equivalents paid by taxable organizations substantially vested, loans - forgone interest or debt forgiveness, distributions from nongovernmental section 457(b) plan, amounts includible in income under section 457(f), amounts deferred by employer or employee (plus earnings) under section 457(b) plan (not substantially vested), earnings or losses of nonqualified defined contribution plan (substantially vested), scholarships and fellowship grants (taxable), medical reimbursements and flexible spending programs (taxable), other health benefits (taxable), life, disability or long-term-care insurance (taxable), split-dollar life insurance (see Notice 2002-8, 2002-1 C.B. 398), housing provided by employer or ministerial housing allowance (taxable), personal legal services (taxable), personal financial services (taxable), dependent care assistance (taxable), adoption assistance (taxable), tuition assistance for family (taxable), liability insurance (taxable), employer-provided automobile (taxable), employer subsidized parking (taxable), travel (taxable), moving (taxable), social club dues (taxable), spending account (taxable), and gift cards.

**Retirement and deferred compensation:** base salary/wages/fees deferred (nontaxable), bonus deferred (not taxable in current year), incentive compensation deferred (not taxable in current year), other compensation amounts deferred (not taxable in current year), stock options at time of grant, stock awards paid by taxable organizations not substantially vested, stock equivalents paid by taxable organizations not substantially vested, contributions (employer) to qualified retirement plan, qualified or nonqualified retirement plan defined benefit accruals (reasonable estimate of increase or decrease in actuarial value), amounts deferred by employer or employee under section 457(b) or 457(f) plan (not substantially vested), and amounts deferred under nonqualified defined contribution plans (not substantially vested).

**Non-taxable benefits:** health benefit plan premiums (nontaxable), medical reimbursement and flexible spending programs (nontaxable), other health benefits (nontaxable), life, disability or long-term-care insurance (nontaxable), housing provided by employer or ministerial housing allowance (nontaxable - see Section J instructions regarding working condition fringes), personal legal services (nontaxable), personal financial services (nontaxable), dependent care assistance (nontaxable), adoption assistance (nontaxable), tuition assistance for family (nontaxable), cafeteria plans (nontaxable health benefit), and cafeteria plans (nontaxable benefit other than health).

\*Partial-year compensation

Table E: Benefits, for Officers, Directors, etc., and Supplemental Information on Presidents (The Chronicle of Higher Education)

Provides data on the different forms of non-salary compensation which peer institutes compensate their president. The source is The Chronicle of Higher Education, fiscal year 2015-2016 data. No information is available on peer institutions not shown here.

Peer Institutions	Housing Benefit	Car Benefit	Social Club Benefit	Personal Services Benefit
Central Michigan University	x	x	x	
Eastern Michigan University	n/a	n/a	n/a	n/a
Georgia Southern University	x	x	x	
Kent State University at Kent	x	x	x	
Middle Tennessee State University	x	x	x	
Northern Arizona University	x	x	x	x
Northern Illinois University	x	x	x	x
Sam Houston State University	x	x	x	x
University of New Orleans	x	x	x	x
University of Southern Mississippi	x	x	x	x
University of Wisconsin-Milwaukee	x	x	x	x

Data are from The Chronicle of Higher Education, fiscal year 2015-2016 data. The breakdowns of what can be included in each of the amounts above are provided below:

**Housing:** Some chief executives are provided with a university-owned house to live in or an annual housing allowance.

**Car:** Some chief executives are provided a university-owned car to use or an annual car allowance.

**Social:** Some chief executives are provided memberships to health & wellness and country clubs.

**Personal:** Some chief executives are provided personal services such as chauffeurs, housekeeping, grounds-keeping, etc.

**Table F: Selected Frequencies on Non-Salary Compensation (CUPA-HR)**

Provides data on the percentage of aspirant group institutions that provide their presidents certain forms of non-salary compensation. The source is 2016-2017 CUPA-HR Administrative Survey.

**101000 CEO Benefits**

**CEO, Institution (101000): Housing provided**

Comp group: MTSU\_ASPIRANT

	2016-17	
No	0	0.0%
Partial subsidy	1	11.1%
Full subsidy	8	88.9%
No Response	0	
<b>Valid Total</b>	<b>9</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>9</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Club membership provided**

Comp group: MTSU\_ASPIRANT

	2016-17	
No	3	33.3%
Partial subsidy	1	11.1%
Full subsidy	5	55.6%
No Response	0	
<b>Valid Total</b>	<b>9</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>9</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Vehicle or allowance provided**

Comp group: MTSU\_ASPIRANT

	2016-17	
No	0	0.0%
Partial subsidy	1	11.1%
Full subsidy	8	88.9%
No Response	0	
<b>Valid Total</b>	<b>9</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>9</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Deferred comp program provided**

Comp group: MTSU\_ASPIRANT

	2016-17	
No	4	44.4%
Yes	5	55.6%
No Response	0	
<b>Valid Total</b>	<b>9</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>9</b>	

**101000 CEO Benefits**

**CEO, Institution (101000): Perform based Incentive comp provided**

Comp group: MTSU\_ASPIRANT

	2016-17	
No	5	55.6%
Yes	4	44.4%
No Response	0	
<b>Valid Total</b>	<b>9</b>	<b>100.0%</b>
<b>Overall Total</b>	<b>9</b>	



Table G: Summary of Non-Salary Compensation (The Chronicle of Higher Education)

Provides data on the dollar amounts of different forms of non-salary compensation which aspirant group institutions pay their president. The source is The Chronicle of Higher Education, fiscal year 2015-2016. No information is available on the aspirant institutions not shown here.

Peer Institutions	President	Bonus and Incentive Compensation	Other Reportable Compensation	Retirement and Deferred Compensation	Non-Taxable Benefits
Georgia State University	Mark P. Becker	\$ -	\$ -	\$ 24,486.00	\$ 12,090.00
Kent State University at Kent	Beverly J. Warren	\$ 75,000.00	\$ -	\$ 35,142.00	\$ 26,280.00
Middle Tennessee State University	Sidney A. McPhee	\$ 11,310.00	\$ -	\$ 39,377.00	\$ 13,411.00
Northern Arizona University	Rita Cheng	\$ 40,000.00	\$ -	\$ 22,873.00	\$ 14,039.00
Northern Illinois University	Douglas D. Baker	\$ -	\$ -	\$ 33,750.00	\$ -
Old Dominion University	John R. Broderick	\$ 7,893.00	\$ -	\$ 55,059.00	\$ -
University of North Carolina at Charlotte	Philip L. Dubois	\$ 750.00	\$ -	\$ 26,505.00	\$ 40,257.00
University of North Carolina at Greensboro	Dana L. Dunn*	\$ -	\$ -	\$ -	\$ -
University of North Texas	Neal J. Smatresk	\$ -	\$ -	\$ 17,490.00	\$ -
University of Wisconsin-Milwaukee	Mark Mone	\$ -	\$ -	\$ 28,419.00	\$ 18,909.00

**Data is from The Chronicle of Higher Education, fiscal year 2015-2016.** The breakdowns of what can be included in each of the amounts above are provided below:

**Bonus and Incentive Compensation:** bonus paid (including signing bonus), bonus deferred (taxable in current year), incentive compensation paid, incentive compensation deferred (taxable in current year), and other compensation amounts deferred (taxable in current year).

**Other reportable compensation:** severance or change of control payments made, third party sick pay, tax gross-ups paid, vacation/sick leave cashed out, stock options at time of exercise, stock awards paid by taxable organizations substantially vested, stock equivalents paid by taxable organizations substantially vested, loans - forgone interest or debt forgiveness, distributions from nongovernmental section 457(b) plan, amounts includible in income under section 457(f), amounts deferred by employer or employee (plus earnings) under section 457(b) plan (not substantially vested), earnings or losses of nonqualified defined contribution plan (substantially vested), scholarships and fellowship grants (taxable), medical reimbursements and flexible spending programs (taxable), other health benefits (taxable), life, disability or long-term-care insurance (taxable), split-dollar life insurance (see Notice 2002-8, 2002-1 C.B. 398), housing provided by employer or ministerial housing allowance (taxable), personal legal services (taxable), personal financial services (taxable), dependent care assistance (taxable), adoption assistance (taxable), tuition assistance for family (taxable), liability insurance (taxable), employer-provided automobile (taxable), employer subsidized parking (taxable), travel (taxable), moving (taxable), social club dues (taxable), spending account (taxable), and gift cards.

**Retirement and deferred compensation:** base salary/wages/fees deferred (nontaxable), bonus deferred (not taxable in current year), incentive compensation deferred (not taxable in current year), other compensation amounts deferred (not taxable in current year), stock options at time of grant, stock awards paid by taxable organizations not substantially vested, stock equivalents paid by taxable organizations not substantially vested, contributions (employer) to qualified retirement plan, qualified or nonqualified retirement plan defined benefit accruals (reasonable estimate of increase or decrease in actuarial value), amounts deferred by employer or employee under section 457(b) or 457(f) plan (not substantially vested), and amounts deferred under nonqualified defined contribution plans (not substantially vested).

**Non-taxable benefits:** health benefit plan premiums (nontaxable), medical reimbursement and flexible spending programs (nontaxable), other health benefits (nontaxable), life, disability or long-term-care insurance (nontaxable), housing provided by employer or ministerial housing allowance (nontaxable - see Section J instructions regarding working condition fringes), personal legal services (nontaxable), personal financial services (nontaxable), dependent care assistance (nontaxable), adoption assistance (nontaxable), tuition assistance for family (nontaxable), cafeteria plans (nontaxable health benefit), and cafeteria plans (nontaxable benefit other than health).

\*Partial-year compensation

Table H: Benefits, for Officers, Directors, etc., and Supplemental Information on Presidents (The Chronicle of Higher Education)

Provides data on the different forms of non-salary compensation which aspirant institutes compensate their president. The source is The Chronicle of Higher Education, fiscal year 2015-2016 data. No information is available on aspirant institutions not shown here.

Aspirant Institutions	Housing Benefit	Car Benefit	Social Club Benefit	Personal Services Benefit
Georgia State University	x	x	x	
Kent State University at Kent	x	x	x	
Middle Tennessee State University	x	x	x	
Northern Arizona University	x	x	x	x
Northern Illinois University	x	x	x	x
Old Dominion University	x	x	x	
University of North Carolina at Charlotte	x	x	x	
University of North Carolina at Greensboro	x	x	x	
University of North Texas	x	x	x	
University of Wisconsin-Milwaukee	x	x	x	x

Data are from The Chronicle of Higher Education, fiscal year 2015-2016 data. The breakdowns of what can be included in each of the amounts above are provided below:

**Housing:** Some chief executives are provided with a university-owned house to live in or an annual housing allowance.

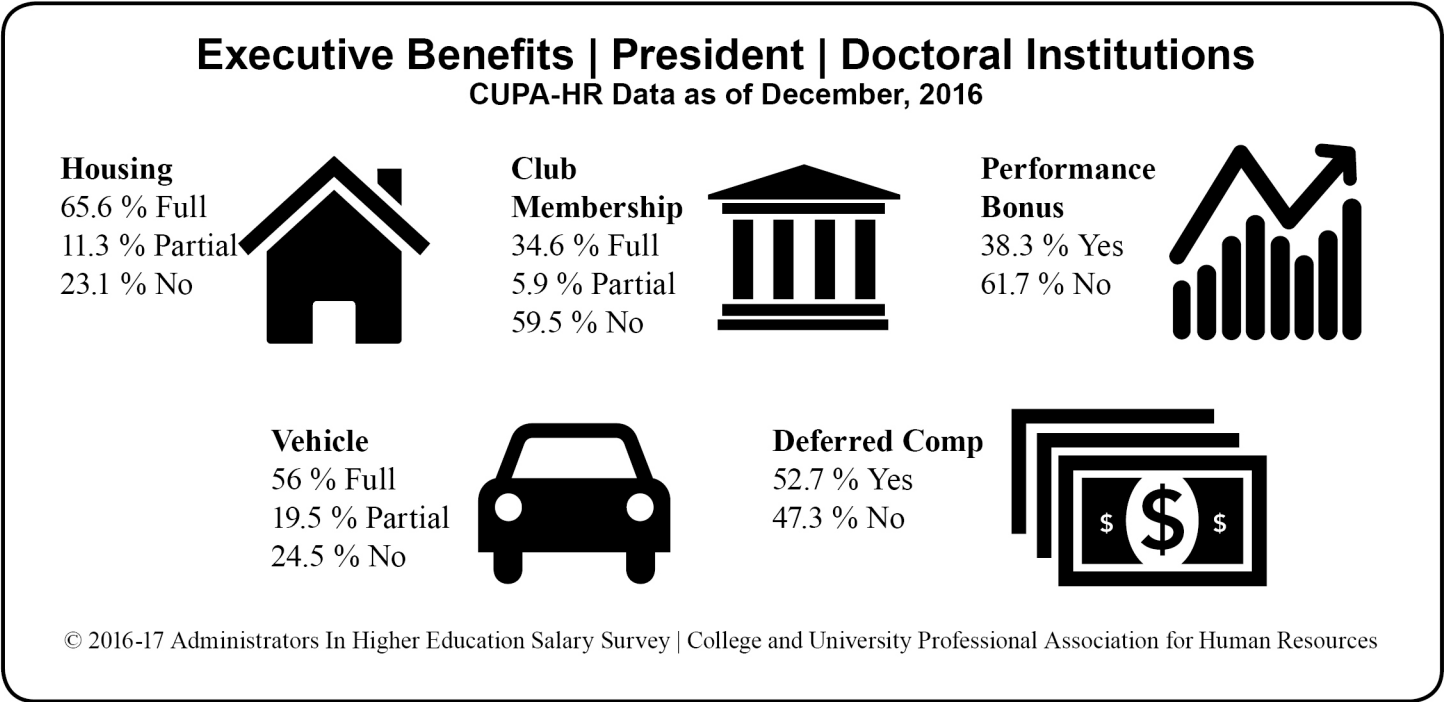
**Car:** Some chief executives are provided a university-owned car to use or an annual car allowance.

**Social:** Some chief executives are provided memberships to health & wellness and country clubs.

**Personal:** Some chief executives are provided personal services such as chauffeurs, housekeeping, grounds-keeping, etc.

**Table I: Selected Frequencies on Non-Salary Compensation for Presidents Within Doctoral Institutions (CUPA-HR)**

Provides data on the percentage of institutions of a broad similar type nationally that provide presidents certain forms of non-salary compensation. The source is the 2016 CUPA-HR Administrative survey.



**Table J: Selected Frequencies of Certain Benefits and Conditions of Employment by Institutional Type (ACE)**

Provides data on the percentage of institutions of the client's basic type nationally (e.g. associate, bachelor's, master's, doctoral-granting, or special focus) providing certain benefits and conditions of employment.

<b>Condition of Employment</b>	<b>Doctoral Institutions</b>
Ability for paid corporate directorships	42
Automobiles	79.3
Childcare	1.2
Deferred compensation	61.5
Entertainment budget	49.7
Executive Coaching	7.7
Health and wellness	31.4
House Manager	32
Housing allowance	21.9
Involuntary separation agreement	32
Life insurance	54.4
Long-term care insurance	21.3
Paid Consulting Opportunities	13.6
Pension/retirement contributions	80.5
Performance-based bonuses	34.3
Presidential residence	68.6
Professional association memberships	41.4
Professional development	11.2
Professional Financial Planning Assistance	5.9
Professional retirement planning assistance	4.7
Retention (time-based) bonuses	21.9
Retiree health insurance	14.2
Sabbaticals	23.1
Salary increase based on merit	52.7
Social Club membership(s)	58

\*The data above was published in the American College President Study, 2017, a study published by the American Council on Education (ACE) in 2017. The data reported is from 1546 college and university presidents. The above data can be found on page 83 of the report, which classifies institutions using 2010 Carnegie Classifications



**Middle Tennessee State University  
Board of Trustees**

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# Tab 5

## Report of the Board Secretary





**Middle Tennessee State University  
Board of Trustees**

MEETING: March Quarterly Board Meeting  
SUBJECT: [Board Secretary Report](#)  
DATE: March 27, 2018  
PRESENTER: Board Secretary Heidi Zimmerman  
ACTION REQUIRED: None

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**BACKGROUND INFORMATION:**

The Board Secretary was delegated limited authority to make technical revisions in policies and rules with the condition that a report be made to the Board of Trustees concerning what revisions have been made. Revisions were made to one policy as indicated.





<b>Policy</b>	<b>Date Edited</b>	<b>Explanation</b>
206 Tenure and Promotion Appeals Process	2/20/2018	Corrected numbering format at Section IV.B.

