



Board of Trustees Spring Quarterly Board Meeting

**Audit & Compliance Committee
10:00 a.m.**

**Regular Session Board Meeting
1:00 p.m.**

Wednesday
April 3, 2019

MEC Training Room – 2nd Floor
Miller Education Center
503 East Bell Street
Murfreesboro, Tennessee 37132



**Middle Tennessee State University
Board of Trustees**

Spring Quarterly Board Meeting

Wednesday, April 3, 2019
1:00 p.m.

AGENDA

Call to Order

Pledge of Allegiance

Introduction of Student-Veteran

Welcome and Opening Remarks

Roll Call

Public Comment

Approval of Minutes..... Tab 1
December 11, 2018 Regular Session Board Meeting

Academic Affairs, Student Life and Athletics Committee Report Tab 2
and Recommendations

1. Rule Promulgation and Related Policy Revisions
 - a. Academic Misconduct
 - b. Residency Classification
2. Approval of Academic Program Modifications
 - a. Elevate the Master of Education (M.Ed.) in Professional Counseling to Specialist in Education (Ed.S.) in Professional Counseling
 - b. Change the Master of Science (M.S.) in Public Health to Master of Public Health (M.P.H.)
3. Approval of Academic Degree under Consideration
 - a. Master of Science (M.S) in Speech-Language Pathology
 - b. Master of Science (M.S.) in Biomedical Sciences
 - c. Master of Public Health (M.P.H.)

Audit and Compliance Committee Report and Recommendations Tab 3

1. Approval of Policy Revisions
 - a. Policy 10 – Ethics and Code of Conduct
 - b. Policy 12 – Conflict of Interest

Executive and Governance Committee Report and Recommendations Tab 4

1. Institutional Mission Statement / Mission Profile
2. Establishment of Expense Limit for Spouse of University President

Finance and Personnel Committee Report and Recommendations Tab 5

1. Rule Promulgation and Related Policy Revision
 - a. 775 Traffic, Parking, and Safety Enforcement
2. Building Naming – Stark Agriculture Center

Board Secretary’s Report Tab 6

President’s Report

Closing Remarks

Adjournment



**Middle Tennessee State University
Board of Trustees**

Action Item

DATE: April 3, 2019

SUBJECT: **Minutes of December 11, 2018
Board Meeting**

PRESENTER: Chairman Steve Smith

BACKGROUND INFORMATION:

Approval of minutes of December 11, 2018 Board Meeting

MIDDLE TENNESSEE STATE UNIVERSITY

BOARD OF TRUSTEES

MINUTES

December 11, 2018

Call to Order and Pledge of Allegiance

The Middle Tennessee State University Board of Trustees met in regular session on Tuesday, December 11, 2018, in the Miller Education Center on the Middle Tennessee State University campus. Chairman Steve Smith called the meeting to order at 8:30 a.m. and requested retired Lt. Gen. Keith Huber to lead the Pledge of Allegiance.

Introduction of Student Veteran

Gen. Huber introduced student veteran, Sergeant Jay Strobino, who enlisted in the U.S. Army Infantry in September 2002. He was on his second tour in Iraq with the 101st when, on Feb. 1, 2006, he was engaged by the enemy. As a result of that action, he was shot 13 times but survived. Gen. Huber stated that he did more than survive, he continued to provide leadership in action against the enemy. For his actions of that day, Jay Strobino was awarded the Silver Star, and the respect and admiration that goes with that. Mr. Strobino will graduate from MTSU this Saturday, receiving a Bachelor of Science degree with a minor in Biology. He wants to work for Veterans Administration helping other veterans.

Roll Call

Board Secretary Heidi Zimmerman called the roll. Trustees present were Andy Adams, J.B. Baker, Pete DeLay, Darrell Freeman, Sr., Joey Jacobs, Tony Johnston, Stephen Smith, and Peyton Tracy. Trustees Christine Karbowskiak and Pamela Wright were unable to attend. A quorum was declared. Also present were President Sidney A. McPhee; Alan Thomas, Vice President for Business and Finance; Mark Byrnes, University Provost; Joe Bales, Vice President for University Advancement; Andrew Oppmann, Vice President for Marketing and Communications; Bruce Petryshak, Vice President for Information Technology and Chief Information Officer; Brenda Burkhart, Chief Audit

Executive; Heidi Zimmerman, University Counsel and Board Secretary; and Kim Edgar, Assistant to the President and Chief of Staff.

Welcome and Opening Remarks

Chairman Smith welcomed those present to the meeting of the Board of Trustees. He stated that Gov. Haslam was not able to attend the meeting, but read a statement expressing Gov. Haslam's appreciation for service on the Board. Dr. Sidney A. McPhee, President, also welcomed those attending the meeting and acknowledged special guests in the audience, including City Council member Eddie Smotherman.

Approval of the Minutes

Chairman Smith indicated that the next order of business concerned approval of the minutes of the regular session meeting of the MTSU Board of Trustees held on September 18, 2018, and the special called meeting on October 10, 2018. Trustee Freeman made the motion to approve these minutes; Trustee Delay seconded the motion. A voice vote on the motion to approve the minutes of the September 18, 2018 and October 10, 2018 Board meetings was taken and the motion carried unanimously.

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

In the absence of Committee Chair Pamela Wright, Trustee Delay gave the report from the November 13, 2018, meeting of the Academic Affairs, Student Life, and Athletics Committee. The meeting began with approval of the minutes from the August 28, 2018 and October 10, 2018 Committee meetings. The Committee report contained three (3) action items to be considered and voted on by the Board. Materials from the Committee meeting were provided to the Board in its meeting materials.

New Academic Degree Program – B.S. Tourism and Hospitality Management; Academic Degree Under Consideration – B.S. Data Science; and, Approval of Appointment of Chairholder of the National Health Care Chair of Excellence in Nursing – Action Items

The action items for Board consideration concerned a New Academic Degree Program – B.S. Tourism and Hospitality Management; an Academic Degree Under Consideration – B.S. Data Science; and, Approval of Appointment of Deborah A. Lee as Chairholder of the National Health Care Chair of Excellence in Nursing. The motion to approve the action items recommended by the Academic Affairs, Student Life, and Athletics Committee was made by Trustee Freeman, seconded by Trustee Baker. A voice vote was taken, the motion passed and the three (3) actions of Academic Affairs, Student Life, and Athletics Committee were approved.

Committee Report: Audit and Compliance Committee

In the absence of Committee Chair Chris Karbowiak, Trustee Adams provided the report for the Audit and Compliance Committee which met on November 13, 2018. Minutes from the September 18, 2018 Committee meeting were approved. The Committee report contained one (1) action item concerning promulgation of a rule and approval of revisions to the corresponding policy. Materials from the Committee meeting were provided to the Board in its meeting materials.

Promulgation of Rule – Public Records – Inspecting and Copying; and, Revisions to Policy 120 Public Records – Inspecting and Copying – Action Item

T.C.A. § 10-7-503(g)(2) requires state entities to promulgate a rule regarding public records. To be consistent with the proposed rule, revisions to the corresponding policy, Policy 120 Public Records – Inspecting and Copying, were necessary. The Committee approved the proposed rule and revisions to Policy 120, Public Records-Inspecting and Copying. Subsequent to the Committee meeting, the rule was reviewed by the Office of the Attorney General. Based on that review, additional revisions to the rule and the policy were advised. The meeting materials contained versions of the rule and policy showing all recommended revisions as well as clean versions of both.

A motion was made by Trustee DeLay to approve the promulgation of the rule and revisions to the corresponding policy regarding Public Records – Inspecting and Copying to include revisions

approved by the Audit and Compliance Committee and revisions advised subsequent to review by the Attorney General's Office. The motion was seconded by Trustee Freeman. A roll call vote was taken. The vote was seven (7) Aye and zero (0) No; the motion passed.

Committee Report: Executive and Governance Committee

Board Vice Chair Darrell Freeman provided the report for the Executive and Governance Committee which met in regular session on November 13, 2018, and at a special called meeting on November 27, 2018. Minutes from the Committee meetings held on February 27, 2018 and March 13, 2018 were approved.

Board Self-Evaluation

On November 13, 2018, the Committee reviewed and approved a survey for the Board's self-evaluation. The survey will be distributed with responses provided to the Committee at its spring meeting.

President's Employment Agreement

At its November 13, 2018 meeting, the Committee determined to defer discussion and deliberation on the president's employment agreement to a special called meeting as further negotiation was needed. On November 27, 2018, the Executive and Governance Committee met to review and discuss the draft of the president's employment agreement. After deliberation, revisions were proposed, and the draft was approved. The documents contained in the Board materials are the redline and clean versions of the employment agreement as voted on by the Executive and Governance Committee.

In addition to those revisions, Trustee Freeman recommended two "housekeeping" changes to the draft agreement:

- On page 2, Section C – change "Dr. McPhee agrees to live in the President's residence on campus" to "Dr. McPhee is required to live in the President's residence on campus." This change allows for clarity with the IRS.

- On page 4, Section B – change “Exceptions for Dr. McPhee ~~and/or his spouse~~ must be approved by the Chair of the Audit and Compliance Committee in writing and in advance of any reimbursement, and approved exceptions shall be reported by the Vice President for Business and Finance to the Audit and Compliance Committee at its next meeting.” It is recommended to delete “and/or his spouse” since spouse expenses are addressed in Section F.

Trustee Freeman stated that the Committee is seeking approval of the contract as recommended by the Executive and Governance Committee, along with the two minor recommended changes. The draft agreement was made available for review prior to the Board meeting and contained in the Board notebooks

A motion to approve the document as contained in the Board materials along with the two additional revisions proposed by Trustee Freeman was made by Trustee Freeman and seconded by Trustee Jacobs. Chairman Smith asked if there was any discussion.

Trustee Johnston raised an issue concerning Section 4.C. regarding faculty appointment. The section states that upon resignation in good standing or expiration of the agreement, the president may continue employment as a tenured faculty member. Trustee Johnston’s concern was that MTSU schedules teaching responsibilities a year in advance. Because of this, there may be no teaching opportunities available at the point the president resigns or the contract expires. He asked if the Board could develop some provision to allow time for the department to prepare for this teaching responsibility. He indicated that he was looking ahead to see how the department could accommodate this requirement on a practical level. Trustee Johnston recommended putting into the contract that advance notice is required in order that the department can accommodate the president’s teaching responsibility. Chairman Smith stated there is currently a six-month notice in the draft. Trustee Johnston suggested the notice be provided to the department so that it could prepare in order to plan ahead. Trustee Freeman stated he believed six months would be adequate notice to the department and that the contract, as written, suffices. He did not feel a year’s notice was needed. Provost Byrnes was

asked to speak on this point. He acknowledged that Trustee Johnston raised a valid point because, depending on when the change occurs, there can be issues about teaching. He stated that it is a common occurrence for administrators to go back to the classroom and it has been the practice of Academic Affairs to give the administrator a period of time – a semester - to prepare to return to teaching.

Trustee Johnston raised a second issue regarding state law T.C.A. § 8-36-714 and Board Policy 840 that he discussed with Ms. Zimmerman as it relates to post-retirement president emeritus status. He stated that the president of the university has the right to be granted president emeritus status at retirement. Trustee Johnston asked if the Board wants to include a provision in the contract to include this law to acknowledge that the law exists. Trustee Freeman indicated he would not change his motion. Chairman Smith clarified that the law says the Board may consider awarding this status but it is not an entitlement. He also stated that even if the law changes, Dr. McPhee would likely be grandfathered in. The decision on emeritus status will be made by the trustees on that board at the time it is requested. Board Secretary Zimmerman confirmed that emeritus status is not automatic. Trustee Freeman called the question.

Trustee Baker asked if it was correct that the bonus in Section J, the \$250,000, has no parameters other than completing the five year term of the agreement; that it has no measures such as graduation rates or anything to that nature. Chairman Smith stated that the entire contract is based on the concept of the State being fiscally sound. Board Secretary Zimmerman said that in a quick scan of the document, she does not see that wording in Section 3 of the agreement. Trustee Freeman said it is not required and there is no need to put into every contract that the state must be fiscally sound; that this is understood. Trustee Freeman again called the question.

Chairman Smith requested that a roll call vote be taken on the motion to approve the president's employment agreement with revisions as recommended by the Executive and Governance Committee and the two additional revisions recommended by Trustee Freeman. There were seven (7) Ayes and zero (0) Nos; Chairman Smith indicated that the vote was

unanimous in favor of the motion.

Committee Report: Finance and Personnel Committee

Committee Chair Joey Jacobs provided the report for the Finance and Personnel Committee and stated that this Committee met on November 13, 2018. Minutes from the August 28, 2018, Committee meeting were approved. The Committee report contained several informational items, as well as, three (3) action items. Materials from the meetings were provided to the Board in its meeting materials.

Capital Project Updates, THEC 2019-2020 Operating Recommendations, and Compensation Update - Informational

Alan Thomas, Vice President for Business and Finance, provided a brief update on 2019-2020 Capital Outlay and Capital Maintenance requests and reviewed THEC's 2019-2020 operating recommendations.

Assistant Vice President Kathy Musselman provided a compensation update.

2018-19 October revised budget; Regional Scholars Program; and Factors to be considered when developing recommendations for tuition and fee increases as required by the Tuition Transparency Act - Action Items

The Finance and Personnel Committee approved all three action items. A motion was made by Trustee Freeman and seconded by Trustee Jacobs to approve the action items recommended by the Finance and Personnel Committee. A voice vote was taken, the motion passed and the action items were approved.

NEW BUSINESS

Approval of New Academic Program

The matter before the Board was not considered at an Academic Affairs, Student Life, and Athletics Committee meeting, but Board By-laws allow for the designation of agenda items for deliberation and action at the full Board meeting without prior review and recommendation of a committee. The reason for placing this item on the Board agenda in this manner is that, should it be approved, it will need to be included in the 2019 academic catalog. Before that can occur, it will need to go to THEC to be reviewed by THEC staff and receive approval of the THEC director. Consideration of this matter now, rather than waiting for the Spring 2019 Committee and Board meetings, will ensure ample time for THEC review and approval so that it can be added to the 2019 catalog.

Chairman Smith asked Provost Byrnes to explain this item and also explain why it was not presented at the Committee meeting. Provost Byrnes said this should have been done, but in the midst for the preparations for the law school proposal, it fell through the cracks. Provost Byrnes apologized for the error, but stated they did not want to penalize this program due to all the busyness surrounding the law school proposal. Provost Byrnes explained that the Board is being asked to take an existing concentration within the Master of Science and Professional Sciences (MSPS) degree, and elevate it to a stand-alone program. Provost Byrnes indicated there is data that supports rapid growth in the job market for graduates in this area. Currently, the MSPS has six (6) concentrations and allowing Geosciences to be a stand-alone degree will establish whether there is, in fact, market demand to justify this status. He reiterated that THEC has to approve this and they want to get it in the catalog so students can take advantage of this starting in the fall.

Trustee Delay asked for information that would have been presented to the Academic Affairs, Student Life, and Athletics Committee, such as number of students expected, financial implications, and job market. Provost Byrnes replied there are no financial implications because these courses are already being taught. If approved, a student would be allowed to have an MS in Geosciences rather than an MSPS with a concentration. While the content of the degree will not change, from the student's standpoint, it's advantageous in the job market to have that

designation as a stand-alone Masters in Geosciences. Starting salaries and job demand information is in the Board notebook which provide that this is a field where 90% of graduates have a job upon graduation and start out in the \$70,000-\$90,000 salary range.

A motion to approve a new academic program, a Masters in Geosciences, was made by Trustee Johnston, seconded by Trustee Delay. A voice vote was taken, and the motion passed.

Report of the Board Secretary

Ms. Zimmerman reported two (2) minor formatting revisions made to policies since the last Board meeting. One was to provide more space for explanation in the Conflict of Interest disclosure statement. Another policy was revised to update a title. She also gave an update on the Board self-evaluation document, stating that it should be sent to Trustees after the first of the year.

Report of the President

True Blue Tours and Scholarship Application Deadline

An update was given on recruiting efforts made this fall. There were 14 True Blue tour stops in Kentucky, Alabama, Georgia, and Tennessee, as well as 12 luncheons for high school guidance counselors and community college partners. An increase of 13% was seen with 1,352 prospective students participating in the events and an increase of almost 9% with 349 counselors attending the luncheons.

The highlight of the True Blue Tour events was the announcement of significant increases to freshmen guaranteed scholarships. Students achieving ACT scores between 25 and 29, with a GPA of at least 3.5, will receive the new MTSU Presidential Scholarship, the largest guaranteed scholarship option for any Tennessee public university. It is valued at \$4,500 per year for a total of \$18,000.

In the fall semester, recruitment staff set a goal of increasing the number of applications meeting the December 1 guaranteed scholarship by 10%. As of December 1, 8,285 freshman applications for Fall 2019 have been received. This is an increase of nearly 14% over the same time, December 1, last year. These numbers are crucial because a significant increase in new freshmen will be required to help offset the expense of the expanded scholarship award. An additional 3,000 or more freshman applications is expected with a goal of admitting 70% of those applicants. Dr. McPhee reminded the trustees that the University does not accept everyone who submits an application. Finally, this is the third year in a row where there has been a significant increase in applications to the University.

In January the focus will turn to the next big step: the yield, which means getting admitted students to make MTSU their final choice, attend orientation, and enroll in Fall 2019. Dr. McPhee gave credit to Dr. Deb Sells for her leadership, along with her staff in Admissions who work so hard to generate this kind of interest in the University.

In sum, application goals have been exceeded and there has been great interest in the enhanced scholarship opportunity. MTSU leads the state through the enhanced scholarships in attracting the best and brightest students.

Leadership Retreat

A day-long leadership retreat facilitated by Dr. Rick Moffett and Dr. Patrick McCarthy with the Center for Organizational and Human Resource Effectiveness and attended by a group of administrators, faculty and staff was held on October 22, 2018. The primary purpose of the retreat was to brainstorm on bold, innovative programs and initiatives that MTSU may wish to pursue in the next 3 to 5 years that are consistent with the University mission and strategic plan. With 15 initiatives deemed consensus priorities, the goal is to settle on 5 to 7 ideas to be the University's laser strategic focus for the next five years. These initiatives must be measurable and achievable over that five year period. After a period during which campus comments will be solicited, the decision will be made on the 5 to 7 initiatives to pursue.

Commencement

Nearly 1,800 students will graduate in two ceremonies on December 15, 2018. The morning speaker will be Ms. Wanda Lyle, CEO, managing director and general manager of UBS Business Solutions Center in Nashville, Tennessee. This company hires a tremendous number of MTSU students. The afternoon speaker will be Ms. Holly Thompson, MTSU alumna and WSMV-NBC morning news anchor. Vice Chairman Freeman will represent the Board at those ceremonies.

Athletics

The Blue Raiders football team will participate in the R&L Carriers New Orleans Bowl against Appalachian State University Mountaineers on December 15, 2018.

Conclusion

Dr. McPhee thanked the trustees for a great year stating that he appreciates the time and effort that has been put into helping direct the strategic focus of the Board. He wished everyone happy holidays and a Merry Christmas.

Concluding Remarks

Chairman Smith thanked all those who helped put the meeting on and thanked fellow Trustees for their dedication to the work of this governing body. He stated that in the coming year there was hard work to do with interesting projects to work on. He stated that the Board and University administration will represent MTSU at the Capitol on December 19 for the Sunset law review. Chairman Smith and Dr. McPhee will be setting the Board meeting schedule for the next two years.

Trustee Baker asked about status of making a declaration of appreciation for Governor Haslam as mentioned in a past meeting. Chairman Smith asked Dr. McPhee to draw one up on behalf of the Board.

Trustee Baker then asked for an update on the Middle Tennessee Boulevard construction project. Dr. McPhee replied that he and Chairman Smith met with members of City Council and City Manager on December 10. No firm completion date is known but progress is being made.

Trustee Freeman stated that he is honored to serve on the Board. He said that he wants the Board to remember that there are students on campus whose lives will be changed by having been enrolled here, much as his life was changed for having been an MTSU student. He urged the Board to not lose sight of why they're there – to change lives.

Chairman Smith adjourned the meeting at 9:25 a.m.

Respectfully Submitted,

Heidi Zimmerman
Board Secretary



**Middle Tennessee State University
Board of Trustees**

MEETING: Spring Quarterly Board Meeting

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

DATE: April 3, 2019

PRESENTER: Committee Chair Pam Wright

ACTION REQUIRED: Voice Vote/Roll Call Vote

-
- Approval of Rule Promulgation and Related Policy Revisions
 - a. Academic Misconduct
 - b. Residency Classification
 - Approval of Academic Program Modifications
 - a. Elevate the Master of Education (M.Ed.) in Professional Counseling to Specialist in Education (Ed.S.) in Professional Counseling
 - b. Change the Master of Science (M.S.) in Public Health to Master of Public Health (M.P.H.)
 - Approval of Academic Degree under Consideration
 - a. Master of Science (M.S) in Speech-Language Pathology
 - b. Master of Science (M.S.) in Biomedical Sciences
 - c. Master of Public Health (M.P.H.)



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

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

BACKGROUND INFORMATION:

Revisions to Policy 312 clarify the role of the Director of Academic Integrity, establish a revised process for faculty to refer students accused of academic misconduct, discuss possible sanctions for repeat offenders, and establish a procedure for adjudicating academic misconduct for graduate students.

T.C.A. § 49-8-203(a)(1)(D) requires the promulgation of rules regarding student conduct which would include academic misconduct. The content of the proposed rule is consistent with the revised policy.



312 Academic Misconduct

Approved by Board of Trustees

Effective Date: _____, 201~~8~~⁹

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: Vice Provost for Faculty Affairs

I. Purpose

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

II. Scope

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

III. Definitions

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

when a student works with others on an individual academic exercise without the express permission of the faculty member.

3. Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.
- C. Academic Misconduct Committee (Committee) refers to the Committee established under [Policy 32 University Committees](#).
 - D. Faculty member. For the purposes of this policy, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
 - E. Director of Academic Integrity ([Director](#)). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The Director does not vote in academic misconduct hearings.
 - F. Notice. For the purposes of this policy, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this policy. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

IV. Process

- A. Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit a [Student Academic Integrity Incident Report](#) (Incident Report) to the Director within seven (7) business days from the time the faculty member concludes that the alleged misconduct occurred. The Incident Report will provide:
 1. the name of the student;
 2. the course in which the academic misconduct is alleged to have occurred;
 3. a description of the misconduct; and,
 4. supporting documentary evidence (if available);

~~5. the course syllabus.~~

- B. A referred student is prohibited from dropping a course in which misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under [Policy 540 Student Conduct](#).
- C. The referring faculty member will assign neither a grade on the referred academic exercise, nor a final grade for the course, pending the resolution of the case (if the referred exercise will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary grade of "Incomplete" (I) until the case is resolved.
- D. The Director will review the case within five (5) business days of receipt of the ~~Incident Report~~. If, in the Director's opinion, the ~~referral~~[Incident Report](#) lacks substance or is otherwise deficient, the Director may consult with the referring faculty member and indicate either that additional information is needed or encourage that the ~~referral~~[Incident Report](#) be withdrawn. Such a consultation may take place before and/or after the Director has met with the student.
- E. For any ~~Incident Report~~[case](#) not withdrawn by mutual consent between the Director and the referring faculty member, the Director will send notice to the student and schedule a meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the Director will decide on University sanctions (see Section V.) appropriate to the case, and the matter will be resolved at that point. The Director will note the resolution on the ~~Incident Report~~[referral](#) and provide copies to the faculty member and the department chair. This notice will be sent to the student's official MTSU email account- with a hard copy letter sent via first class [United States Postal Service \(USPS\)](#)-mail to the student's local address as indicated in the student information system.
- F. If a referred student fails to attend a scheduled meeting with the Director without a reasonable excuse, the Director may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.

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

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

H. Institutional Hearing

1. If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
2. Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 - a. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 - b. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.
3. The Director will advise the student, in writing, of the following:
 - a. The ~~conduct violation~~ [type of academic misconduct](#) and the circumstances alleged by the faculty member to constitute academic misconduct;
 - b. The date, time, and place of the hearing;
 - c. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 - d. The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;

- The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as amended; [and, the portion of the state Public Records Act making certain student information confidential \(T.C.A. § 10-7-504\(a\)\(4\)\)](#).
- e. The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody, or control and may use to support claims or defenses, unless the use would be solely for impeachment; and
 - f. The rights the student will be afforded at the hearing as specified in Section IV.H.5.
4. The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Section IV.H.5. or 6., as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the Director.
 5. The rights applicable to the referred student at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses in support of the misconduct allegation.
 6. The rights applicable to the referring faculty member at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses against the misconduct allegation.

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

V. University Sanctions for Academic Misconduct

- A. For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, sanctions will be determined by majority vote of the student's faculty advisor, graduate program director and department chair (or academic dean, whichever is applicable) and reported to the Vice Provost for Faculty Affairs. Students will be provided notice of all sanctions.
- B. Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Committee in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.

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

6. **Expulsion.** Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled 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 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 during the time of their visit.
7. **Revocation of Admission, Degree, or Credential.** Under circumstances deemed appropriate, an offer of admission, a degree, or a credential awarded may be revoked or rescinded.
8. **Other Sanctions.** Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

VI. Appeal of Decision

- A. The student or faculty member may appeal the Committee's decision to the Provost within five (5) business days of receipt of the decision.
- B. An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
 1. An error in procedural due process that prejudiced the Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and/or
 2. The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the decision of the Committee.
- C. The Provost may:
 1. Affirm the decision;
 2. Reverse the decision in whole or in part; or
 3. Return the matter to the Director or Committee for reconsideration of the sanction.
- D. The decision of the Provost is final.

VII. UAPA Hearing

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

VIII. Records Maintenance

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

Forms:

[Student Academic Integrity Incident Report](#)

Revisions: June 5, 2017 (original); _____, 2018~~9~~.

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



312 Academic Misconduct

Approved by Board of Trustees

Effective Date: _____, 2019

Responsible Division: Academic Affairs

Responsible Office: University Provost

Responsible Officer: Vice Provost for Faculty Affairs

I. Purpose

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

II. Scope

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

III. Definitions

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

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

IV. Process

- A. Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit a [Student Academic Integrity Incident Report](#) (Incident Report) to the Director within seven (7) business days from the time the faculty member concludes that the alleged misconduct occurred. The Incident Report will provide:
 1. the name of the student;
 2. the course in which the academic misconduct is alleged to have occurred;
 3. a description of the misconduct; and,
 4. supporting documentary evidence (if available).

- B. A referred student is prohibited from dropping a course in which misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under [Policy 540 Student Conduct](#).
- C. The referring faculty member will assign neither a grade on the referred academic exercise, nor a final grade for the course, pending the resolution of the case (if the referred exercise will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary grade of "Incomplete" (I) until the case is resolved.
- D. The Director will review the case within five (5) business days of receipt of the Incident Report. If, in the Director's opinion, the Incident Report lacks substance or is otherwise deficient, the Director may consult with the referring faculty member and indicate either that additional information is needed or encourage that the Incident Report be withdrawn. Such a consultation may take place before and/or after the Director has met with the student.
- E. For any Incident Report not withdrawn by mutual consent between the Director and the referring faculty member, the Director will send notice to the student and schedule a meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the Director will decide on University sanctions (see Section V.) appropriate to the case, and the matter will be resolved at that point. The Director will note the resolution on the Incident Report and provide copies to the faculty member and the department chair. This notice will be sent to the student's official MTSU email account with a hard copy letter sent via first class United States Postal Service (USPS) mail to the student's local address as indicated in the student information system.
- F. If a referred student fails to attend a scheduled meeting with the Director without a reasonable excuse, the Director may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.
- G. If the student does not accept responsibility, the case will be heard by the Committee. The Director will:

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

H. Institutional Hearing

1. If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
2. Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 - a. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 - b. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.
3. The Director will advise the student, in writing, of the following:
 - a. The type of academic misconduct and the circumstances alleged by the faculty member to constitute academic misconduct;
 - b. The date, time, and place of the hearing;
 - c. That the student may appeal a grade given by the faculty member in response to academic misconduct;
 - d. The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;

The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232(g), and the federal regulations implementing that statute, as

amended; and, the portion of the state Public Records Act making certain student information confidential (T.C.A. § 10-7-504(a)(4)).

- e. The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody, or control and may use to support claims or defenses, unless the use would be solely for impeachment; and
 - f. The rights the student will be afforded at the hearing as specified in Section IV.H.5.
4. The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Section IV.H.5. or 6., as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the Director.
 5. The rights applicable to the referred student at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses in support of the misconduct allegation.
 6. The rights applicable to the referring faculty member at the hearing include:
 - a. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 - b. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 - c. The right to call witnesses; and
 - d. The right to confront witnesses against the misconduct allegation.
 7. The hearing will not be open to the public.

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

V. University Sanctions for Academic Misconduct

- A. For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, sanctions will be determined by majority vote of the student's faculty advisor, graduate program director and department chair (or academic dean, whichever is applicable) and reported to the Vice Provost for Faculty Affairs. Students will be provided notice of all sanctions.
- B. Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Committee in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.
- C. Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the Director will inform the sitting members of the Committee of the

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

- D. Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Section VII. for conducting the hearing required in such a case.)
- E. Sanctions include, but are not limited to:
1. Reprimand. A written reprimand will be given to a student whose conduct violates any part of these policies, and warns a student that any further violation(s) may result in more serious consequences;
 2. Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the Director;
 3. Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to, for example, denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (including, but not limited to, labs, etc.).
 4. Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of these policies while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion following the hearing process described in this policy for any subsequent academic misconduct violation;
 5. Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students. 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 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.
 6. Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. Any student receiving a

sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled 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 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 during the time of their visit.

7. Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree, or a credential awarded may be revoked or rescinded.
8. Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

VI. Appeal of Decision

- A. The student or faculty member may appeal the Committee's decision to the Provost within five (5) business days of receipt of the decision.
- B. An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
 1. An error in procedural due process that prejudiced the Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and/or
 2. The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the decision of the Committee.
- C. The Provost may:
 1. Affirm the decision;
 2. Reverse the decision in whole or in part; or
 3. Return the matter to the Director or Committee for reconsideration of the sanction.
- D. The decision of the Provost is final.

VII. UAPA Hearing

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

VIII. Records Maintenance

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

Forms:

[Student Academic Integrity Incident Report](#)

Revisions: June 5, 2017 (original); _____, 2019.

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

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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).

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

Revision Type (check all that apply):

- Amendment
- New
- Repeal

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

| Chapter Number | Chapter Title |
|----------------|--|
| 0240-07-04 | Academic Misconduct |
| Rule Number | Rule Title |
| 0240-07-04-.01 | Purpose |
| 0240-07-04-.02 | Scope |
| 0240-07-04-.03 | Definitions |
| 0240-07-04-.04 | Process |
| 0240-07-04-.05 | University Sanctions for Academic Misconduct |
| 0240-07-04-.06 | Appeal of Decision |
| 0240-07-04-.07 | UAPA Hearing |
| 0240-07-04-.08 | Records Maintenance |

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-04
Academic Misconduct

New

Table of Contents is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

Table of Contents

0240-07-04.01 Purpose
0240-07-04.02 Scope
0240-07-04.03 Definitions
0240-07-04.04 Process
0240-07-04.05 University Sanctions for Academic Misconduct
0240-07-04.06 Appeal of Decision
0240-07-04.07 UAPA Hearing
0240-07-04.08 Records Maintenance

0240-07-04-.01 Purpose is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.01 Purpose

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

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

0240-07-04-.02 Scope is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.02 Scope

This rule applies only to situations where a faculty member alleges that a student has engaged in academic misconduct. Any allegation of misconduct related to research may also be evaluated under this rule. Students wishing to appeal final course grades must do so through the process set out in University policy.

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

0240-07-04-.03 Definitions is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.03 Definitions

- (1) Academic Exercise. Academic Exercise may consist of all forms of work submitted by a student for academic credit or hours.
- (2) Academic Misconduct. Academic Misconduct may consist of acts of plagiarism, cheating, or fabrication.
 - (a) Plagiarism. Plagiarism includes, but is not limited to, the adoption or reproduction of ideas, words, statements, images, or works of another person as one's own without proper attribution. This includes self-plagiarism, which occurs when an author submits material or research from a previous academic exercise to satisfy the requirements of another academic exercise and uses it without proper citation of its reuse.
 - (b) Cheating. Cheating includes, but is not limited to, using or attempting to use unauthorized materials, information, or aids in any academic exercise or test/examination. Cheating also includes unapproved

collaboration, which occurs when a student works with others on an individual academic exercise without the express permission of the faculty member.

- (c) Fabrication. Fabrication includes, but is not limited to, unauthorized falsification or invention of any information or citation in an academic exercise.
- (3) Academic Misconduct Committee (Committee) refers to the Committee established under University policy.
- (4) Faculty member. For the purposes of this rule, a faculty member is the University employee teaching a course or serving in a supervisory, advisory, or evaluative capacity in relation to the student(s) accused of academic misconduct, including graduate teaching assistants who are instructors of record. Graduate teaching assistants or others who are not instructors of record should present documentation of suspected misconduct to the supervising faculty member.
- (5) Director of Academic Integrity (Director). A designee of the Vice Provost for Faculty Affairs whose responsibilities are to manage and ensure fairness in the investigation and timely resolution of alleged academic misconduct. The Director does not vote in academic misconduct hearings.
- (6) Notice. For the purposes of this rule, a notice is a written communication sent to the student's official MTSU email account, or to the student's local address as indicated in the student information system, or both as specified in this rule. Students have the responsibility to check their University-issued email accounts regularly and to ensure that the local mailing address on file with MTSU is current. The requirement to provide notice will be satisfied and any period for response will begin on the date the notice is sent.

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

0240-07-04-.04 Process is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.04 Process

- (1) Academic misconduct is prohibited. Whenever a faculty member believes that academic misconduct has occurred, he/she must provide notice to the student and submit a Student Academic Integrity Incident Report (Incident Report) to the Director within seven (7) business days from the time the faculty member concludes that the alleged misconduct occurred. The Incident Report will provide:
 - (a) the name of the student;
 - (b) the course in which the academic misconduct is alleged to have occurred;
 - (c) a description of the misconduct; and,
 - (d) supporting documentary evidence (if available).
- (2) A student who has been referred by a faculty member pursuant to this rule is prohibited from dropping a course in which misconduct is alleged, pending final resolution of the case. Students should continue attending class, absent a disciplinary sanction to the contrary, while this procedure is ongoing. If found responsible for committing academic misconduct, a student will not be allowed to drop the course, though continued class attendance is neither prohibited nor required. (Students receiving federal financial aid who stop attending a course may incur significant financial penalties. Students are encouraged to consult the MT One Stop.) Failure to comply with this directive will result in referral to the Office of Student Conduct for violation of general rules and regulations and violation of imposed disciplinary sanctions under University policy and rule.
- (3) The referring faculty member will assign neither a grade on the referred academic exercise, nor a final grade for the course, pending the resolution of the case (if the referred exercise will affect the final grade). If a grade needs to be submitted at the end of the semester, a referred student will receive a temporary

grade of "Incomplete" (I) until the case is resolved.

- (4) The Director will review the case within five (5) business days of receipt of the Incident Report. If, in the Director's opinion, the Incident Report lacks substance or is otherwise deficient, the Director may consult with the referring faculty member and indicate either that additional information is needed or encourage that the Incident Report be withdrawn. Such a consultation may take place before and/or after the Director has met with the student.
- (5) For any Incident Report not withdrawn by mutual consent between the Director and the referring faculty member, the Director will send notice to the student and schedule a meeting to discuss the alleged academic misconduct violation. During this meeting the student can accept responsibility or not accept responsibility for the alleged academic misconduct. If the student accepts responsibility, the Director will decide on University sanctions (see Rule 0240-07-04-.05) appropriate to the case, and the matter will be resolved at that point. The Director will note the resolution on the Incident Report and provide copies to the faculty member and the department chair. This notice will be sent to the student's official MTSU email account with a hard copy letter sent via first class United States Postal Service (USPS) mail to the student's local address as indicated in the student information system.
- (6) If a referred student fails to attend a scheduled meeting with the Director without a reasonable excuse, the Director may find the student responsible in absentia and determine appropriate sanctions. Cases heard in absentia may not be appealed.
- (7) If the student does not accept responsibility, the case will be heard by the Committee. The Director will:
 - (a) Determine whether the matter warrants consideration of suspension or expulsion of the student should the Committee find academic misconduct. If so, the student must be given the option of a hearing held pursuant to the Uniform Administrative Procedures Act (UAPA) as set forth in Rule 0240-07-04-.07, below. A waiver of this option must also be in writing.
 - (b) As the designee of the Vice Provost for Faculty Affairs, form the Committee from the pool of members for the purpose of the hearing.
- (8) Institutional Hearing
 - (a) If the sanction of suspension or expulsion will not be considered or if the student has waived a hearing under the UAPA, the Committee will set an institutional hearing for the matter as soon as is feasible, ideally within fifteen (15) business days of the student's request for a committee hearing, allowing reasonable time for preparation. Both the faculty member and the student will be notified of the hearing.
 - (b) Outside of regular Fall and Spring semesters, hearings will be scheduled under only two (2) circumstances:
 1. If lack of resolution affects the student's ability to graduate in the Spring or Summer; or
 2. If the Vice Provost for Faculty Affairs determines that there are extenuating circumstances to warrant a special hearing.
 - (c) The Director will advise the student, in writing, of the following:
 1. The type of academic misconduct and the circumstances alleged by the faculty member to constitute academic misconduct;
 2. The date, time, and place of the hearing;
 3. That the student may appeal a grade given by the faculty member in response to academic misconduct;

4. The right to receive a list of the witnesses the University expects to present at the proceeding and those the University may present if the need arises;
 5. The right to request a copy of the University's investigative file, redacted in accordance with the Family Educational Rights and Privacy Act of 1974, (20 U.S.C. § 1232g), and the federal regulations implementing that statute, as amended; and, the portion of the state Public Records Act making certain student information confidential (T.C.A. § 10-7-504(a)(4)).
 6. The right to request copies of all documents, copies of all electronically stored information, and access to tangible evidence the University has in its possession, custody, or control and may use to support claims or defenses, unless the use would be solely for impeachment; and
 7. The rights the student will be afforded at the hearing as specified in Rule 0240-07-04-.04(8)(e).
- (d) The hearing will take place at the scheduled time, regardless of whether the student and/or the referring faculty member choose to attend. Failure to appear at a scheduled hearing abrogates the rights listed under Rule 0240-07-04-.04(8)(e) or (f), as applicable. A hearing may be rescheduled, under extraordinary circumstances, at the discretion of the Director.
- (e) The rights applicable to the referred student at the hearing include:
1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the student;
 3. The right to call witnesses; and
 4. The right to confront witnesses in support of the misconduct allegation.
- (f) The rights applicable to the referring faculty member at the hearing include:
1. The right to present evidence pertinent to the case and to hear and respond to all testimony;
 2. The right to be accompanied by an advisor. An advisor may not actively or directly participate in the hearing, but may only consult with the faculty member;
 3. The right to call witnesses; and
 4. The right to confront witnesses against the misconduct allegation.
- (g) The hearing will not be open to the public.
- (h) The Committee may exclude evidence it deems immaterial, irrelevant, or unduly repetitious.
- (i) Decisions shall be by majority vote of the Committee members present and voting. The Director is a non-voting ex-officio member of the Committee. The Committee may ask the referred student, referring faculty member, and any advisors present to leave the hearing while they deliberate and vote. Votes of individual Committee members will not be reported. In the event of a tie vote, the charge of misconduct is dismissed.
- (j) The standard of proof required for a finding of academic misconduct shall be by a preponderance of the evidence.
- (k) The Director will, on behalf of the Committee, issue a written decision indicating its finding concerning the charge of academic misconduct. The decision must specify the factual basis for the determination, and, if academic misconduct is found, state whether disciplinary sanctions will be imposed. The decision will be provided to the student, the faculty member, and the Vice Provost for

Faculty Affairs. For graduate students found responsible of misconduct, the decision will also be provided to the student's faculty advisor, graduate program director, and department chair.

- (l) The student and the faculty member must be notified of the right to appeal the Committee's decision to the Provost.
- (m) Once it has been determined whether academic misconduct has occurred or not, the faculty member shall determine a grade for the exercise or examination and/or course.

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

0240-07-04-.05 University Sanctions for Academic Misconduct is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

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

- (1) For undergraduates, appropriate sanctions will be determined by majority vote of the Committee and reported to the Vice Provost for Faculty Affairs. For graduate students, sanctions will be determined by majority vote of the student's faculty advisor, graduate program director and department chair (or academic dean, whichever is applicable) and reported to the Vice Provost for Faculty Affairs. Students will be provided notice of all sanctions.
- (2) Any finding or admission of responsibility will result in a record that will be maintained and referred to by the Committee in the event that a subsequent misconduct case arises, regardless of the severity of sanctions imposed in those instances.
- (3) Subsequent determinations of academic misconduct may result in more severe University sanctions. If a student has been found responsible for academic misconduct more than once, the Director will inform the sitting members of the Committee of the nature of prior offenses so that appropriate sanctions may be determined. These facts will not be revealed prior to the Committee's determination of responsibility in the present case in order to avoid prejudice.
- (4) Sanctions may include suspension or expulsion from the University but only if the student was provided the option of a UAPA hearing. (See Rule 0240-07-04-.07 for conducting the hearing required in such a case.)
- (5) Sanctions include, but are not limited to:
 - (a) Reprimand. A written reprimand will be given to a student whose conduct violates any part of these rules, and warns a student that any further violation(s) may result in more serious consequences;
 - (b) Specified Educational Program. Requirement to participate in specified educational program(s) or project(s) relevant to the offense and overseen by the Director;
 - (c) Restriction. A restriction upon a student's privileges for a period of time may be imposed. This restriction may include, but not be limited to denial of the ability to represent MTSU at any event, ability to participate in University travel, or use of facilities (including, but not limited to, labs, etc.).
 - (d) Probation. Any student placed on probation will be notified of the terms and length of the probation. Any conduct in further violation of this rule while on probationary status or the failure to comply with the terms of the probationary period may result in the imposition of more severe disciplinary sanctions, up to and including suspension or expulsion following the hearing process described in these rules for any subsequent academic misconduct violation;
 - (e) Suspension. Separation from the University for a specified period of time. This includes all instructional delivery methods (including, but not limited to, on ground, online, hybrid, etc.). Suspension may be accompanied by special conditions for readmission. Any student receiving a sanction of suspension shall be restricted from the campus of MTSU during the period of separation unless on official business with the University verified in writing by the Dean of Students. 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 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.

- (f) Expulsion. Permanent separation from the University. The imposition of this sanction is a permanent bar to the student's admission to MTSU. Any student receiving a sanction of expulsion shall be restricted from the campus of MTSU unless on official business with the University verified in writing by the Dean of Students. An expelled 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 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 during the time of their visit.
- (g) Revocation of Admission, Degree, or Credential. Under circumstances deemed appropriate, an offer of admission, a degree, or a credential awarded may be revoked or rescinded.
- (h) Other Sanctions. Additional or alternate sanctions may be created and designed as deemed appropriate to the offense and the student's individual need for education, growth, and reform.

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

0240-07-04-.06 Appeal of Decision is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.06 Appeal of Decision

- (1) The student or faculty member may appeal the Committee's decision to the Provost within five (5) business days of receipt of the decision.
- (2) An appeal must be submitted in writing and may only be filed based on one (1) or both of the following conditions:
 - (a) An error in procedural due process that prejudiced the Committee to the extent that the student was denied a fundamentally fair hearing as a result of the error; and/or
 - (b) The emergence of new evidence that could not have been previously discovered by the exercise of due diligence and which, had it been presented at the initial hearing, would have substantially affected the decision of the Committee.
- (3) The Provost may:
 - (a) Affirm the decision;
 - (b) Reverse the decision in whole or in part; or
 - (c) Return the matter to the Director or Committee for reconsideration of the sanction.
- (4) The decision of the Provost is final.

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

0240-07-04-.07 UAPA Hearing is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.07 UAPA Hearing

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

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

0240-07-04-.08 Records Maintenance is added to Chapter 0240-07-04 Academic Misconduct and shall read as follows:

0240-07-04-.08 Records Maintenance

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

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

* 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 | | | | | |
| Tony Johnston | | | | | |

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 0240-07-04 Academic Misconduct

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

Herbert H. Slatery III
Attorney General and Reporter

Date

Department of State Use Only

Filed with the Department of State on: _____

Effective on: _____

Tre Hargett
Secretary of State

Regulatory Flexibility Addendum

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

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

Impact on Local Governments

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

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

Additional Information Required by Joint Government Operations Committee

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

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

In 2016, Middle Tennessee State University (MTSU) initiated a comprehensive review of its policies and rules. 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 disciplinary sanctions with regard to academic misconduct 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), the definition of “rule” under the UAPA includes agency statements that relate to the 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 enrolled at 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 (Team). The 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 Cheryl Torsney, Vice Provost for Faculty Affairs.

- (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 Cheryl Torsney, Vice Provost for Faculty Affairs.

(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 Murfreesboro, TN 37132 615-898-2025 Heidi.zimmerman@mtsu.edu | Cheryl Torsney Vice Provost for Faculty Affairs 1301 E. Main Street, CAB 111 Murfreesboro, TN 37132 615-898-2329 cheryl.torsney@mtsu.edu |
|--|--|

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

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**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

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

BACKGROUND INFORMATION:

T.C.A. § 49-8-104 requires the Board of Trustees to promulgate a rule defining residency of students to be used for the purpose of determining whether or not out-of-state tuition shall be charged to a student enrolling at MTSU. The proposed rule incorporates the criteria of § 49-8-104, as well as, additional criteria to define residency.

The policy was recently reviewed by the Division of Student Affairs revealing a number of updates needed to reflect current practices and changes to state laws. These changes align our policy with current state and federal laws. The most significant changes to the policy relate to our student veterans and the benefits they receive, requiring us to classify many of them as in-state for tuition and fee paying purposes. Other minor clarifications of existing criteria revisions were made and the title of the policy was condensed.



501 ~~Classifying Students In State and Out of State for Paying University Fees and Tuition and for Admission Purposes~~ Residency Classification

Approved by Board of Trustees

Effective Date: ~~December 5, 2017~~ _____, 2019

Responsible Division: Student Affairs

Responsible Office: Enrollment Services

Responsible Officer: AVP Enrollment Services

I. Purpose

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

II. ~~Rules for~~ Determination of Status

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

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

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

- A. An unemancipated, currently enrolled student will be reclassified as out-of-state should his/her parent move out of the state of Tennessee. However, the student will not be required to pay out-of-state tuition nor be treated as an out-of-state student for admission purposes so long as he/she is continuously enrolled at MTSU.
- B. The waiver of out-of-state tuition granted to a student will follow the student from a Tennessee public community college to MTSU if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.
- C. Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that entire term are not required to pay out-of-state tuition.
- D. Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.
- E. Military veterans who have a Tennessee address in Box 19A on their DD214 (mailing address after separation) will be charged in-state tuition and fees.
- F. A veteran or dependents eligible to receive educational benefits (to include the David Fry Scholarship) administered by the United States Department of Veterans Affairs, through any provision of the United States Code, shall not be required to pay out-of-state tuition and fees when the veteran or eligible dependent is:
1. Enrolled at MTSU;
 - 1-2. Utilizing such benefits at MTSU; and
 3. Living in the state of Tennessee, regardless of the individual's formal state of residency.
- If VA benefits run out/expire prior to graduation, a student can continue to qualify for in-state tuition and fees ~~for the remainder of that~~ until completion of that degree, if he/she:
- a. Maintains continuous enrollment (Fall and Spring terms); and
 - b. Demonstrates objective evidence of established residency in the state of Tennessee by presenting three (3) of the following:

(1) A Tennessee driver's license, issued for at least one (1) year;

(2) A Tennessee Identification Card, issued for at least one (1) year;

(3) Proof of a Tennessee voter's registration;

(4) A Tennessee motor vehicle registration;

(5) Proof of established employment in Tennessee;

(6) ~~Residential~~ lease or mortgage.

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

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

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

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

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

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

L. Military personnel and their spouses stationed in Tennessee or at Fort Campbell, Kentucky who would be classified out-of-state in accordance with other provisions of ~~these regulations~~ this policy will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.

M. Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.

~~A. The waiver of out-of-state tuition granted to a student will follow the student from a public community college to MTSU, if the student transfers from the community college without a break in enrollment after successfully completing an associate's degree or if participating in a reverse transfer program.~~

~~K.N.~~ Part-time students who are not domiciled in Tennessee but who are employed full-time in Tennessee, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in Tennessee by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.

O. Presumption. No person shall qualify for in-state fees if he ~~/or~~ she came to Tennessee for the primary purpose of attending college. For example, if ~~you~~ an individual moved to Tennessee and immediately enrolled at MTSU, another university, college, or community college as a full-time student, ~~you are~~ that person is presumed to have moved to Tennessee for the primary purpose of attending college and ~~you~~ will not be eligible for in-state fees. The presumption is that a student cannot acquire domicile in Tennessee while enrolled as a full-time student.

~~P. Military personnel and their spouses stationed in the State of Tennessee who would be classified out-of-state in accordance with other provisions of these regulations will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in this State primarily for educational purposes.~~

~~Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at~~

~~MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12) month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.~~

~~Dependent children who qualify and are selected to receive a scholarship because their parent is a law enforcement officer, fireman, or emergency medical service technician who was killed or totally and permanently disabled while performing duties within the scope of their employment are not required to pay out-of-state tuition. T.C.A. § 49-4-704.~~

~~Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.~~

~~Students who participate in a study abroad program, when the course(s) in the study abroad program is/are the only course(s) for which the student is registered during that entire term are not required to pay out-of-state tuition.~~

~~A veteran enrolled at MTSU will not be required to pay out-of-state tuition or any out-of-state fee, if the veteran:~~

~~Has not been dishonorably discharged from a branch of the U.S. armed forces or the National Guard;~~

~~Is eligible for Post 9/11 GI Bill benefits or Montgomery GI Bill benefits; and~~

~~Enrolls at MTSU after satisfying all admission requirements, within three (3) years from the date of discharge as reflected on the veteran's certificate of release or discharge from active duty, Form DD-214, or an equivalent document.~~

~~To continue to qualify for in-state tuition and fees, a veteran must:~~

~~Maintain continuous enrollment at MTSU; and~~

~~Demonstrate objective evidence of established residency in this state by presenting at least two (2) of the following:~~

~~(1) Proof of voter registration in the state;~~

~~(2) Tennessee driver's license;~~

~~(3) Tennessee motor vehicle registration;~~

~~(4) Proof of established employment in the state; or~~

~~(5) Other documentation clearly evidencing domicile or residence in the state, as determined by the Tennessee Higher Education Commission.~~

~~J.—Presumption. Unless the contrary appears from clear and convincing evidence, it shall be presumed that an emancipated person does not acquire domicile in this State while enrolled as a full-time student at any public or private higher education institution in this State.~~

Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in Tennessee, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence such as including, but not limited to, proof of residence and/or property ownership within Tennessee the state; military orders assigning the person to Tennessee; proof of full-time employment within Tennessee the state; proof of receiving a Tennessee state benefit including, but not limited to, such as TennCare, TN Disability benefits, or SNAP; proof of current classification as in-state for tuition and fee purposes at another public Tennessee higher education institution; etc.

IV. Appeal Procedure

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

- A. Individuals who are initially classified as out-of-state for purposes of tuition and fee payment by personnel in the Admissions Office, the College of Graduate Office Studies, or the Office of International Programs and Services Admissions, and who wish to appeal this classification, must complete the Application for Tennessee Residency for Fee-Paying Purposes.
 1. Documentation submitted by the individual will be reviewed by the appropriate staff. The individual will be notified of any change in status or other action taken on his/her application. If the individual has an MTSU email account, he/she will be notified through this account. Otherwise, the individual will be notified using the information provided on the application. Notice to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.

2. In the event that the individual's application for in-state residency is denied, the individual will be advised to contact the Assistant Vice President for Student Affairs or designee to initiate an appeal of the classification.
- B. The Assistant Vice President for Student Affairs or designee will, upon request of the individual and receipt of any additional information required for full consideration, convene the Student Appeals Committee. A representative of the office of original classification in each individual case shall serve as a consultant to the Student Appeals Committee and, upon request, shall provide the basis for the original decision and any other relevant information.
 - C. The Student Appeals Committee shall hear such evidence members regard as relevant to a proper review of the individual's residency status and will make a recommendation to the Vice President for Student Affairs either denying the appeal or recommending that the individual be re-classified as in-state for purposes of [tuition and](#) fee payment.
 - D. The Vice President for Student Affairs will approve, reject, or modify the recommendation of the Student Appeals Committee. Notification to the individual of MTSU's decision is anticipated to be within five (5) business days, except during periods when a large volume of appeals has been filed, which may require extension of this notification period.
 - E. The decision of the Vice President for Student Affairs will be final in matters of appeal with regard to residency status for purposes of [tuition and](#) fee payment.

V. Effective Date for Reclassification

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

VI. Regional Scholars

- A. The MTSU Regional Scholars Program allows select non-Tennessee resident students who live within a specified radius of the MTSU campus, as determined by the Board of Trustees and published on the [Regional Scholars website](#) and who meet specific academic requirements, to attend MTSU at a reduced rate.
- B. Though still classified as out-of-state, students who qualify will receive:

1. A reduced tuition as determined by ~~the University~~ MTSU in accordance with approved guidelines.

~~±2.~~ Consideration for institutional scholarships if admitted by the established scholarship deadlines.

~~2. Automatic consideration for the MTSU Freshman Academic Merit Scholarships if admitted by the established scholarship deadlines.-~~

Forms: none.

Revisions: June 5, 2017 (original); December 5, 2017; _____, 2019.

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



501 Residency Classification

Approved by Board of Trustees

Effective Date: _____, 2019

Responsible Division: Student Affairs

Responsible Office: Enrollment Services

Responsible Officer: AVP Enrollment Services

I. Purpose

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

II. Determination of Status

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

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

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

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

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

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

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

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

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

- G. Individuals who join the Tennessee National Guard (active member) will be charged in-state tuition and fees.
- H. Military service members on active-duty orders who are stationed outside of the state of Tennessee but still maintain a Tennessee domicile will be charged in-state tuition and fees.
- I. An unemancipated person or spouse of an active-duty military member who is stationed outside of Tennessee but whose home of record is Tennessee, will be charged in-state tuition and fees (must show proof of domicile, including, but not limited to, driver's license, voter's registration, LES, tax document).
- J. An unemancipated person whose parent is not domiciled in Tennessee but is a member of the armed forces and stationed in Tennessee or at Fort Campbell, Kentucky pursuant to military orders will be classified out-of-state but shall not be required to pay out-of-state tuition. Such a person, while in continuous attendance toward the degree for which he/she is currently enrolled, will not be required to pay out-of-state tuition if his/her parent is transferred on military orders.
- K. Active-duty military personnel who begin working on a college degree at MTSU while stationed in Tennessee or at Fort Campbell, Kentucky, and who are transferred or deployed prior to completing their degree, can continue to completion of the degree at MTSU without being required to pay out-of-state tuition, as long as he/she completes at least one (1) course for credit each twelve (12)-month period after the transfer or deployment. Exceptions may be made in cases where the service member is deployed to an area of armed conflict for periods exceeding twelve (12) months.
- L. Military personnel and their spouses stationed in Tennessee or at Fort Campbell, Kentucky who would be classified out-of-state in accordance with other provisions of this policy will be classified out-of-state but will not be required to pay out-of-state tuition. This does not apply to military personnel and their spouses who are stationed in Tennessee primarily for educational purposes.
- M. Pursuant to T.C.A. § 49-7-164, MTSU shall charge a dependent child under twenty-three (23) years of age, whose military parent dies as a result of a targeted attack that

occurred in Tennessee, in-state tuition and fees regardless of the dependent child's domicile or place of residence during the dependent child's enrollment at MTSU, provided the dependent child has met and continues to meet all stated statutory requirements.

- N. Part-time students who are not domiciled in Tennessee but who are employed full-time in Tennessee, or who are stationed at Fort Campbell, Kentucky pursuant to military orders, shall be classified out-of-state but shall not be required to pay out-of-state tuition. This shall apply to part-time students who are employed in Tennessee by more than one (1) employer, resulting in the equivalent of full-time employment. Full-time employment is defined as working either one (1) job at a minimum of thirty-two (32) hours per week or more than one (1) part-time job to total an average of thirty-two (32) hours per week.
- O. Presumption. No person shall qualify for in-state fees if he/she came to Tennessee for the primary purpose of attending college. For example, if an individual moved to Tennessee and immediately enrolled at MTSU, another university, college, or community college as a full-time student, that person is presumed to have moved to Tennessee for the primary purpose of attending college and will not be eligible for in-state fees. The presumption is that a student cannot acquire domicile in Tennessee while enrolled as a full-time student.
- P. Evidence to be Considered for Establishment of Domicile. If a person asserts that he/she has established domicile in Tennessee, he/she has the burden of proving that he/she has done so. MTSU will consider any and all evidence provided concerning such claim of domicile. Generally, persons attempting to prove domicile should be prepared to offer multiple items of evidence including, but not limited to, proof of residence and/or property ownership within Tennessee; military orders assigning the person to Tennessee; proof of full-time employment within Tennessee; proof of receiving a Tennessee state benefit including, but not limited to, TennCare, TN Disability benefits, or SNAP; proof of current classification as in-state for tuition and fee purposes at another public Tennessee higher education institution; etc.

IV. Appeal Procedure

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

- A. Individuals who are initially classified as out-of-state for purposes of tuition and fee payment by personnel in the Admissions Office, the College of Graduate Studies, or the Office of International Admissions, and who wish to appeal this classification, must complete the Application for Tennessee Residency for Fee-Paying Purposes.

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

V. Effective Date for Reclassification

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

VI. Regional Scholars

- A. The MTSU Regional Scholars Program allows select non-Tennessee resident students who live within a specified radius of the MTSU campus, as determined by the Board of Trustees and published on the [Regional Scholars website](#) and who meet specific academic requirements, to attend MTSU at a reduced rate.

- B. Though still classified as out-of-state, students who qualify will receive:
 - 1. A reduced tuition as determined by MTSU in accordance with approved guidelines.

 - 2. Consideration for institutional scholarships if admitted by the established scholarship deadlines.

Forms: none.

Revisions: June 5, 2017 (original); December 5, 2017; _____, 2019.

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

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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).

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

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

| Chapter Number | Chapter Title |
|-----------------------|--|
| 0240-07-02 | Residency Classification |
| Rule Number | Rule Title |
| 0240-07-02-.01 | Rules for Determination of Student Status |
| 0240-07-02-.02 | Out-of-State Students who are not Required to Pay Out-of-State Tuition |
| 0240-07-02-.03 | Appeal Procedure |
| 0240-07-02-.04 | Effective Date for Reclassification |
| 0240-07-02-.05 | Regional Scholars |

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-02
Residency Classification

New

Table of Contents is added to Chapter 0240-07-02 Residency Classification and shall read as follows:

Table of Contents

0240-07-02-.01 Rules for Determination of Student Status
0240-07-02-.02 Out-of-State Students who are not Required to Pay Out-of-State Tuition
0240-07-02-.03 Appeal Procedure
0240-07-02-.04 Effective Date for Reclassification
0240-07-02-.05 Regional Scholars

0240-07-02-.01 Rules for Determination of Student Status is added to Chapter 0240-07-02 Residency Classification and shall read as follows:

0240-07-02-.01 Rules for Determination of Student Status

- (1) Students and applicants with a domicile in the state of Tennessee are to be classified in-state for tuition and fee purposes and for admission purposes. Domicile is defined for these rules as a person's true, fixed, and permanent home and place of habitation; it is the place where he/she intends to remain, and to which he/she expects to return when he/she leaves Middle Tennessee State University (MTSU) without intending to establish a new domicile elsewhere.
- (2) MTSU will comply with all applicable federal and state statutes and regulations pertaining to residency classification of students.
- (3) Absence from Tennessee for short periods of time will not affect the establishment of a residence, provided domicile was not established in another state during that time.
- (4) Students and applicants not having domicile in Tennessee shall be classified out-of-state.
- (5) The domicile of an unemancipated person is that of his/her parent, except as provided in Paragraph (6) below. Students who are unemancipated must submit parent, legal guardian, or foster parent documentation in lieu of their own. An emancipated person is someone who has attained the age of eighteen (18) years, and whose parents have entirely legally surrendered the right to the care, custody, and earnings of such person and who no longer are under any legal obligation to support or maintain such deemed emancipated person.
- (6) Unemancipated students of divorced parents shall be classified in-state when one (1) parent, regardless of custodial status, is domiciled in Tennessee.
- (7) A student is classified in-state for tuition and fee purposes if the student is a citizen of the U.S. and has resided in Tennessee for at least one (1) year immediately prior to admission and meets one (1) of the following:
 - (a) Graduated from a Tennessee public secondary school;
 - (b) Graduated from a private secondary school that is located in Tennessee; or
 - (c) Earned a Tennessee high school equivalency diploma.
- (8) The spouse of a student classified as in-state will also be classified as in-state.

- (9) Regular full-time employees at institutions governed by the Tennessee Board of Regents (TBR) or a Locally Governed Institution (LGI), along with their spouses and children shall be classified as in-state students for purposes of fees and tuition when enrolled in courses at any TBR institution or LGI.
- (10) Graduate assistants at MTSU shall be classified as in-state for purposes of fees and tuition.
- (11) Continuous enrollment at MTSU is defined as enrollment in at least one (1) course in successive Fall or Spring terms during the student's enrollment.

Authority: T.C.A. § 49-8-104.

0240-07-02-.02 Out-of-State Students who are not Required to Pay Out-of-State Tuition is added to Chapter 0240-07-02 Residency Classification and shall read as follows:

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

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

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

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

(v) Proof of established employment in Tennessee;

(vi) Residential lease or mortgage.

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

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

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

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

0240-07-02-.03 Appeal Procedure is added to Chapter 0240-07-02 Residency Classification and shall read as follows:

0240-07-02-.03 Appeal Procedure

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

Authority: T.C.A. § 49-8-104.

0240-07-02-.04 Effective Date for Reclassification is added to Chapter 0240-07-02 Residency Classification and shall read as follows:

0240-07-02-.04 Effective Date for Reclassification

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

Authority: T.C.A. § 49-8-104.

0240-07-02-.05 Regional Scholars is added to Chapter 0240-07-02 Residency Classification and shall read as follows:

0240-07-02-.05 Regional Scholars

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

Authority: T.C.A. § 49-8-104.

* 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 | | | | | |
| Tony Johnston | | | | | |
| 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 ___/___/2019 (*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 0240-07-02 Residency Classification

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 its policies and rules. This review was necessitated due to the separation of MTSU from the Tennessee Board of Regents system. MTSU is in the process of establishing rules as required by statute.

This rule describes the criteria for classifying students as either in-state or out-of-state for tuition and fee payment purposes, and for admission purposes. The rule sets out the criteria for making these determinations.

- (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. § 49-8-104 provides that the MTSU Board of Trustees is authorized to promulgate rules defining residency of students for the purpose of determining whether or not out-of-state tuition shall be charged to a student enrolling at MTSU.

- (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 reflects the proposed rule was reviewed and approved by the MTSU FOCUS Act Transition Team. The Transition Team included student, staff and faculty representatives. The policy was also provided to the campus community to provide an opportunity to submit comments or ask questions. 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 Dr. Laurie Witherow, Associate Vice President for Enrollment Services.

- (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 Dr. Laurie Witherow, Associate Vice President for Enrollment Services.

(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 Murfreesboro, TN 37132 615-898-2025 Heidi.zimmerman@mtsu.edu | Dr. Laurie Witherow Associate Vice President for Enrollment Services 1301 E. Main Street, SSAC 120 Murfreesboro, TN 37132 615-898-2239 laurie.witherow@mtsu.edu |
|--|--|

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

| |
|--|
| |
|--|



**Middle Tennessee State
University Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

SUBJECT: **Approval of Academic Program
Modifications**

BACKGROUND INFORMATION:

University Policy 251, Approval of Academic Programs, Units, and Modifications, states all academic actions that require review and approval by THEC must be approved by the Board of Trustees.

Proposals for the following modifications are attached:

- Elevate the Master of Education (M.Ed.) in Professional Counseling to Specialist in Education (Ed.S.) in Professional Counseling
- Change the Master of Science (M.S.) in Public Health to Master of Public Health (M.P.H.)

Academic Program Modification Professional Counseling Table of Contents

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| Anticipated Delivery Site | 1 |
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| Comprehensive Assessment Plan | Attachment A |

THEC Academic Program Modification Form
M.Ed in Professional Counseling
Middle Tennessee State University

| Before the Proposed Change | | | After the Proposed Change | | |
|---|--------|------------|--|--------|------------|
| Title of Existing Academic Program(include all existing concentrations before program modification) | Degree | CIP Code | Title of New Program after program modification is approved (including all concentrations) | Degree | CIP Code |
| Professional Counseling - Clinical Mental Health Counseling - School Counseling | M.Ed. | 13.1101.00 | Professional Counseling - Clinical Mental Health Counseling - School Counseling | Ed.S. | 13.1101.00 |

- Proposed Implementation Date
Fall 2019
- Proposed Termination Dates for Any Concentrations Proposed as Free Standing Academic Programs
N/A
- Anticipated Delivery Site
Middle Tennessee State University - Murfreesboro
- Academic Program Liaison (APL) Name and Contact Information (The APL will serve as the information resource on academic approval actions and notification for the institution.)
Dr. Peter Cunningham
Vice Provost for Academic Programs
Cope Administration Building, room 111
615-494-7611
peter.cunningham@mtsu.edu
- Background for Proposed Academic Program Modification (State the rationale for the proposed change.)

This proposal requests the following academic program modification: ***Masters of Education in Professional Counseling changed to Specialist in Education in Professional Counseling.***

The MTSU Professional Counseling Program currently offers a Masters of Education with two concentrations – clinical mental health counseling and school counseling. The Program is accredited by the Council for the Accreditation for Counseling and Related Educational Programs (CACREP).

The rationale for this change includes the following:

- Per the requirements of CACREP, this degree program requires completion of 60 credit hours. Currently, MTSU offers a number of education specialists degrees (e.g., administration and supervision, curriculum and instruction, and school psychology), all of which require 60 hours. This change would align the Professional Counseling degree with other degree programs at MTSU which require 60 hours.
 - Greater career advancement, including salary increases in local schools districts and agencies is available to graduates with the Ed.S. degrees as compared to graduates with the current M.Ed. credential.
- 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)

There will be no impact on other similar programs offered within the institution. The change will align the Professional Counseling degree with other 60 hour EdS programs offered at MTSU.

- 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 offer in public and private higher education in Tennessee.

| | |
|---------------------------------|-------------|
| Austin Peay State University* | M.S. |
| Carson-Newman | M.S.C/ Ed.S |
| East Tennessee State University | M.A. |
| Johnson University | M.A. |
| Lincoln Memorial University | M.Ed |
| Milligan College* | M.S. |
| Southern Adventist University | M.S. |
| University of Memphis | M.S. |
| UT Chattanooga | M.Ed |
| UT Knoxville | M.S. |
| Vanderbilt University | M.Ed |

** In process of modifying degree designation*

- 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 Professional Counseling Faculty developed student learning outcomes based on the CACREP Standards, which include eight core areas, as well as standards related to the clinical mental health counseling and school counseling concentration area. The eight core areas include the following:

1. professional counselors, the counseling profession and ethical practice.
2. social and cultural diversity.
3. human growth and development.
4. career development.
5. helping relationships.
6. group work.
7. assessment.
8. research and program evaluation.

For the clinical mental health counseling concentration area, students will demonstrate, integrate and apply knowledge pertaining to:

1. foundations of clinical mental health counseling.
2. counseling, prevention and intervention in the field of clinical mental health counseling.
3. diagnosis and treatment planning in the field of clinical mental health counseling.
4. diversity and advocacy in the field of clinical mental health counseling.

For the school counseling concentration area, students will demonstrate, integrate and apply knowledge pertaining to:

9. foundations of school counseling.
10. counseling, prevention, and intervention in the field of school counseling.
11. diversity and advocacy in the field of school counseling.
12. academic development of students in the field of school counseling.
13. collaboration and consultation in the field of school counseling.
14. leadership in the field of school counseling.

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

See attached.

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

The MTSU Professional Counseling Program is currently accredited by the Council for the Accreditation for Counseling and Related Educational Programs (CACREP). CACREP is a recognized accrediting agency by the Council for Higher Education Accreditation (CHEA) and holds full membership status with the Association of Specialized and Professional Accreditors (ASPA) and the International Network of Quality Assurance Agencies in Higher Education (INQAAHE).

No additional notification to SACSCOC is required.

Current and Proposed Curriculum Requirements

- 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 will be added.

- Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies (if applicable)

The Professional Counseling Program is an existing program, which is currently accredited by CACREP. Based on the accreditation status, the Program has met all standards through the existing curriculum.

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

The program will not be offered via distance learning but will remain a traditional program.

However, the following courses are offered as either online or hybrid courses:

- COUN 6110 Introduction to Professional Counseling
- COUN 6840 Measurement and Appraisal in Counseling
- COUN 6410 Development Across the Lifespan
- COUN 6150 Career Counseling
- COUN 7520 Assessment and Treatment of Addictions
- COUN 6765 Diagnosis and Treatment Planning in Counseling

- Current and Proposed Admission, Retention and Graduation Policies

There is no change to the existing admission, retention, and graduation policies.

- 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 masters' theses and doctoral dissertations each of these faculty members have directed to completion. (Please utilize the following tabular format).

| Name | Rank | Highest Degree | Primary Department | FTE in Program | # of Theses/dissertations |
|------------------|---------------------|----------------|------------------------|----------------|---------------------------|
| Ginny Dansby | Professor | Ed.D. | Educational Leadership | 100 | N/A |
| Robin Lee | Professor | Ph.D. | Educational Leadership | 100 | N/A |
| Chris Quarto | Professor | Ph.D. | Educational Leadership | 100 | N/A |
| Michelle Stevens | Associate Professor | Ph.D. | Educational Leadership | 100 | N/A |
| Tiffany Wilson | Assistant Professor | Ph.D. | Educational Leadership | 100 | N/A |

- Finance – Complete THEC Financial Projection Form THEC

The MTSU Professional Counseling Program is an existing program and will require no additional faculty or expenses as a result of the degree designation change.

Middle Tennessee State University (MTSU) Professional Counseling

Comprehensive Assessment Plan (CAP)

**Middle Tennessee State University (MTSU) Professional Counseling
Comprehensive Assessment Plan (CAP)**

Overview

The MTSU Professional Counseling faculty jointly participated in the development of the Comprehensive Assessment Plan (CAP). In developing the CAP, the faculty took into consideration various factors which inform and impact the training and evaluation of MTSU Professional Counseling students including:

Accreditation standards:

- Council for Accreditation of Counseling & Related Educational Programs (CACREP)
- Southern Association of Colleges and Schools (SACS)

Licensure requirements:

- Tennessee State Board of Education
- Tennessee Board of Licensed Professional Counselors, Licensed Marital and Family Therapists, and Licensed Pastoral Therapists

Professional association models and standards:

- American School Counselor Association National Model
- American Mental Health Counselors Association Standards for the Practice of Clinical Mental Health Counseling

College & program framework & objectives:

- MTSU College of Educational conceptual framework (Educators as Reflective Decision-Makers: Research & Inquiry, Teaching & Transmission of Knowledge, Integration of Knowledge, Application of Knowledge)

The Professional Counseling faculty utilize multiple methods of evaluating students over the course of their training programs. In particular, faculty take into consideration applicant data (e.g., undergraduate GPA, GRE scores), students' academic performance in classes, disposition ratings, evaluation forms completed on students by class instructors and practicum and site supervisors, student self-evaluations, and successful completion of a comprehensive examination, to name a few.

The Professional Counseling faculty developed a mission statement which describes the philosophy of the training program and what faculty seek to accomplish, in general terms, by training students to become professional counselors. The mission statement provided the backdrop for the development of six program objectives, which are guiding principles which faculty seek to accomplish in training students. These objectives are embedded in student learning outcomes (SLOs). However, the faculty elected to adopt CACREP common core curricular standards and

specialty area standards (Clinical Mental Health Counseling, CMHC, and School Counseling, SCCO) to serve as the core elements upon which SLOs were developed for the training program. The faculty believed that the standards represented a comprehensive framework for training students in the knowledge, skills and practices of professional counselors. Thus, Professional Counseling students are provided with learning activities and experiences and evaluated across eight areas (i.e., common core):

- Professional Orientation and Ethical Practice
- Social and Cultural Diversity
- Human Growth and Development
- Career Development
- Helping Relationships
- Group Work
- Assessment
- Research and Program Evaluation

In addition, they are provided with learning activities and experiences and evaluated with regard to specialty area standards pertaining to Clinical Mental Health Counseling and School Counseling:

Clinical Mental Health Counseling (CMHC):

- Foundations
- Counseling, Prevention and Intervention
- Diversity and Advocacy
- Assessment*
- Research and Evaluation*
- Diagnosis

School Counseling (SCCO):

- Foundations
- Counseling, Prevention and Intervention
- Diversity and Advocacy
- Assessment*
- Research and Evaluation*
- Academic Development
- Collaboration and Consultation
- Leadership

(* Specialty area standards associated with Assessment and Research and Evaluation are addressed in many classes via learning activities and experiences and evaluated using a variety of methods. However, the Professional Counseling faculty did not create SLOs from these particular standards as they were not considered as essential as the other ones.)

MTSU Professional Counseling Student Learning Outcomes

The Professional Counseling faculty developed the following SLOs for its students:

All Professional Counseling students will demonstrate, integrate and apply knowledge of:

15. professional counselors, the counseling profession and ethical practice.
16. social and cultural diversity.
17. human growth and development.
18. career development.
19. helping relationships.
20. group work.
21. assessment.
22. research and program evaluation.

Students in the clinical mental health counseling concentration will demonstrate, integrate and apply knowledge pertaining to:

23. foundations of clinical mental health counseling.
24. counseling, prevention and intervention in the field of clinical mental health counseling.
25. diagnosis and treatment planning in the field of clinical mental health counseling.
26. diversity and advocacy in the field of clinical mental health counseling.

Students in the school counseling concentration will demonstrate, integrate and apply knowledge pertaining to:

27. foundations of school counseling.
28. counseling, prevention, and intervention in the field of school counseling.
29. diversity and advocacy in the field of school counseling.
30. academic development of students in the field of school counseling.
31. collaboration and consultation in the field of school counseling.
32. leadership in the field of school counseling.

Each of the specialty area SLOs (#9 – #18) have been divided into *knowledge* and *skills and practices* SLOs, which correspond to how CACREP 2009 specialty area standards are divided into these two areas. For example, SLO #9A – which pertains to CMHC students - reads as follows:

- Students in the clinical mental health counseling concentration will demonstrate, integrate and apply knowledge of foundations of clinical mental health counseling (***knowledge***).

SLO #9B is as follows:

- Students in the clinical mental health counseling concentration will demonstrate, integrate and apply knowledge of foundations of clinical mental health counseling (*skills & practices*).

Given that the specialty area SLOs are divided into two sections, there are actually 28 SLOs that the Professional Counseling faculty evaluate (i.e., 8 SLOs that correspond to the CACREP core curricular standards and 20 SLOs that correspond to the CACREP specialty area standards – CMHC and SCCO).

Learning Activities and Experiences and Evaluation of Student Learning Outcomes

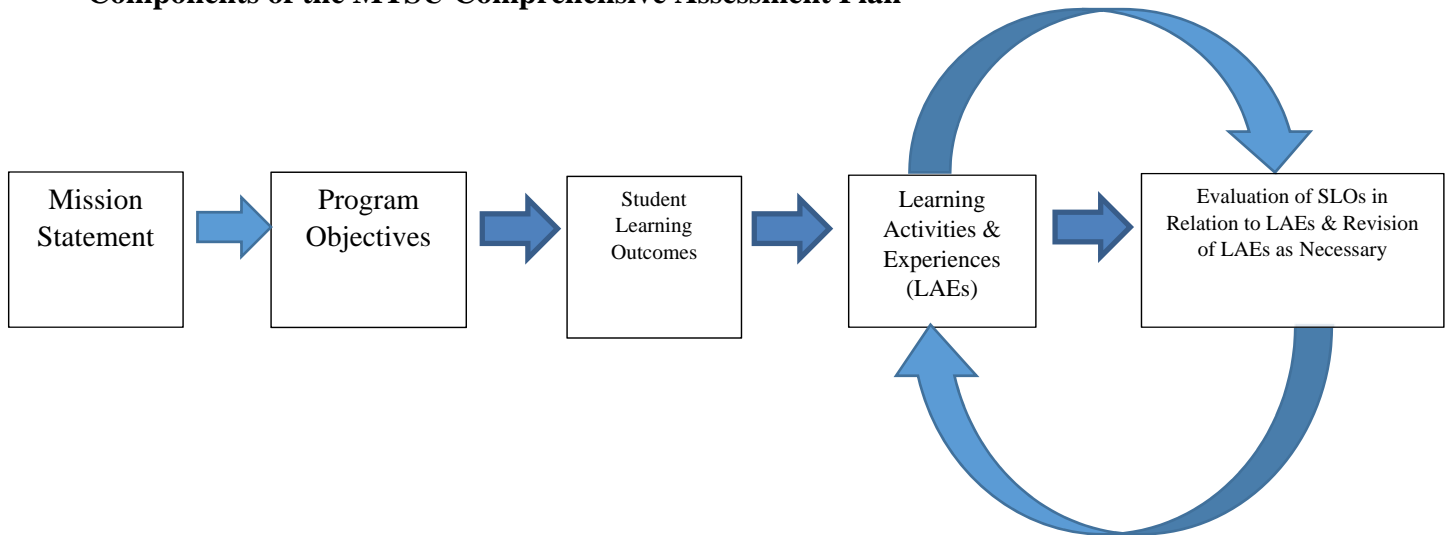
Various learning activities and experiences (LAEs) are utilized to help students develop the knowledge, skills and practices of professional counselors that are specified in the common core and specialty area standards throughout the course of their training programs. The Professional Counseling faculty, in turn, use multiple-choice tests such as the Counselor Preparation Comprehensive Examination and the end-of-program knowledge assessment exams to evaluate LAEs pertaining to the eight core curricular area standards and *knowledge standards* of the specialty area standards (i.e., CMHC and SCCO) upon which SLOs are based. Alternatively, grading rubrics, supervisor evaluation forms, etc. are used to evaluate the LAEs pertaining to *skills and practices standards* upon which specialty area SLOs are based.

The Professional Counseling faculty reviews evaluation data and, in conjunction with key players (e.g., advisory board) makes programmatic changes and, when necessary, changes in the measures used to assess outcomes to improve (or more accurately measure) the achievement of outcomes. In addition, the faculty periodically reviews and updates the mission statement and program objectives based on the evolution of training philosophies and standards promulgated by professional associations and accreditation bodies, scholarly writings reported in professional journals, advisory board recommendations, and , in the future, SLO evaluation results.

Figure 1 depicts the components of the Comprehensive Assessment Plan (CAP):

Figure 1

Components of the MTSU Comprehensive Assessment Plan



To be more explicit, the Professional Counseling faculty uses two methods to assess SLOs:

- Multiple-choice exams are used to evaluate SLOs that are based on the CACREP core curricular standards and specialty area *knowledge standards*:
 - Counselor Preparation Counselor Examination (CPCE) – used to evaluate SLOs #1 - #8 (the faculty began using this test in fall, 2013 to evaluate SLOs and for its comprehensive examination)
 - End-of-program knowledge assessment exams – used to evaluate SLOs #9 - #18 (specifically, the specialty area *knowledge standards* associated with these SLOs)
- Rubrics and other evaluation forms (e.g., site supervisor evaluation forms) are used to evaluate SLOs #9 - #18 that are based on designated CACREP specialty area *skills & practices standards*.

The Professional Counseling faculty adopted a standardized metric for use with any rubric developed to assess *skills & practices* SLOs (i.e., #9 - 18). The metric is based on a 1-2-3 scale as follows:

| Unacceptable | Acceptable | Target |
|---------------------|-------------------|---------------|
| 1 | 2 | 3 |

For each rubric evaluation category – Unacceptable, Acceptable, and Target – a list of criteria are specified which help faculty differentiate different levels of skill performance. Not only does this help faculty evaluate students more objectively, but also makes it clear to students the types of skills they need to demonstrate to achieve at a particular level of performance. For example:

| Assessing Suicide Risk & Demonstrating Skills Rubric | | | |
|---|---|--|---|
| | Unacceptable | Acceptable | Target |
| | 1 | 2 | 3 |
| Use of PIMP Procedure During Role Play | <ul style="list-style-type: none"> • Demonstrates two or fewer components of PIMP suicide risk procedure with client | <ul style="list-style-type: none"> • Demonstrates three out of four components of PIMP suicide risk procedure with client | <ul style="list-style-type: none"> • Demonstrates all four components of PIMP suicide risk procedure with client |

Figures 2 & 3, which are depicted on the following pages, elucidate the relationships between CACREP standards, SLOs and methods of evaluation and provide an example of these relationships.

Figure 2 - Student Learning Outcome Evaluation Process

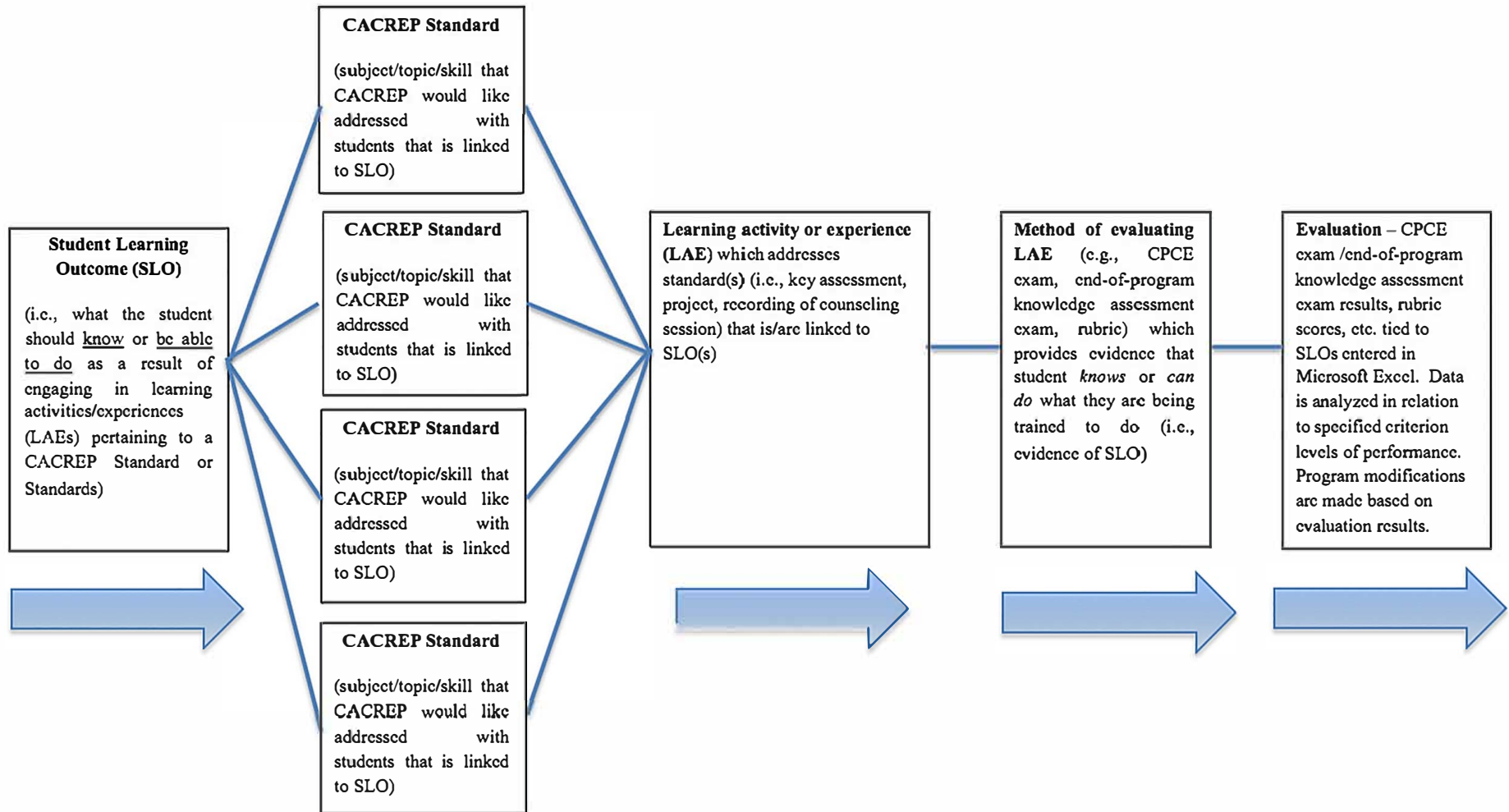
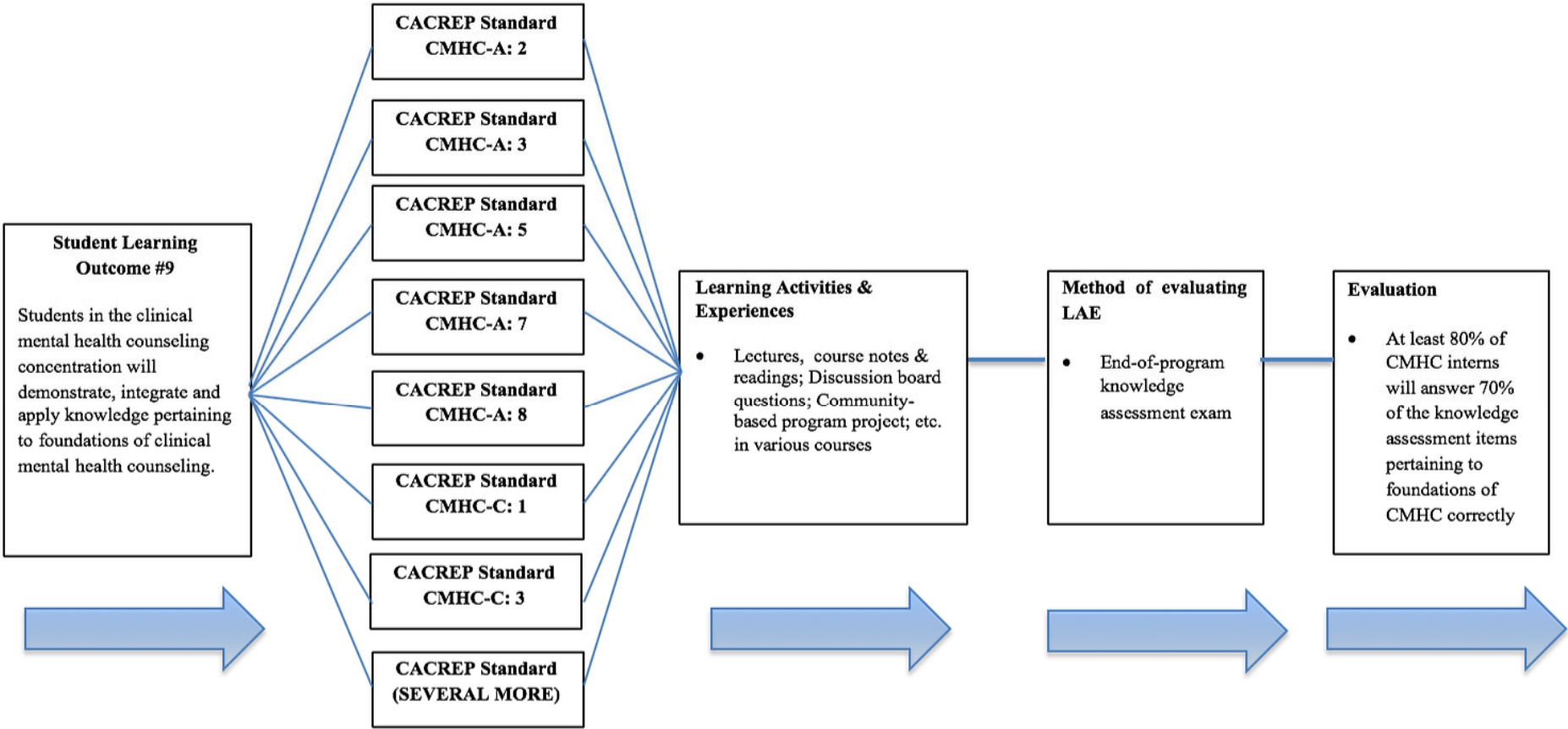


Figure 3 - Student Learning Outcome Evaluation Process - Example



Assessment Results Pertaining to Student Learning Outcomes & Professional Dispositions

The Professional Counseling faculty identified a series of “*key assessments*” which serve as prime outcome indicators of SLOs. They also came to a consensus on six dispositions that should be displayed by students. Grading rubrics are used to evaluate key assessments and dispositions using the 1-2-3 (Unacceptable-Acceptable-Target) rating system. Students are continuously evaluated in every course every semester with a key assessment and/or disposition ratings over the course of their programs.

- The CPCE serves as the primary key assessment of SLOs (#1 - #8) that are based on CACREP core curricular standards.
- The end-of-program knowledge assessment exams and a series of course-related LAEs (evaluated with rubrics) serve as key assessments relating to SLOs (#9 – #18) that are based on the CACREP specialty area (knowledge + skills & practices) standards.

Professional Dispositions

As noted above, students in the Professional Counseling program (and non-degree-seeking students who have been granted permission to take classes in the Clinical Mental Health Counseling or School Counseling concentration) are expected to demonstrate positive dispositions. It is the philosophy of this program that in order to serve the counseling profession, clients and their families, and the public at large, counselor candidates must be collaborative, ethical, professional, reflective, self-directed, and critical-thinkers. The following rubric provides descriptions of each disposition. This rubric is employed by the faculty as part of the continuous evaluation process.

| RATINGS | 1 Unacceptable | 2 Acceptable | 3 Target |
|----------------------|---|---|--|
| Disposition | (Examples of behaviors and/or characteristics that student exhibits most or much of the time, and/or they overshadow behaviors and/or characteristics in the next higher category) | (Examples of behaviors and/or characteristics that student exhibits most or much of the time and/or they overshadow behaviors and/or characteristics in the next higher category) | (Examples of behaviors and/or characteristics that student exhibits most or much of the time) |
| Collaborative | <ul style="list-style-type: none"> • Unwilling or resistant to working with others; • Does not recognize or accept appropriate role within the group; • Fails to complete or is consistently late with assigned tasks; • Cannot articulate the purpose, scope, and outcomes of each collaboration; Fails to show respect for others | <ul style="list-style-type: none"> • Willing to work with others; • Demonstrates appropriate role within the group; • Fulfills role expectations; • Finishes assigned tasks within the group on-time and thoroughly; • Values planning as a collegial activity; • Articulates the purpose, scope, and outcomes of each collaboration; • Shows respect for others | <ul style="list-style-type: none"> • Willing to work with others; • Understands and seeks leadership roles within the group; • Values the roles of all members of the group and solicits input from all; • Articulates the purpose, scope, and outcomes of each collaboration; • Shows a high level of respect for others |

| | | | |
|-----------------------|--|---|---|
| <p>Ethical</p> | <ul style="list-style-type: none"> • Decisions based on self- interest only; • exhibits lack of tolerance for individual differences; • does not plan instruction or counseling interventions based on varied abilities or cultural backgrounds of individuals; • dishonest; presents others' work as own; • is unaware of or disregards standards and policies of the profession; • demonstrates poor choices | <ul style="list-style-type: none"> • Values human diversity; • Shows respect for the varied talents and cultural backgrounds of individuals; • Demonstrates compassion toward others; • Respectful of others; • Sets high expectations for achievement for self and others; • Is honest; • Acknowledges appropriately the work/ideas of others; • Is aware of and regards as important the standards and policies of the profession; • Demonstrates good choices; • Does no harm to clients | <ul style="list-style-type: none"> • Values human diversity; • Plans instruction and counseling interventions based on the varied talents and cultural backgrounds of individuals; • Demonstrates compassion toward others; • Is respectful of others; • Committed to developing the highest potential of individuals; • Is honest; • Works within standards and policies of the profession; • Demonstrates excellent |
|-----------------------|--|---|---|

| | | | |
|----------------------------|---|--|---|
| <p>Professional</p> | <ul style="list-style-type: none"> • Frequently late or absent; • Is not prepared for class; • Fails to maintain accurate or complete records; • Assignments are frequently late; • Does not follow policies and procedures; • Exhibits apathy; • Produces minimal work/frequently avoids involvement; • Rarely respectful and responsive to professors and supervisors; • Communicates poorly with others; • Does not protect confidentiality of information; • Does not participate in professional organizations and activities; • Demonstrates little awareness and use of professional literature; • Demonstrates inappropriate appearance for given situations; • Ignores instruction and feedback; • Demonstrates lack of competence in counseling skills | <ul style="list-style-type: none"> • Maintains a satisfactory record of punctuality and attendance; • Adequately prepared for class; • Maintains accurate and up-to-date records; • Completes assigned tasks on schedule; • Follows applicable policies and procedures; • Maintains confidentiality and fulfills legal responsibilities; • Is enthusiastic; • Is respectful and responsive to professors and supervisors; • Is hard working; • Is an effective communicator; • Is aware of and participates in professional organizations from time to time; • Is aware of and uses professional literature; • Participates in professional development opportunities; • Maintains professional appearance appropriate to the situation; • Is responsive to instruction and feedback; • Is developing self-confidence; • Demonstrates competence in counseling skills | <ul style="list-style-type: none"> • Consistently attends class and arrives on time; • Is thoroughly prepared for class at all times; • Maintains accurate and up-to-date records and uses this information for decision-making; • Maintains confidentiality; • Understands and fulfills legal responsibilities; • Is enthusiastic; • Is consistently respectful and responsive to professors and supervisors; • Is hardworking; • Is an effective communicator; • Participates in professional organizations and seeks leadership roles; • Is aware of and uses professional literature; • Is aware of and participates in professional organizations for counselors; • Demonstrates maturity; • Articulates a professional development plan to improve performance and to expand counseling repertoire to facilitate student achievement of the counseling goals; • Engages in relevant professional development activities and follows through with the plan; |
|----------------------------|---|--|---|

| | | | |
|-----------------------------|---|---|---|
| <p>Reflective</p> | <ul style="list-style-type: none"> • Seeks quick, mechanistic solutions to topics/issues studied; • Is undisciplined; • Does not evaluate the effects of instruction or counseling interventions; • Exhibits repetitive, rigid responses to situations without considering unique variables; • Uses limited sources in making decisions, presenting information; • Does not consider the impact of actions on self and others; • Demonstrates lack of self- insight and willingness to engage in self- reflection/exploration ; • Exhibits a lack of understanding and demonstration of appropriate boundaries; • Exhibits a lack of emotional maturity and/or stability | <ul style="list-style-type: none"> • Evidences curiosity about topics/issues studied; • Is patient and disciplined; • Evaluates the effects of instruction or counseling interventions; • Usually demonstrates flexibility and adapts processes to incorporate new information; • Analyzes multiple sources of information for purposes of problem solving; • Considers the impact of actions on self and others; • Demonstrates self-insight and engages in self- reflection/exploration; • Understands and demonstrates appropriate boundaries; • Exhibits emotional maturity and/or stability | <ul style="list-style-type: none"> • Evidences curiosity about topics/issues studied; • Is patient and disciplined; • Seeks to continuously evaluate the effects of instruction or counseling interventions; • Consistently demonstrates flexibility and adapts processes to incorporate new information; • Analyzes and synthesizes multiple sources of information resulting in creative solutions to problems; • Is receptive to others; • Assimilates information from a variety of sources; • Considers the impact of actions on self and others; • Demonstrates high level of self- insight and engages in self- reflection/ exploration; • Understands and models appropriate boundaries; • Exhibits a high level of emotional maturity and/or stability; • Is accurate in self-evaluation |
| <p>Self-directed</p> | <ul style="list-style-type: none"> • Makes excuses for lack of production; • Blames others for mistakes; • Depends on others for answers; • Waits to be told what actions to take; • Avoids seeking solutions to problems; • Lacks assertiveness or persistence; • Demonstrates a lack of course or program engagement (e.g., “zones out” in class) | <ul style="list-style-type: none"> • Accepts responsibility for actions; • Seeks answers to problems independently; • Outlines plan of action; • Takes initiative in resolving problems; • Is assertive and persistent; • Demonstrates an appropriate level of course or program engagement | <ul style="list-style-type: none"> • Accepts responsibility for actions; • Seeks answers to problems independently; • Outlines plan of action and implements plan with modifications as necessary; • Assumes leadership role in solving problems; • Is creative and resourceful; • Takes initiative and is a self-starter; • Is an advocate for children and the counseling profession; • Is assertive and persistent; • Is highly engaged in course or program and seeks out additional learning experiences |

ACADEMIC PROGRAM MODIFICATION

Change of Degree Designation and CIP Code – Public Health

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

| Before Proposed Change <i>(List as it now appears on the official Academic Program Inventory at THEC.)</i> | | | After Proposed Change <i>(List as it should appear on the official Academic Program Inventory at THEC, once approved.)</i> | | |
|--|---------------|-----------------|--|---------------|-----------------|
| Title | Degree | CIP Code | Title | Degree | CIP Code |
| Title of Existing Academic Program (Including all existing concentrations before program modification) | | | Title of New Program after program modification is approved (including all concentrations) | | |
| Public Health - Community Health - Physical Activity | M.S. | 31.0501.02 | Public Health - Community Health - Physical Activity | M.P.H. | 51.2201.00 |

Proposed Implementation Date:

August 2019

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

Background for Proposed Academic Program Modification:

The purpose of this Academic Program Modification is to change the degree designation for the existing Master of Science (M.S.) degree in Public Health to a Master of Public Health (M.P.H.) and change the CIP Code from the 31 series (Parks, Recreation, Leisure, and Fitness Studies) to the 51 series (Health Professions and Related Programs). There is no change in curriculum of the major or the two existing concentrations of Community Health and Physical Activity. The change in degree designation is in preparation for program accreditation and for the program to better serve current and potential students. In public health education at the master's level, the MPH is the norm. The bachelors program in Community and Public Health is already classified in the 51 CIP series and the 51 series is already used by the university to set salary structure for faculty in these programs.

The curriculum is often similar for both degree designations (M.S. and M.P.H.) with the key difference being an extra emphasis on research e.g., thesis, for the M.S. and a terminal practice oriented experience for the M.P.H. The Rollins School of Public Health at Emory University describes the M.S. as being geared toward candidates with “a strong background in math and/or science and an interest in research based careers” (<https://www.sph.emory.edu/academics/mph-msph/index.html>). Within the broader field of public health there is a clear recognition of “practice” being different from “research” (<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC4025700/>).

In public health education, the M.S. is often referred to as an academic degree while the MPH is considered an applied or professional degree. The M.S. degree is most useful for students who intend to pursue a Ph.D. or a Dr.P.H. [Doctor of Public Health] post-graduation. The MPH designation is the norm in public health education at the master's level and is much more attractive to students who intend to terminate their education at that point and transition into public health practice.

Need for Program:

The need to change the program's degree designation is predicated on the desire to better serve our students by ensuring that our degree designation reflects student interests and the norm in public health at the master's level.

Our current M.S. curriculum offering and emphasis more accurately reflects the nature of an M.P.H. because of student choices (current and/or expressed intent) within the program. Where there is flexibility in the curriculum, most students make choices or indicate intent to make choices that put them on the applied side i.e., MPH, as opposed to MSPH [research focus]. This reflects intent to go into applied public health practice. Therefore, the degree designation should be changed to accurately reflect the latter context. It would also help us better serve

current students and meet the expectations of potential students who intend to work on the applied side of public health.

Without a change in degree designation our program will lose a significant number of potential students. A few but significant number of current students in the MSPH program who want to go into public health practice have explored the possibility of transferring to programs that have the MPH degree designation; solely for degree designation. This is because the norm for graduating seniors who do not intend to seek a Ph.D. or equivalent degree down the road, is to enroll in a program with the MPH designation. The industry norm for a graduate degree in public health is the MPH despite the major overlap in curriculum structure compared to the MSPH.

Potential Impact of Modification on Current Program:

There will be no additional burden on financial and general department resources, current students and, future students because of the change in degree designation. There will be no change in the current curriculum.

On the positive side, graduates from the program with a MPH degree designation [the norm] will be more marketable and leave with a degree designation that truly reflects career intent i.e., practice as opposed to research orientation. The proposed change will still allow us to serve students who intend to pursue a Ph.D. or Dr.PH. This is because the needed additional research experience will be gained via a research focused practicum experience, as opposed to application focus, and the completion of a thesis as opposed to an internship. There are no known programs in the department or university that would be impacted by the proposed change.

Existing Programs Offered at Public and Private Tennessee Institutions:

Institutions with a master's level program in Public Health in CIP classification 51.2201:

- East Tennessee State University - M.P.H.
- Tennessee State University – M.P.H.
- University of Memphis – M.P.H.
- University of Tennessee (Knoxville) – M.P.H.
- Meharry Medical College – M.P.H.
- Meharry Medical College – M.S.
- Vanderbilt University – M.P.H.

Enrollment and Degrees Awarded by Concentration:

N/A

Student Learning Outcomes:

Student Learning Outcomes (SLOs) for the current M.S. program will not change as a result of the change of the degree designation to M.P.H. The SLOs are based on guidelines from the Council on Education in Public Health (CEPH). The SLOs for the degree are:

1. Students will be able to analyze and use evidence-based analytics to approach public health practice.
2. Students will demonstrate understanding of the structure and function of public health and healthcare systems, and the mediating effects of socio-economic factors.
3. Students will be able to demonstrate proficiency in the planning and management of public health activities such as needs assessment, intervention, and evaluation.
4. Students will demonstrate understanding of the multi-dimensional process of policy development, implementation and evaluation in public health.
5. Students will exhibit leadership skills in public health.
6. Students will demonstrate proficient communication skills including development and execution of public health related communication activities.
7. Students will demonstrate the ability to work in inter-professional settings.
8. Students will understand the public health implication of the dynamic relationship between individuals and their social, organizational, and environmental systems

Assessment:

Assessment of the extent to which program SLOs will be attained is carried out through evaluation of deliverables in several courses within the curriculum and other associated activities and is the same as that for the current M.S. degree.

| Student Learning Outcomes (SLOs) | Designated Course/Activity* for Assessment |
|--|--|
| 1. Students will be able to analyze and use evidence-based analytics to approach public health practice. | <ul style="list-style-type: none"> • Biostatistics • Methods in Epidemiology • Research Methods • Program Planning |
| 2. Students will demonstrate understanding of the structure and function of public health and healthcare systems, and the mediating effects of socio-economic factors. | <ul style="list-style-type: none"> • Nation's Health • Global Health |
| 3. Students will be able to demonstrate proficiency in the planning and management of public health activities such as needs assessment, intervention, and evaluation. | <ul style="list-style-type: none"> • Program Planning |
| 4. Students will demonstrate understanding of the multi-dimensional process of policy development, implementation and evaluation in public health. | <ul style="list-style-type: none"> • Nation's Health • Program Planning |
| 5. Students will exhibit leadership skills in public health. | <ul style="list-style-type: none"> • Special Problems • Mentor: Mentorship Program* • Participation in public health student organization at the local, regional or national level* |
| 6. Students will demonstrate proficient communication skills including development and execution of public health related communication activities. | <ul style="list-style-type: none"> • Biostatistics • Methods in Epidemiology • Research Methods • Theory of Health Behavior |
| 7. Students will demonstrate the ability to work in inter-professional settings. | <ul style="list-style-type: none"> • Special Problems • Internship |
| 8. Students will understand the public health implication of the dynamic relationship between individuals and their social, organizational, and environmental systems | <ul style="list-style-type: none"> • Theory of Health Behavior • Special Problems |

In addition, there is an internship evaluation form based on the SLO's. Interns pick five of the eight SLOs to focus on as part their internship experience. Internship supervisors subsequently evaluate the extent to which SLO related sub-competencies were met during internship.

Accreditation:

- The Council for Education in Public Health (CEPH) is the relevant accrediting agency for the Public Health Major. This change of degree designation and CIP Code is sought in anticipation of submission of an application for accreditation to this body. There are no substantive changes in this proposal that would require a SACSCOC review.

Current and Proposed Curriculum Requirements:

See Attachment A – Comparison of Current & Proposed Curriculum.

New Courses Needed:

Because this is an existing program with an established curriculum, no new courses are required for the proposed change of degree designation and CIP Code.

Curriculum Crosswalk of Proposed Curriculum to Accreditation Competencies:

N/A

Distance Learning:

This program is not proposed to be a distance-learning program although several courses may be offered in an online format.

Current and Proposed Admission, Retention and Graduation Policies:

There will be no change to the current admission, retention and graduation policies other than the replacement of degree designation in text. With the exception of the admission and graduation policies, the program uses the general university [MTSU] policy for retention.

Current Admission Policy

Admission decisions will be made after reviewing all materials and determining the applicant's capacity, suitability, and preparation for graduate study. Admission decisions are based upon consideration of a number of criteria which are believed to indicate a high potential in the graduate program.

Admission to the **Master of Science in Public Health** program requires

1. an earned bachelor's degree from an accredited university or college. The candidate must have earned undergraduate prerequisites of at least 18 semester hours in public health or health and human performance professional courses or have a baccalaureate degree in an area determined by the admissions committee to be related to the competencies required in the field of public health;
2. an acceptable grade point average (GPA) in all college work taken;
3. completion of the Graduate Record Examination (GRE) with acceptable scores. Successful applicants to the M.S. in Public Health program typically have scores on the GRE Verbal and Quantitative measures which exceed 146 and 140 respectively (current scale) or 400 (former scale) with a total combined score that exceeds 286 (current scale) or 800 (former scale). The Analytical Writing Assessment score is also considered.

Proposed Admission Policy

Admission decisions will be made after reviewing all materials and determining the applicant's capacity, suitability, and preparation for graduate study. Admission decisions are based upon consideration of a number of criteria which are believed to indicate a high potential in the graduate program.

Admission to the **Master of Public Health (MPH)** program requires

1. an earned bachelor's degree from an accredited university or college. The candidate must have earned undergraduate prerequisites of at least 18 semester hours in public health or health and human performance professional courses or have a baccalaureate degree in an area determined by the admissions committee to be related to the competencies required in the field of public health;
2. an acceptable grade point average (GPA) in all college work taken;
3. completion of the Graduate Record Examination (GRE) with acceptable scores. Successful applicants to the Master of Public Health program typically have scores on the GRE Verbal and Quantitative measures which exceed 146 and 140 respectively (current scale) or 400 (former scale) with a total combined score that exceeds 286 (current scale) or 800 (former scale). The Analytical Writing Assessment score is also considered.

Retention Policy (current and proposed are the same)

Degree-seeking students are expected to take appropriate courses and make satisfactory progress toward their degree objectives as determined by the graduate program. A graduate student at the master's or specialist's level must maintain a cumulative GPA of at least 3.00 for all graduate work completed at MTSU as well as in the major.

A graduate student failing to meet the applicable minimum cumulative graduate GPA retention standard will be placed on academic probation for the subsequent term. Probation in itself has no

serious consequences other than to alert the student of potential academic problems and the requirement to (re)establish satisfactory academic status. Once on probation, a student has three consecutive semesters in which to restore the cumulative GPA to the minimum required. If the student fails to attain the required GPA at the close of the third semester of probation, the student will be suspended automatically.

A graduate student who is on academic probation, then returns to good standing will no longer be on probation. Should the student once again fall below the minimum cumulative graduate GPA for retention (GPA < 3.00 for master's or < 3.25 for doctoral) during their course of study, rather than being placed on probation again, they will be suspended.

In order to reenroll student must formally appeal the suspension to the graduate program by following established requirements within the program. In the event that a student is suspended and subsequently upon appeal is granted permission to reenroll, should the student fail to maintain the minimum cumulative GPA, there will be no second probationary period. The student will be terminated at the close of the semester and no longer eligible for matriculation in any program at MTSU.

Students whose appeals have been denied by their graduate programs will have the right to appeal this decision by notifying the associate dean of the College of Graduate Studies in writing by the first week of the term following their suspension. An ad hoc committee made up of members of the MTSU Graduate Council from other disciplines will be created. The student and program will have the opportunity to represent both the appeal and decision to the committee at this meeting. The decision of the committee is final.

Current Graduation Policy (current and proposed are the same)

To graduate, candidate must

1. complete either the non-thesis or thesis curriculum as detailed below in the curriculum section;
 - A. if choosing the non-thesis option, successfully complete a written comprehensive examination during the last semester of coursework (may be taken no more than twice). Three hours of internship credit hours must also be completed.
 - B. if choosing the thesis option,
 - select a thesis committee composed of two members (one of whom must be from the Department of Health and Human Performance);
 - successfully complete a written comprehensive examination during the last semester of coursework (may be taken no more than twice);
 - successfully complete an oral examination relating to the thesis.

Current Faculty:

| Name (Start Year) | Rank | Highest Degree | Primary Department | FTE in Program | # of Theses/ Dissertations |
|--------------------------------|------------------------|---------------------------|------------------------------------|---------------------------|---------------------------------------|
| Andrew Owusu (2005 [Fall]) | Associate Professor | Ph.D. | Health and Human Performance | 100% | 12/4 |
| Chandra Story (2017 [Fall]) | Associate Professor | Ph.D. | Health and Human Performance | 100% | 7/5 |
| Kahler Stone (2018 [Fall]) | Assistant Professor | Dr.PH | Health and Human Performance | 100% | 0 |
| Bethany Wrye (2014 [Fall]) | Associate Professor | Ph.D. | Health and Human Performance | 100% | 3/1 |
| Angela Bowman (2018 [Fall]) | Assistant Professor | Ph.D. | Health and Human Performance | 100% | 0/2 |

**** Note: This program also employs adjunct faculty qualified to teach in areas of specialized study within a graduate program in Public Health.***

Finance:

No new costs will result from changing the degree designation for this academic program as it is an established program of long-standing and has sufficient budgetary resources.

Proposed Master of Public Health -- Community Health Concentration

| Before and after Curriculum -- Proposed Master of Public Health -- Community Health Concentration | | | | |
|---|--|------------|--|------------|
| Current Curriculum | | | Proposed Curriculum | |
| DEGREE: Master of Science in Public Health | | | DEGREE: Master of Public Health | |
| CONCENTRATIONS: Community Health | | | CONCENTRATIONS: Community Health | |
| Requirements (39 credit hours) | | | Requirements (39 credit hours) | |
| Public Health Core (18 credit hours) | | | Public Health Core (18 credit hours) | |
| | | Hrs | | Hrs |
| HHP 6610 | Research Methods | 3 | HHP 6610 | 3 |
| HLTH 6102 | Theory of Health Education and Behavior | 3 | HLTH 6102 | 3 |
| HLTH 6510 | Nation's Health | 3 | HLTH 6510 | 3 |
| HLTH 6850 | Methods in Epidemiology | 3 | HLTH 6850 | 3 |
| HLTH 6870 | Health Promotion | 3 | HLTH 6870 | 3 |
| STAT 6020 | Introduction to Biostatistics | 3 | STAT 6020 | 3 |
| Community Health Concentration (9 credit hours) | | | Community Health Concentration (9 credit hours) | |
| | | Hrs | | Hrs |
| HHP 6700 | Data Analysis and Organization for Human Performance | 3 | HHP 6700 | 3 |
| HLTH 6320 | Global Health | 3 | HLTH 6320 | 3 |
| HLTH 6860 | Program Planning for Health Promotion | 3 | HLTH 6860 | 3 |
| HLTH 6950 | Advanced Methods of Community Health Education | 3 | HLTH 6950 | 3 |
| NFS 6100 | Advanced Studies in Food and Culture in the US | 3 | NFS 6100 | 3 |
| NFS 6600 | Nutrition and Obesity | 3 | NFS 6600 | 3 |
| NFS 6210 | Vitamin and Mineral Metabolism | 3 | NFS 6210 | 3 |
| Electives in consultation with Advisor (6 credit hours) | | | Electives in consultation with Advisor (6 credit hours) | |
| | | Hrs | | Hrs |
| COMM 5560 | Intercultural Communication | 3 | COMM 5560 | 3 |
| HLTH 5270 | Bioethical Issues in Health Education | 3 | HLTH 5270 | 3 |
| HLTH 5450 | Technology Applications | 2 | HLTH 5450 | 2 |
| HLTH 5451 | Technology Applications Lab | 1 | HLTH 5451 | 1 |
| HLTH 6010 | Holistic & Complementary Health Care | 3 | HLTH 6010 | 3 |
| HLTH 6970 | Advanced Methods in Human Sexuality Education | 3 | HLTH 6970 | 3 |
| NFS 6200 | Advances in Carbohydrates, Lipids, and Proteins | 3 | NFS 6200 | 3 |
| PSY 5630 | Death and Dying | 3 | PSY 5630 | 3 |
| Practicum Experience (3 credit hours) | | | Practicum Experience (3 credit hours) | |
| | | Hrs | | Hrs |
| HLTH 6910 | Special Problems | 3 | HLTH 6910 | 3 |
| Graduate Project (3 credit hours) | | | Graduate Project (3 credit hours) | |
| | | Hrs | | Hrs |
| HLTH 6640 or HLTH 6880 | Thesis/Internship | 3 | HLTH 6640 or HLTH 6880 | 3 |

Proposed Master of Public Health - Physical Activity Concentration

| Before and after Curriculum -- Proposed Master of Public Health - Physical Activity Concentration | | | | | | | |
|---|--|--|------------|---|--|--|------------|
| Current Curriculum | | | | Proposed Curriculum | | | |
| DEGREE: Master of Science in Public Health | | | | DEGREE: Master of Public Health | | | |
| CONCENTRATION: Physical Activity | | | | CONCENTRATION: Physical Activity | | | |
| Requirements (39 credit hours) | | | | Requirements (39 credit hours) | | | |
| Public Health Core (18 credit hours) | | | | Public Health Core (18 credit hours) | | | |
| | | | Hrs | | | | Hrs |
| HHP 6610 | Research Methods | | 3 | HHP 6610 | Research Methods | | 3 |
| HLTH 6102 | Theory of Health Education and Behavior | | 3 | HLTH 6102 | Theory of Health Education and Behavior | | 3 |
| HLTH 6510 | Nation's Health | | 3 | HLTH 6510 | Nation's Health | | 3 |
| HLTH 6850 | Methods in Epidemiology | | 3 | HLTH 6850 | Methods in Epidemiology | | 3 |
| HLTH 6870 | Health Promotion | | 3 | HLTH 6870 | Health Promotion | | 3 |
| STAT 6020 | Introduction to Biostatistics | | 3 | STAT 6020 | Introduction to Biostatistics | | 3 |
| Physical Activity Concentration (9 credit hours) | | | | Physical Activity Concentration (9 credit hours) | | | |
| | | | Hrs | | | | Hrs |
| EXSC 6650 | Exercise Physiology | | 3 | EXSC 6650 | Exercise Physiology | | 3 |
| HHP 6700 | Data Analysis and Organization for Human Performance | | 3 | HHP 6700 | Data Analysis and Organization for Human Performance | | 3 |
| PHED 5340 | Fitness Education for the Adult | | 3 | PHED 5340 | Fitness Education for the Adult | | 3 |
| PHED 5910 | Applied Kinesiology & Biomechanics | | 3 | PHED 5910 | Applied Kinesiology & Biomechanics | | 3 |
| PHED 6090 | Motor Learning in Physical Education | | 3 | PHED 6090 | Motor Learning in Physical Education | | 3 |
| PHED 6680 | Current Issues in Physical Education Pedagogy | | 3 | PHED 6680 | Current Issues in Physical Education Pedagogy | | 3 |
| Guided Electives in consultation with Advisor (6 credit hours) | | | | Guided Electives in consultation with Advisor (6 credit hours) | | | |
| | | | Hrs | | | | Hrs |
| COMM 5560 | Intercultural Communication | | 3 | COMM 5560 | Intercultural Communication | | 3 |
| HLTH 5270 | Bioethical Issues in Health Education | | 3 | HLTH 5270 | Bioethical Issues in Health Education | | 3 |
| HLTH 6010 | Holistic & Complementary Health Care | | 3 | HLTH 6010 | Holistic & Complementary Health Care | | 3 |
| HLTH 6950 | Advanced Methods of Community Health Education | | 3 | HLTH 6950 | Advanced Methods of Community Health Education | | 3 |
| HLTH 6970 | Advanced Methods in Human Sexuality Education | | 3 | HLTH 6970 | Advanced Methods in Human Sexuality Education | | 3 |
| HSC 6530 | Effective Program Management | | 3 | HSC 6530 | Effective Program Management | | 3 |
| PHED 5600 | Technology Applications | | 2 | PHED 5600 | Technology Applications | | 2 |
| PHED 5601 | Technology Applications | | 1 | PHED 5601 | Technology Applications | | 1 |
| PHED 6000 | Adapted Physical Activity | | 3 | PHED 6000 | Adapted Physical Activity | | 3 |
| PHED 6090 | Motor Learning in Physical Education | | 3 | PHED 6090 | Motor Learning in Physical Education | | 3 |
| PHED 6801 | Advanced Sport & Exercise Psychology | | 3 | PHED 6801 | Advanced Sport & Exercise Psychology | | 3 |
| PSY 5630 | Death and Dying | | 3 | PSY 5630 | Death and Dying | | 3 |
| Practicum Experience (3 credit hours) | | | | Practicum Experience (3 credit hours) | | | |
| | | | Hrs | | | | Hrs |
| HLTH 6910 | Special Problems | | 3 | HLTH 6910 | Special Problems | | 3 |
| Graduate Project (3 credit hours) | | | | Graduate Project (3 credit hours) | | | |
| | | | Hrs | | | | Hrs |
| HLTH 6640 or HLTH 6880 | Thesis/Internship | | 3 | HLTH 6640 or HLTH 6880 | Thesis/Internship | | 3 |



**Middle Tennessee State
University Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

SUBJECT: **Approval of Academic Degrees
under Consideration**

BACKGROUND INFORMATION:

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

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

M.S. in Speech-Language Pathology – MTSU has offered an undergraduate degree in Speech-Language Pathology and Audiology for 50 years and is one of only a few universities that offers an undergraduate clinical practicum. With 144 majors (fall 2018) and a retention rate above 90% it is one of the university’s signature programs. The master’s degree is required for licensure as a Speech-Language Pathologist and the U.S. Bureau of Labor Statistics estimates an 18% increase in jobs in this field between 2016–2026. Demand within Tennessee is projected to grow more than 21% over the same period. MTSU’s recently renovated (2017) community-based clinic includes substantial

space to accommodate a graduate-level clinical program and because of the existing undergraduate program a number of clinical-practice sites are already in place.

M.S. in Biomedical Sciences – This program would serve as a post-baccalaureate program for students who are interested in health professions and who are preparing for acceptance to medical, dental, pharmacy, or other professional schools. The degree would benefit students who have completed their bachelor's degree but do not yet have the credentials for acceptance. The major target populations are pre-medicine and pre-pharmacy students. There is no public university in middle Tennessee offering this type of program. Currently, individuals seeking admission to professional school and needing to complete additional coursework often enroll in the research thesis-based masters' programs in Biology and Chemistry but then leave prior to completion of the thesis when they gain admission to the professional school. Because the curriculum of this degree would utilize existing courses in the College of Basic and Applied Sciences, there would be minimum additional resources required.

M.P.H. in Public Health – MTSU plans to submit an Academic Program Modification (APM) request to THEC to change the degree designation of the existing public health major from Master of Science to Master of Public Health. This is an existing degree program with current enrollment and an established curriculum. The Executive Director, through delegated authority from the Commission, can approve or deny the APM request. We believe that the request is justified and meets the requirements for a change of degree designation. However, if the degree designation request is not granted, MTSU will be required to submit a Letter of Notification followed by an entire New Academic Program Proposal. Since notification to the Board of Trustees is the first step in this process, this notification is made as a contingency in order to avoid a three-month delay.



**Middle Tennessee State University
Board of Trustees**

MEETING: Spring Quarterly Board Meeting

SUBJECT: **Audit and Compliance Committee**

DATE: April 3, 2019

PRESENTER: Committee Chair Christine Karbowskiak

ACTION REQUIRED: Voice Vote

-
- Approval of Policy Revisions
 - a. Policy 10 – Ethics and Code of Conduct
 - b. Policy 12 – Conflict of Interest



**Middle Tennessee State
University Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting
DATE: April 3, 2019
SUBJECT: **Approval of Policy Revisions**

BACKGROUND INFORMATION:

Presented for your approval are revisions to two University policies: Policy 10 – Ethics and Code of Conduct, and Policy 12 – Conflict of Interest.

The following describes the proposed revisions to both Policies.

Policy 10 – Ethics and Code of Conduct

The proposed revisions to Policy 10 (Policy) provides for the addition of an annual, mandatory Ethics Training for all employees, including student workers, where appropriate. In addition, a new section entitled “Healthy Workplace” was added to comply with the Healthy Workplace Act, T.C.A. § 50-1-50, which includes information about abusive conduct in the workplace. Greater clarity concerning reporting procedures for Ethics violations (outside

of abusive conduct, which is handled by Human Resources) also is included in the Policy as part of the revisions. Finally, inappropriate use or misuse of computer or information technology resources in violation of institutional policy was added to the section entitled, “Appropriate Use of University Resources,” and more detailed information was included regarding the enforcement of this Policy.

Policy 12 – Conflict of Interest

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

Copies of the redlined and final, revised Policies 10 and 12 are attached for your review and approval.



10 Ethics and Code of Conduct

Approved by Board of Trustees

Effective Date: ~~June 5, 2017~~ _____, 2019

Responsible Division: Business and Finance

Responsible Office: Compliance and Enterprise Risk Management

Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

Middle Tennessee State University (MTSU or University) has a fiduciary responsibility to fulfill its overall mission in compliance with applicable policies, laws, regulations, rules, contracts, grants, and donor restrictions. As the University pursues its mission, it is committed to conducting its business in an ethical and law-abiding fashion; it will maintain a business culture that builds and promotes compliance consciousness.

The University is also committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. As part of the University's core values, employees are expected to promote the best interests of students; treat others with respect and civility; conduct University business with the highest level of ethical standards and integrity; utilize University resources in a manner that avoids waste, fraud, and abuse; and maintain a culturally rich and diverse environment in which to work and learn. This policy sets forth standards of conduct to support these core values and, in so doing, to protect the reputation, credibility, financial well-being, and legal obligations of the University.

II. Scope

This policy applies to all employees of the University whether employed full-time, part-time, or temporary, and includes student workers where appropriate. ~~to include faculty and staff, whether employed full-time, part-time, or temporarily.~~

III. Policy

All employees of the University are expected to maintain the highest standards of honesty and integrity in the performance of their employment duties. Accordingly, the following are general standards of conduct related to an employee's duty to the University.

- A. Employees must comply with [Policy 12 Conflict of Interest](#). Employees must refrain from using their position at the University, or any privileges obtained through employment at the University, in a manner that would unduly influence or result in a personal advantage to the employee or to the employee's immediate family members. Employees shall not have any personal interest, financial or otherwise, or directly or indirectly engage in a business transaction or professional activity that conflicts with the proper performance and responsibilities of their duties in the course of University employment, or that provides the appearance of such conflict. As provided for in [Policy 12 Conflict of Interest](#), employees must disclose information on the nature and extent of any financial interests in entities that do business with the University.
- B. Employees must comply with [Policy 71 Preventing and Reporting Fraud, Waste, and Abuse](#), and should become familiar with the reporting process.
- C. Employees must comply with [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#) as concerns employment outside of, and in addition to, the employee's responsibilities at the University.
- D. Employees shall not accept any compensation for their service as University employees from any source other than the University, except as may be otherwise provided in other policies such as [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#).
- E. An employee shall not disclose the confidential information of the University obtained during the course of his/her employment, except as required by law, statute, a valid subpoena, or request by a government entity for educational or investigatory purposes. An employee shall not use such information for his/her personal gain or benefit. Such confidential information includes, but is not limited to, student educational records under the Family Educational Rights and Privacy Act (20 U.S.C. § 1232g; 34 CFR Part 99); pharmacy records, treatment records, medical records, and other protected health information; University business and financial records; and University patents, licenses, inventions, research, or other University intellectual property.
- F. An employee shall not engage in conduct or actions that could provide the appearance or impression that improper influence over him/her could favorably affect the outcome of any University contract, award, rank, position, grant, or University-owned asset.
- G. Employees must comply with [Policy 816 Nepotism](#). An employee may not be in a direct supervisory line with his/her relative, nor may the employee participate in the process of review, recommendation, and/or decision making in any manner concerning hiring, opportunity, promotion, salary, retention, or termination of a relative.
- H. Professional Values. Employees should demonstrate the following behaviors in carrying out fiscal and other professional transactions ~~by~~:

1. According respect to self and others;
 2. Exhibiting commitment to both the University and organizational unit;
 3. Accepting responsibility; and
 4. Striving to enhance one's own capabilities, and provide the highest quality of performance and counsel.
- I. Employees shall, in the performance of their duties, be accountable for:
1. Knowing, supporting, and implementing the University's and functional area's operational plans;
 2. Exercising prudence and integrity in the management of resources in their custody and in all fiscal transactions in which they participate;
 3. Acting in a competent manner and in compliance with applicable policies, laws, regulations, and rules, contracts, grants, and donor restrictions;
 4. Not knowingly being a party to, or condoning, fiscal misconduct;
 5. Reporting fiscal misconduct as required by University policy;
 6. Not knowingly signing, subscribing to, or permitting the issuance of any financial statement or report that contains any material misstatement or that omits any material fact;
 7. Knowing and fulfilling the fiscal responsibilities set forth in University policy;
 8. Preparing or presenting financial information as required by University policies; and
 9. Protecting privileged or confidential information to which they have access by virtue of their position.

J. Healthy Workplace

1. Employees shall not, in the performance of their duties:

- a. Commit abusive conduct against another employee, subordinate, administrator, Board Trustee, or any persons doing business with, or in relation to, the University.

- b. Assist another employee in committing abusive conduct in the workplace.
 - c. Exhibit and/or commit workplace bullying against another employee.
 - d. Retaliate against any employee who reports incidences of abusive conduct in the workplace, and/or commit such acts of retaliation as defined in Section VII of [MTSU Policy 710 Violence on Campus](#).
- 2. "Abusive conduct" shall have the same meaning as defined within the Healthy Workplace Act, T.C.A. §50-1-502, as "any acts or omissions that would cause a reasonable person, based on the severity, nature, and frequency of the conduct, to believe that an employee was subject to an abusive work environment, such as:
 - a. Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
 - b. Verbal, non-verbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
 - c. The sabotage or undermining of an employee's work performance in the workplace.
- 3. "Abusive conduct" does not include:
 - a. A single act, unless such conduct is determined to be severe and egregious.
 - b. Disciplinary procedures in accordance with MTSU policies and procedures.
 - c. Routine coaching and counseling, including feedback about and/or correction of work performance.
 - d. Reasonable work assignments, including shift, post, and overtime assignments.
 - e. Individual differences in styles of personal expression.
 - f. Passionate, loud expression with no intent to harm others.
 - g. Differences of opinion on work-related concerns or matters.
 - h. The non-abusive exercise of managerial prerogative.
 - i. Other, similar non-abusive behavior.
 - j. Expressive activity protected by federal or state law.

4. Complaints regarding abusive conduct should be submitted to the Assistant Vice President for Human Resources, or his/her designee, and investigated pursuant to university policies and practices. Employees who violate this policy by engaging in abusive conduct will be subject to discipline, up to and including termination.

J.K. Ethics Training. Employees shall complete online Ethics training on an annual basis in furtherance of MTSU's community values, mission, and compliance program.

K.L. Appropriate Use of University Resources

University resources are an important part of the successful delivery of both academic and support services to MTSU's students and community constituents. All employees of the University are entrusted with the responsibility of preserving University resources, using those resources in a prudent manner for their designated purposes, and are entrusted with fiscal responsibility for their functional area of responsibility.

Accordingly, University resources should only be used in furtherance of the University's mission and operations. Inappropriate use of University resources includes, but is not limited to:

1. Faculty or staff utilizing students or other University employees to advance the faculty or staff member's personal, monetary, or political interests.
2. Granting external entities access to University services, information, technology, or resources for personal gain.

2-3. Inappropriate use or misuse of computer or information technology resources in violation of MTSU Policy 910 Information Technology Resources.

L.M. Fiscal Code of Conduct

1. All Banner Finance users, HRBanner users, procurement card (P-Card) users, and other specified employees shall demonstrate their awareness of, and compliance with, the University's Fiscal Code of Ethics through the acknowledgement process that follows.
2. Acknowledgment Process. The applicable Fiscal Code of Ethics statement must be signed, as monitored by the responsible party identified in parentheses:
 - a. By employees upon signing their letter of offer for employment with the University (the respective department or college);

- b. By individuals requesting access to the University's Finance System/MTSource as Finance System Users, prior to receiving such access (the appropriate University Finance System Access Security Coordinator);
 - c. By individuals requesting access to the University's HRBanner and by HRBanner users prior to receiving such access (the appropriate University HRBanner Access Security Coordinator);
 - d. By individuals asking for authority as a P-Card user, prior to receiving such authority (Procurement Services);
 - e. By all the principal investigators, project directors, and everyone associated with a grant, as may be required by the terms of the grant or relevant laws, regulations, or policies; and
 - f. By other employees as required by his/her Vice President.
3. If an individual fails to sign the statement as required, the respective Finance System, HRBanner, or P-Card access will not be provided. If the individual already has access, then the access will be withdrawn. The failure to sign will be reported to the relevant supervisor for appropriate action. Employees who fail to sign as required will be deemed to have failed to meet a condition of their appointment/employment.

IV. Enforcement

The Ethics Advisor for MTSU is the Assistant Vice President for Compliance and Enterprise Risk Management. All allegations of ethics violations should be forwarded to the Office of Compliance and Enterprise Risk Management at carem@mtsu.edu for initial review and investigation.

Recommendations from the Office of Compliance and Enterprise Risk Management made after any ethics investigation may be reported to the Assistant Vice President for Human Resource Services; and/or to the Office of Audit and Consulting Services; and/or the Office of the University Counsel for an additional determination concerning disciplinary action. for the University. An investigation of the allegations will be conducted and recommendations made concerning such disciplinary action as may be appropriate.

Forms: none.

Revisions: ~~none~~ June 5, 2017 (original); _____, 2019.

References: Policies 12 Conflict of Interest; 71 Preventing and Reporting Fraud, Waste, and Abuse; [710 Violence on Campus](#); 814 Outside Employment, Extra Compensation, and Dual Services Agreements; 816 Nepotism; [910 Information Technology Resources](#); [Healthy Workplace Act, T.C.A. 50-1-501, et seq.](#)



10 Ethics and Code of Conduct

Approved by Board of Trustees

Effective Date: _____, 2019

Responsible Division: Business and Finance

Responsible Office: Compliance and Enterprise Risk Management

Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

Middle Tennessee State University (MTSU or University) has a fiduciary responsibility to fulfill its overall mission in compliance with applicable policies, laws, regulations, rules, contracts, grants, and donor restrictions. As the University pursues its mission, it is committed to conducting its business in an ethical and law-abiding fashion; it will maintain a business culture that builds and promotes compliance consciousness.

The University is also committed to the core values of honesty, integrity, respect for diversity, engagement in the community, and commitment to non-violence. As part of the University's core values, employees are expected to promote the best interests of students; treat others with respect and civility; conduct University business with the highest level of ethical standards and integrity; utilize University resources in a manner that avoids waste, fraud, and abuse; and maintain a culturally rich and diverse environment in which to work and learn. This policy sets forth standards of conduct to support these core values and, in so doing, to protect the reputation, credibility, financial well-being, and legal obligations of the University.

II. Scope

This policy applies to all employees of the University whether employed full-time, part-time, or temporary, and includes student workers where appropriate.

III. Policy

All employees of the University are expected to maintain the highest standards of honesty and integrity in the performance of their employment duties. Accordingly, the following are general standards of conduct related to an employee's duty to the University.

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- H. Professional Values. Employees should demonstrate the following behaviors in carrying out fiscal and other professional transactions:

1. According respect to self and others;
 2. Exhibiting commitment to both the University and organizational unit;
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 2. Exercising prudence and integrity in the management of resources in their custody and in all fiscal transactions in which they participate;
 3. Acting in a competent manner and in compliance with applicable policies, laws, regulations, and rules, contracts, grants, and donor restrictions;
 4. Not knowingly being a party to, or condoning, fiscal misconduct;
 5. Reporting fiscal misconduct as required by University policy;
 6. Not knowingly signing, subscribing to, or permitting the issuance of any financial statement or report that contains any material misstatement or that omits any material fact;
 7. Knowing and fulfilling the fiscal responsibilities set forth in University policy;
 8. Preparing or presenting financial information as required by University policies; and
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1. Employees shall not, in the performance of their duties:
 - a. Commit abusive conduct against another employee, subordinate, administrator, Board Trustee, or any persons doing business with, or in relation to, the University.

- b. Assist another employee in committing abusive conduct in the workplace.
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- a. Repeated verbal abuse in the workplace, including derogatory remarks, insults, and epithets;
 - b. Verbal, non-verbal, or physical conduct of a threatening, intimidating, or humiliating nature in the workplace; or
 - c. The sabotage or undermining of an employee's work performance in the workplace.
3. "Abusive conduct" does not include:
- a. A single act, unless such conduct is determined to be severe and egregious.
 - b. Disciplinary procedures in accordance with MTSU policies and procedures.
 - c. Routine coaching and counseling, including feedback about and/or correction of work performance.
 - d. Reasonable work assignments, including shift, post, and overtime assignments.
 - e. Individual differences in styles of personal expression.
 - f. Passionate, loud expression with no intent to harm others.
 - g. Differences of opinion on work-related concerns or matters.
 - h. The non-abusive exercise of managerial prerogative.
 - i. Other, similar non-abusive behavior.
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4. Complaints regarding abusive conduct should be submitted to the Assistant Vice President for Human Resources, or his/her designee, and investigated pursuant to university policies and practices. Employees who violate this policy by engaging in abusive conduct will be subject to discipline, up to and including termination.
- K. Ethics Training. Employees shall complete online Ethics training on an annual basis in furtherance of MTSU's community values, mission, and compliance program.
- L. Appropriate Use of University Resources

University resources are an important part of the successful delivery of both academic and support services to MTSU's students and community constituents. All employees of the University are entrusted with the responsibility of preserving University resources, using those resources in a prudent manner for their designated purposes, and are entrusted with fiscal responsibility for their functional area of responsibility. Accordingly, University resources should only be used in furtherance of the University's mission and operations. Inappropriate use of University resources includes, but is not limited to:

1. Faculty or staff utilizing students or other University employees to advance the faculty or staff member's personal, monetary, or political interests.
2. Granting external entities access to University services, information, technology, or resources for personal gain.
3. Inappropriate use or misuse of computer or information technology resources in violation of [MTSU Policy 910 Information Technology Resources](#).

M. Fiscal Code of Conduct

1. All Banner Finance users, HRBanner users, procurement card (P-Card) users, and other specified employees shall demonstrate their awareness of, and compliance with, the University's Fiscal Code of Ethics through the acknowledgement process that follows.
2. Acknowledgment Process. The applicable Fiscal Code of Ethics statement must be signed, as monitored by the responsible party identified in parentheses:
 - a. By employees upon signing their letter of offer for employment with the University (the respective department or college);

- b. By individuals requesting access to the University's Finance System/MTSource as Finance System Users, prior to receiving such access (the appropriate University Finance System Access Security Coordinator);
 - c. By individuals requesting access to the University's HRBanner and by HRBanner users prior to receiving such access (the appropriate University HRBanner Access Security Coordinator);
 - d. By individuals asking for authority as a P-Card user, prior to receiving such authority (Procurement Services);
 - e. By all the principal investigators, project directors, and everyone associated with a grant, as may be required by the terms of the grant or relevant laws, regulations, or policies; and
 - f. By other employees as required by his/her Vice President.
3. If an individual fails to sign the statement as required, the respective Finance System, HRBanner, or P-Card access will not be provided. If the individual already has access, then the access will be withdrawn. The failure to sign will be reported to the relevant supervisor for appropriate action. Employees who fail to sign as required will be deemed to have failed to meet a condition of their appointment/employment.

IV. Enforcement

The Ethics Advisor for MTSU is the Assistant Vice President for Compliance and Enterprise Risk Management. All allegations of ethics violations should be forwarded to the Office of Compliance and Enterprise Risk Management at carem@mtsu.edu for initial review and investigation.

Recommendations from the Office of Compliance and Enterprise Risk Management made after any ethics investigation may be reported to the Assistant Vice President for Human Resource Services; the Office of Audit and Consulting Services; and/or the Office of the University Counsel for an additional determination concerning disciplinary action.

Forms: none.

Revisions: June 5, 2017 (original); _____, 2019.

References: Policies 12 Conflict of Interest; 71 Preventing and Reporting Fraud, Waste, and Abuse; 710 Violence on Campus; 814 Outside Employment, Extra Compensation, and Dual

Services Agreements; 816 Nepotism; 910 Information Technology Resources; Healthy Workplace Act, T.C.A. 50-1-501, et seq.



12 Conflict of Interest

Approved by Board of Trustees

Effective Date: ~~June 5, 2017~~ _____, 2019

Responsible Division: ~~President~~ Business and Finance

Responsible Office: ~~Compliance and Enterprise Risk Management~~ Office of the University Counsel

Responsible Officer: ~~University Counsel~~ Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

All employees of Middle Tennessee State University (MTSU or University) serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations that, either actually or potentially, put personal interests ahead of the professional obligations they owe to the University. All employees serve a public interest role and thus have a clear obligation to conduct all affairs of the University in a manner consistent with this concept.

This policy is intended to (1) define the general principles that guide the actions of MTSU employees, (2) offer illustrations of activities that potentially constitute a conflict of interest, (3) make employees aware of disclosure requirements related to conflicts of interest, (4) provide a means of managing and resolving conflicts of interest, and describe the process by which those disclosures shall be evaluated and decisions rendered, and (5) describe the appeals process regarding such decisions.

II. Scope

This policy applies to all persons employed by MTSU (either as full-time, part-time, or temporary employees) ~~by MTSU~~.

III. Definitions

- A. Conflict of Interest. A conflict of interest occurs when the personal interests, financial or otherwise, of a person who owes a duty to MTSU actually, or potentially, diverge from the person's professional obligations to, and the best interests of, MTSU. For the purposes of this policy, a conflict of interest with a vendor or contractor also creates a conflict of interest with any sub-vendor or sub-contractor of the vendor or contractor.

- B. Conflict of Commitment. A conflict of commitment occurs when the personal or other non-University related activities of an employee impair the ability of that employee to meet his/her commitments of time and energy to the University.
- C. Family Member. The spouse and children (both dependent and non-dependent) of a person covered by this policy.

IV. Pertinent Laws

The following lists are intended to indicate sources of information that may provide additional guidance regarding conflict of interest situations. This policy is intended to be consistent with all pertinent federal and state laws, regulations, and policies, as well as with MTSU policies. To the extent that conflicts arise, federal and state laws, regulations, and policies shall take precedence. The lists are not intended to be exhaustive, and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.

- A. Federal regulations related to research. For information and guidance related to federal funded research and applicable federal regulations, see [Policy 404 Conflict of Interest for Externally Funded Projects](#).
- B. Other federal agencies (i.e., the Veterans' Administration or the Food and Drug Administration) may require, as a condition to a contract, disclosure and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).
- C. Tennessee state laws. Various state statutes are pertinent to the issue of conflicts of interest at MTSU including, but not limited to, the statutes listed below. It is significant to note that violation of some of these statutes may lead to criminal penalties.
 1. T.C.A. § 8-50-501, Disclosure statement of conflicts of interest by the President of MTSU.
 2. T.C.A. § 12-2-208, Purchase by officer unlawful penalty for violation.
 3. T.C.A. §§ 12-2-415 – 417, State surplus property disposition.
 4. T.C.A. § 12-4-106, Prohibition against receiving rebates, gifts, money, or anything of value – Conflict of interest.
 5. T.C.A. §§ 12-4-101 – 104, Personal interest of officers or employees prohibited; bidding prohibited.

V. Other Relevant Policies. The following non-exclusive list of policies and procedures deal with issues that implicate conflict of interest situations:

- A. Policies and procedures related to purchasing, including, but not limited to:
 1. [Policy 632 Purchasing Card \(P-Card\) Program](#)
 2. [Policy 637 Cash Purchases and Petty Cash Funds](#)
- B. Policies and procedures related to disposition of State property, including, but not limited to:
 1. [Policy 140 Intellectual Property](#)
 2. [Policy 404 Conflict of Interest for Externally Funded Projects](#)
 3. [Policy 685 Disposal of Surplus Property](#)
 4. [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#)
 5. [Policy 816 Nepotism](#)

VI. Conflict of Interest

- A. Employees should avoid situations where the self-interests of the employee diverge from the best interests of the University (conflicts of interests).
- B. The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated. All actual and potential conflicts of interest must be disclosed and evaluated by the Conflict ~~of Interest s~~ Review Committee.
- C. In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee allowing his/her personal interests, and not the best interests of MTSU, to affect that employee's judgment. This list is illustrative rather than exhaustive.
 1. Self-dealing. Situations in which an employee can appear to influence, or actually influence, a University-related decision from which that person, or a member of that person's family, stands to realize a personal financial benefit is self-dealing and a conflict of interest. Examples of self-dealing activities are numerous and include [, but are not limited to,](#) those listed below.
 - a. Purchase of State-owned property by an employee, absent fair and open bidding. It is unlawful for any State employee to purchase surplus State-owned property, absent a fair and open bidding process (T.C.A. §§ 12-2-208 and 12-2-412; [Policy 685 Disposal of Surplus Property.](#))

- b. University purchases from businesses in which an employee has a financial interest (T.C.A. § 12-4-103). Employees are prohibited from bidding on, selling, or offering to sell, any merchandise, equipment, material, or similar commodity to the State of Tennessee during their employment, or for six (6) months thereafter, or to have any interest in the selling of the same to the state. Violation of this provision is considered a Class E felony.
 - c. Certain bids on State contracts (T.C.A. § 12-4-106(b)). It is a conflict of interest for any employee, or any company with whom such employee is an officer, director, or equity owner with more than one percent (1%) interest, to bid on any public contract for products or services for the University, if that person or his/her spouse, dependent children, stepchildren, or relatives related by blood or marriage is responsible for approving such contract for the University.
 - d. Use of educational materials from which a faculty member derives financial benefit. Any faculty member who wishes to use in his/her teaching activities educational materials (i.e., a textbook) that he/she has authored, or in which he/she otherwise stands to benefit financially from such use, has a conflict of interest that must be managed. The faculty member shall make a conflict of interest disclosure to the faculty member's Department Chair. The disclosure must adequately indicate the facts and circumstances that would support the particular textbook being used. Whether the use of such materials shall be permitted shall be evaluated by the Chair, along with the department textbook committee. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.
2. Acceptance of gifts, gratuities, or favors.
- a. No employee shall knowingly solicit or accept, directly or indirectly, on behalf of himself/herself, or any member of the employee's household, for personal use or consumption, any gift, including, but not limited to, any gratuity, service, favor, food, entertainment, lodging, transportation, loan, loan guarantee, or any other thing of monetary value from any person or entity that:
 - (1) Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
 - (2) Has interests that may be substantially affected by the performance or nonperformance of the employees.
 - b. Exceptions. The prohibition on accepting gifts in this section does not apply to:

- (1) A gift with a non-business purpose, motivated by a close personal friendship and not by the employee's position with the University;
 - (2) Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
 - (3) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;
 - (4) Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided that the value of the gift may not be reduced below the monetary limit by dividing the cost of the gift among two (2) or more persons or entities. The measure is the value of the gift received by each individual person;
 - (5) There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the University. In such circumstances, the employee is to use his/her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to his/her immediate supervisor;
 - (6) Food, refreshments, meals, foodstuffs, entertainment, beverages, or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
 - (7) Participation in University or Foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where persons or entities provide sponsorships; or
 - (8) Loans from established financial institutions, made in the ordinary course of business, on usual and customary terms, so long as there are no guarantees or collateral provided by any person from whom the employee would normally be prohibited from accepting a gift.
3. Inappropriate use of students or support staff. Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any non-

- University related activity of the faculty or staff member. Prior to assigning any such non-MTSU related task or a task not directly related to the employee's job duties (which is more than incidental or de minimis in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval through his/her supervisor and the Office of Human Resource Services. Under no circumstances shall students and support staff be used to perform personal activities for the faculty or staff member while the student's or support staff's time is being paid by the University.
4. Inappropriate use of State or University owned resources. Employees may not make significant use of State or University facilities, equipment, materials, or other resources, not otherwise available to the public, in the course of activities that are not related to MTSU, without prior disclosure and approval. Employees making more than incidental or de minimis use of University owned resources must reimburse MTSU for such use at a fair market rental rate to be established by the Business Office at the time of the request or discovery of such use.
 5. Failure to disclose intellectual property. [Policy 140 Intellectual Property](#) governs the rights and responsibilities, which persons affiliated with MTSU have, regarding intellectual property developed during the term of their affiliation with MTSU. Among the responsibilities enumerated in that policy is disclosure of inventions and those copyrightable works that they have jointly or solely developed or created during their affiliation with MTSU. The author/inventor has the responsibility to provide disclosures pursuant to both [Policy 140 Intellectual Property](#) and this policy.

VII. Conflict of Interest Disclosure Requirements

- A. Allowing a conflict of interest to exist without being addressed in an appropriate manner is a serious violation of an employee's duty to the University and can be a violation of state or federal law. Some conflicts of interests are even punishable as criminal offenses under state law.
- B. Unless a different procedure is specified by state statute or in this policy:
 1. New employees ~~must read this policy and sign an acknowledgement that they have done so. The acknowledgement shall be maintained in the employee's personnel file. will be provided a copy of this policy upon employment. If upon reading the policy, the employee believes a conflict of interest exists they should complete the disclosure form and submit it to University Counsel within 30 days of employment.~~
 2. All employees will annually receive a [Conflict of Interest Disclosure Statement](#). Employees must disclose the facts and circumstances surrounding a situation that might involve a conflict of interest, to include the nature and extent of their financial interest(s) in any entity that does business with MTSU.

3. Employees must submit the completed [Conflict of Interest Disclosure Statement](#) by the prescribed deadline, if they are, or believe they might be, in a conflict of interest position.
 4. At any time throughout the year, if an employee feels that a potential conflict of interest has developed since the annual report, the employee is responsible for completing and submitting an updated [Conflict of Interest Disclosure Statement](#).
 5. Faculty utilizing their authored books or published works in a course(s) they teach, must additionally complete the Conflict of Interest Checklist.
- C. Investigators seeking federal funding must make written disclosures as indicated in [Policy 404 Conflict of Interest for Externally Funded Projects](#) and related procedures. Disclosure of financial interests made pursuant to [Policy 404 Conflict of Interest for Externally Funded Projects](#) and related procedures notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under this policy when specific conflict of interest situations arise.
- D. Special disclosure requirements for the President
1. The President is required to file a financial disclosure statement within one (1) month of his/her initial appointment and annually thereafter in January. Disclosure of financial interests made pursuant to this provision notwithstanding, such disclosure does not eliminate the responsibility for making disclosures when specific conflict of interest situations arise. In such cases, the President must make an appropriate disclosure to the Office of the University Counsel.
 2. The President's disclosure shall be in the form prescribed by, and submitted as directed by, the Tennessee Ethics Commission.
 3. Presidents Emeriti must submit any potential conflict of interest to the Office of the University Counsel.
- E. Review of Disclosures
1. The President's disclosure shall be evaluated by the Board of Trustees or a duly appointed committee thereof.
 2. Employee made disclosures shall be evaluated by MTSU's Conflict of Interest Committee.
- F. Conflict of Interest Committee

1. The Conflict of Interest Committee (Committee) is an advisory committee and resides under the President's Office. The primary members of the Committee shall be representatives from the Offices of the University Counsel, Internal Audit and Consulting Services, Compliance and Enterprise Risk Management, and Business and Finance. Other areas of the University, such as Human Resource Services, Academic Affairs, Student Affairs, etc., may be brought in to assist the Committee to provide additional insight and expertise, depending on the nature of the disclosure submitted.
2. Consistent with this policy, the Committee will evaluate conflict of interest disclosures and situations, determine whether a conflict of interest exists, and advise on what actions may be required to manage, reduce, or eliminate an employee's conflict of interest.
3. If the Committee determines that an employee has a conflict of interest, the employee shall receive notice of the Committee's evaluation and be given an opportunity to appear before that Committee before the Committee forwards its decision to the President.
- ~~3.4.~~ If the Committee determines that an employee has a conflict of interest that primarily involves externally funded research, research activities, or ethical conduct in research, the employee's conflict of interest will be referred to the Office of Research Services and/or to the Division of Academic Affairs for review pursuant to Policy 404 Conflict of Interest for Externally Funded Projects.
- ~~4.5.~~ Any disclosure that indicates an actual violation of law shall be forwarded to the President along with the Committee's findings.
- ~~5.6.~~ The President will determine the appropriate action(s) to be taken.
- ~~6.7.~~ For any conflict that is not a violation of federal or state law, the Committee is permitted to make a determination that the conflict is de minimis and is permitted to continue; to place restrictions on the employee to manage the conflict; or, to instruct the employee to eliminate the conflict. The Committee will provide the employee its decision in writing.

G. Appeal

1. An employee may file an appeal with the President within ten (10) business days, absent good cause, of receipt of the Committee's decision.
2. The President shall notify the employee in writing of his/her decision within ten (10) business days, absent good cause.

3. The President's decision shall be final and binding.

H. Sanctions

1. Failure to follow any law or University policy relating to conflicts of interest, including failure to observe restrictions imposed as a result of review of a conflict of interest disclosure, or a knowing failure to disclose a conflict of interest, may result in disciplinary action, including, but not limited to, termination.
2. The Committee will refer violations to the appropriate Vice President or Provost for appropriate action, if any.

VIII. Conflict of Commitment

The primary work related commitment of an employee's time and energy should be to the University. Employees should avoid external commitments that significantly interfere with his/her performance of, or impair his/her independence of, judgment in the performance of the employee's duties to MTSU. See [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#). Disclosures of conflicts of commitment shall be made as required in that policy and be evaluated as indicated in that policy.

IX. Interpretation

The President or designee has the final authority to interpret the terms of this policy.

Forms:

[Employee Conflict of Interest Disclosure Statement](#)

[Conflict of Interest Checklist](#)

Revisions: June 5, 2017 (original policy); _____, 2019.~~none.~~

References: T.C.A. §§ 8-50-501; 12-2-208; 12-2-412; 12-2-415 – 417; 12-4-106; 12-4-101 – 104; Policies 140 Intellectual Property; 404 Conflict of Interest for Externally Funded Projects; 632 Purchasing Card (P-Card) Program; 637 Cash Purchases and Petty Cash Funds; 685 Disposal of Surplus Property; 814 Outside Employment, Extra Compensation, and Dual Services Agreements; 816 Nepotism.

**Middle Tennessee State University
Employee Conflict of Interest Disclosure Statement
Corresponding Policy 12 Conflict of Interest**

For HR Use Only

Faculty
 Dean/Chair
 Vice-Provost
 Executive/VP
 Staff

INSTRUCTIONS

If you have a conflict of interest, please complete this Employee Conflict of Interest Disclosure Statement (Disclosure Statement) by entering the appropriate information below.

If you do NOT have a conflict of interest, you do NOT need to complete this Disclosure Statement.

DEFINITIONS

The following definitions apply to this Conflict of Interest Disclosure Statement in compliance with MTSU Policy 12 Conflict of Interest.

1. **Conflict of Interest.** Occurs when the personal interests, financial or otherwise, of a person who owes a duty to MTSU actually, or potentially, diverge from the person's professional obligations to, and the best interests of, MTSU. For the purposes of this policy, a conflict of interest with a vendor or contractor also creates a conflict of interest with any sub-vendor or sub-contractor of the vendor or contractor.

2. **Conflict of Commitment.** A conflict of commitment occurs when the personal or other non-University related activities of an employee impair the ability of that employee to meet his/her commitments of time and energy to the University.

SECTIONS

I. Financial Interests

II. Family Relationships

III. Business Relationships

IV. Gifts

V. Financial Transactions

VI. Lobbying

VII. Other Conflicts of Interest

1. Name of Employee Submitting the Statement: _____

2. Title or Position with MTSU: _____

3. Email: _____ Date: _____

4. The following statement is submitted in accordance with the Middle Tennessee State University (MTSU) Employee Conflict of Interest Policy:

I. Financial Interests

Please review the selections below and check all that apply. For financial interests for which an employee has a financial interest conflict, please also complete the information in the table provided.

I have a single-transaction financial interest in a specific business, contract, vendor, subcontractor, or purchase connected to MTSU.

I, or a member of my family (spouse, dependent, extended relative), holds a financial interest in one or more businesses, contracts, vendors, or subcontractors connected with MTSU, or from whom MTSU purchases products or services.

| Name of company or business for which the MTSU employee has an ownership interest | Type of goods or services offered by the company and purchased by MTSU | Purchase amount or value (includes goods, services, or contracts) |
|---|--|---|
| | | |
| | | |
| | | |
| | | |

II. Family Relationship

At any time during the preceding twelve (12) months, was any board trustee or executive officer of MTSU a family member of yours?

Yes (~~please explain or describe below~~ If 'Yes', please attach an explanation with any supporting documentation)

No

| Name of trustee or executive officer | Position held by executive officer, or if a board trustee, indicate by stating "trustee" | Specific family relationship |
|--------------------------------------|--|------------------------------|
| | | |

| | | |
|--|--|--|
| | | |
| | | |
| | | |

EMPLOYEE NAME: _____

III. Business Relationships

At any time during the preceding twelve (12) months, did you, or any member of your family, have a business relationship with any executive officer or board trustee of MTSU?

- Yes (~~please explain or describe below~~ If 'Yes', please attach an explanation with any supporting documentation)
- No

| Name of trustee or executive officer | Position held by executive officer, or if a board trustee, indicate by stating "trustee" | Specific business relationship |
|--------------------------------------|--|--------------------------------|
| | | |
| | | |
| | | |
| | | |

IV. Gifts

Cash

At any time during the preceding twelve (12) months, did you, or any member of your family, provide or receive a gift of cash of any value to or from an executive officer or board trustee of MTSU?

- Yes (~~please explain or describe below~~ If 'Yes', please attach an explanation with any supporting documentation)
- No

| Name of trustee or executive officer | Position held by executive officer, or if a board trustee, indicate by stating "trustee" | Cash amount |
|--------------------------------------|--|-------------|
| | | |
| | | |
| | | |
| | | |

Non-Cash

At any time during the preceding twelve (12) months, did you, or any member of your family, provide or receive a non-cash gift of more than \$50 to or from an executive officer or board trustee of MTSU?

- Yes (If 'Yes', please attach an explanation with any supporting documentation)
- No

| Name of trustee or executive officer | Position held by executive officer, or if a board trustee, indicate by stating "trustee" | Gift description |
|--------------------------------------|--|------------------|
| | | |
| | | |
| | | |
| | | |

V. Financial Transactions

During the preceding twelve (12) months, did you, or any family member, provide or receive a loan, grant, lease, license, commercial contract, investment agreement, prize, scholarship, consulting contract, or fellowship to or from an executive officer, board trustee, or management member of MTSU in connection with the University's regular business operations?

- Yes (If 'Yes', please attach an explanation with any supporting documentation)
- No

| Name of trustee or executive officer | Position held by executive officer, management member, or if board trustee, indicate by stating "trustee" | Type of financial transaction |
|--------------------------------------|---|-------------------------------|
| | | |
| | | |
| | | |
| | | |

VI. Lobbying

During the preceding twelve (12) months, did you, or any organization or firm with whom you were affiliated or hired, engage in compensated, registered legislative lobbying related to any educational issue?

- Yes (~~please explain or describe below~~ If 'Yes', please attach an explanation with any supporting documentation)

Signature of Employee:

Date:



12 Conflict of Interest

Approved by Board of Trustees

Effective Date: _____, 2019

Responsible Division: Business and Finance

Responsible Office: Compliance and Enterprise Risk Management

Responsible Officer: Assistant Vice President for Compliance and Enterprise Risk Management

I. Purpose

All employees of Middle Tennessee State University (MTSU or University) serve the interests of the State of Tennessee and its citizens, and have a duty to avoid activities and situations that, either actually or potentially, put personal interests ahead of the professional obligations they owe to the University. All employees serve a public interest role and thus have a clear obligation to conduct all affairs of the University in a manner consistent with this concept.

This policy is intended to (1) define the general principles that guide the actions of MTSU employees, (2) offer illustrations of activities that potentially constitute a conflict of interest, (3) make employees aware of disclosure requirements related to conflicts of interest, (4) provide a means of managing and resolving conflicts of interest, and describe the process by which those disclosures shall be evaluated and decisions rendered, and (5) describe the appeals process regarding such decisions.

II. Scope

This policy applies to all persons employed by MTSU either as full-time, part-time, or temporary employees.

III. Definitions

- A. **Conflict of Interest.** A conflict of interest occurs when the personal interests, financial or otherwise, of a person who owes a duty to MTSU actually, or potentially, diverge from the person's professional obligations to, and the best interests of, MTSU. For the purposes of this policy, a conflict of interest with a vendor or contractor also creates a conflict of interest with any sub-vendor or sub-contractor of the vendor or contractor.

- B. Conflict of Commitment. A conflict of commitment occurs when the personal or other non-University related activities of an employee impair the ability of that employee to meet his/her commitments of time and energy to the University.
- C. Family Member. The spouse and children (both dependent and non-dependent) of a person covered by this policy.

IV. Pertinent Laws

The following lists are intended to indicate sources of information that may provide additional guidance regarding conflict of interest situations. This policy is intended to be consistent with all pertinent federal and state laws, regulations, and policies, as well as with MTSU policies. To the extent that conflicts arise, federal and state laws, regulations, and policies shall take precedence. The lists are not intended to be exhaustive, and additional laws, regulations, and policies may be implicated in a given conflict of interest situation.

- A. Federal regulations related to research. For information and guidance related to federal funded research and applicable federal regulations, see [Policy 404 Conflict of Interest for Externally Funded Projects](#).
- B. Other federal agencies (i.e., the Veterans' Administration or the Food and Drug Administration) may require, as a condition to a contract, disclosure and management of conflicts of interest (see, for example, Veterans' Administration Acquisition Regulation 852.209-70).
- C. Tennessee state laws. Various state statutes are pertinent to the issue of conflicts of interest at MTSU including, but not limited to, the statutes listed below. It is significant to note that violation of some of these statutes may lead to criminal penalties.
 1. T.C.A. § 8-50-501, Disclosure statement of conflicts of interest by the President of MTSU.
 2. T.C.A. § 12-2-208, Purchase by officer unlawful penalty for violation.
 3. T.C.A. §§ 12-2-415 – 417, State surplus property disposition.
 4. T.C.A. § 12-4-106, Prohibition against receiving rebates, gifts, money, or anything of value – Conflict of interest.
 5. T.C.A. §§ 12-4-101 – 104, Personal interest of officers or employees prohibited; bidding prohibited.

V. Other Relevant Policies. The following non-exclusive list of policies and procedures deal with issues that implicate conflict of interest situations:

- A. Policies and procedures related to purchasing, including, but not limited to:
 - 1. [Policy 632 Purchasing Card \(P-Card\) Program](#)
 - 2. [Policy 637 Cash Purchases and Petty Cash Funds](#)
- B. Policies and procedures related to disposition of State property, including, but not limited to:
 - 1. [Policy 140 Intellectual Property](#)
 - 2. [Policy 404 Conflict of Interest for Externally Funded Projects](#)
 - 3. [Policy 685 Disposal of Surplus Property](#)
 - 4. [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#)
 - 5. [Policy 816 Nepotism](#)

VI. Conflict of Interest

- A. Employees should avoid situations where the self-interests of the employee diverge from the best interests of the University (conflicts of interests).
- B. The mere existence of either a potential or actual conflict of interest does not mean that such conflict must necessarily be eliminated. All actual and potential conflicts of interest must be disclosed and evaluated by the Conflict of Interest Committee.
- C. In the following situations and activities, there is at least the appearance, and possibly the actuality, of an employee allowing his/her personal interests, and not the best interests of MTSU, to affect that employee's judgment. This list is illustrative rather than exhaustive.
 - 1. Self-dealing. Situations in which an employee can appear to influence, or actually influence, a University-related decision from which that person, or a member of that person's family, stands to realize a personal financial benefit is self-dealing and a conflict of interest. Examples of self-dealing activities are numerous and include, but are not limited to, those listed below.
 - a. Purchase of State-owned property by an employee, absent fair and open bidding. It is unlawful for any State employee to purchase surplus State-owned property, absent a fair and open bidding process (T.C.A. §§ 12-2-208 and 12-2-412; [Policy 685 Disposal of Surplus Property](#).)

- b. University purchases from businesses in which an employee has a financial interest (T.C.A. § 12-4-103). Employees are prohibited from bidding on, selling, or offering to sell, any merchandise, equipment, material, or similar commodity to the State of Tennessee during their employment, or for six (6) months thereafter, or to have any interest in the selling of the same to the state. Violation of this provision is considered a Class E felony.
 - c. Certain bids on State contracts (T.C.A. § 12-4-106(b)). It is a conflict of interest for any employee, or any company with whom such employee is an officer, director, or equity owner with more than one percent (1%) interest, to bid on any public contract for products or services for the University, if that person or his/her spouse, dependent children, stepchildren, or relatives related by blood or marriage is responsible for approving such contract for the University.
 - d. Use of educational materials from which a faculty member derives financial benefit. Any faculty member who wishes to use in his/her teaching activities educational materials (i.e., a textbook) that he/she has authored, or in which he/she otherwise stands to benefit financially from such use, has a conflict of interest that must be managed. The faculty member shall make a conflict of interest disclosure to the faculty member's Department Chair. The disclosure must adequately indicate the facts and circumstances that would support the particular textbook being used. Whether the use of such materials shall be permitted shall be evaluated by the Chair, along with the department textbook committee. Such evaluation shall include consideration of suitable substitute materials and ensure that the needs of students are best served by use of the materials in which the faculty member has an interest.
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 - (1) Has, or is seeking to obtain, contractual or other business or financial relations with the institution in which the individual is employed; or
 - (2) Has interests that may be substantially affected by the performance or nonperformance of the employees.
 - b. Exceptions. The prohibition on accepting gifts in this section does not apply to:

- (1) A gift with a non-business purpose, motivated by a close personal friendship and not by the employee's position with the University;
 - (2) Informational materials in the form of books, articles, periodicals, other written materials, audiotapes, videotapes, or other forms of communication;
 - (3) Sample merchandise, promotional items, and appreciation tokens, if they are routinely given to customers, suppliers, or potential customers or suppliers in the ordinary course of business, including items distributed at tradeshow and professional meetings where vendors display and promote their services and products;
 - (4) Food, refreshments, foodstuffs, entertainment, or beverages provided as part of a meal or other event, including tradeshow and professional meetings, if the value of such items does not exceed fifty dollars (\$50.00) per occasion; provided that the value of the gift may not be reduced below the monetary limit by dividing the cost of the gift among two (2) or more persons or entities. The measure is the value of the gift received by each individual person;
 - (5) There may be circumstances where refusal or reimbursement of a gift (such as a lunch or dinner) may be awkward and contrary to the larger interests of the University. In such circumstances, the employee is to use his/her best judgment, and disclose the gift including a description, estimated value, the person or entity providing the gift, and any explanation necessary within fourteen (14) days to his/her immediate supervisor;
 - (6) Food, refreshments, meals, foodstuffs, entertainment, beverages, or intrastate travel expenses that are provided in connection with an event where the employee is a speaker or part of a panel discussion at a scheduled meeting of an established or recognized membership organization which has regular meetings;
 - (7) Participation in University or Foundation fundraising and public relations activities, i.e. golf tournaments and banquets, where persons or entities provide sponsorships; or
 - (8) Loans from established financial institutions, made in the ordinary course of business, on usual and customary terms, so long as there are no guarantees or collateral provided by any person from whom the employee would normally be prohibited from accepting a gift.
3. Inappropriate use of students or support staff. Employees shall ensure that the activities of students or support staff are not exploited for the benefit of any non-

University related activity of the faculty or staff member. Prior to assigning any such non-MTSU related task or a task not directly related to the employee's job duties (which is more than incidental or de minimis in nature) to a student or member of the support staff, an employee shall disclose such proposed activities and obtain approval through his/her supervisor and the Office of Human Resource Services. Under no circumstances shall students and support staff be used to perform personal activities for the faculty or staff member while the student's or support staff's time is being paid by the University.

4. Inappropriate use of State or University owned resources. Employees may not make significant use of State or University facilities, equipment, materials, or other resources, not otherwise available to the public, in the course of activities that are not related to MTSU, without prior disclosure and approval. Employees making more than incidental or de minimis use of University owned resources must reimburse MTSU for such use at a fair market rental rate to be established by the Business Office at the time of the request or discovery of such use.
5. Failure to disclose intellectual property. [Policy 140 Intellectual Property](#) governs the rights and responsibilities, which persons affiliated with MTSU have, regarding intellectual property developed during the term of their affiliation with MTSU. Among the responsibilities enumerated in that policy is disclosure of inventions and those copyrightable works that they have jointly or solely developed or created during their affiliation with MTSU. The author/inventor has the responsibility to provide disclosures pursuant to both [Policy 140 Intellectual Property](#) and this policy.

VII. Conflict of Interest Disclosure Requirements

- A. Allowing a conflict of interest to exist without being addressed in an appropriate manner is a serious violation of an employee's duty to the University and can be a violation of state or federal law. Some conflicts of interests are even punishable as criminal offenses under state law.
- B. Unless a different procedure is specified by state statute or in this policy:
 1. New employees will be provided a copy of this policy upon employment. If upon reading the policy, the employee believes a conflict of interest exists they should complete the disclosure form and submit it to University Counsel within 30 days of employment.
 2. All employees will annually receive a [Conflict of Interest Disclosure Statement](#). Employees must disclose the facts and circumstances surrounding a situation that might involve a conflict of interest, to include the nature and extent of their financial interest(s) in any entity that does business with MTSU.

3. Employees must submit the completed [Conflict of Interest Disclosure Statement](#) by the prescribed deadline, if they are, or believe they might be, in a conflict of interest position.
 4. At any time throughout the year, if an employee feels that a potential conflict of interest has developed since the annual report, the employee is responsible for completing and submitting an updated [Conflict of Interest Disclosure Statement](#).
 5. Faculty utilizing their authored books or published works in a course(s) they teach, must additionally complete the [Conflict of Interest Checklist](#).
- C. Investigators seeking federal funding must make written disclosures as indicated in [Policy 404 Conflict of Interest for Externally Funded Projects](#) and related procedures. Disclosure of financial interests made pursuant to [Policy 404 Conflict of Interest for Externally Funded Projects](#) and related procedures notwithstanding, such disclosure does not eliminate the responsibility for making disclosures under this policy when specific conflict of interest situations arise.
- D. Special disclosure requirements for the President
1. The President is required to file a financial disclosure statement within one (1) month of his/her initial appointment and annually thereafter in January. Disclosure of financial interests made pursuant to this provision notwithstanding, such disclosure does not eliminate the responsibility for making disclosures when specific conflict of interest situations arise. In such cases, the President must make an appropriate disclosure to the Office of the University Counsel.
 2. The President's disclosure shall be in the form prescribed by, and submitted as directed by, the Tennessee Ethics Commission.
 3. Presidents Emeriti must submit any potential conflict of interest to the Office of the University Counsel.
- E. Review of Disclosures
1. The President's disclosure shall be evaluated by the Board of Trustees or a duly appointed committee thereof.
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- F. Conflict of Interest Committee

1. The Conflict of Interest Committee (Committee) is an advisory committee and resides under the President's Office. The primary members of the Committee shall be representatives from the Offices of the University Counsel, Audit and Consulting Services, Compliance and Enterprise Risk Management, and Business and Finance. Other areas of the University, such as Human Resource Services, Academic Affairs, Student Affairs, etc., may be brought in to assist the Committee to provide additional insight and expertise, depending on the nature of the disclosure submitted.
2. Consistent with this policy, the Committee will evaluate conflict of interest disclosures and situations, determine whether a conflict of interest exists, and advise on what actions may be required to manage, reduce, or eliminate an employee's conflict of interest.
3. If the Committee determines that an employee has a conflict of interest, the employee shall receive notice of the Committee's evaluation and be given an opportunity to appear before that Committee before the Committee forwards its decision to the President.
4. If the Committee determines that an employee has a conflict of interest that primarily involves externally funded research, research activities, or ethical conduct in research, the employee's conflict of interest will be referred to the Office of Research Services and/or to the Division of Academic Affairs for review pursuant to [Policy 404 Conflict of Interest for Externally Funded Projects](#).
5. Any disclosure that indicates an actual violation of law shall be forwarded to the President along with the Committee's findings.
6. The President will determine the appropriate action(s) to be taken.
7. For any conflict that is not a violation of federal or state law, the Committee is permitted to make a determination that the conflict is de minimis and is permitted to continue; to place restrictions on the employee to manage the conflict; or, to instruct the employee to eliminate the conflict. The Committee will provide the employee its decision in writing.

G. Appeal

1. An employee may file an appeal with the President within ten (10) business days, absent good cause, of receipt of the Committee's decision.
2. The President shall notify the employee in writing of his/her decision within ten (10) business days, absent good cause.

3. The President's decision shall be final and binding.

H. Sanctions

1. Failure to follow any law or University policy relating to conflicts of interest, including failure to observe restrictions imposed as a result of review of a conflict of interest disclosure, or a knowing failure to disclose a conflict of interest, may result in disciplinary action, including, but not limited to, termination.
2. The Committee will refer violations to the appropriate Vice President or Provost for appropriate action, if any.

VIII. Conflict of Commitment

The primary work related commitment of an employee's time and energy should be to the University. Employees should avoid external commitments that significantly interfere with his/her performance of, or impair his/her independence of, judgment in the performance of the employee's duties to MTSU. See [Policy 814 Outside Employment, Extra Compensation, and Dual Services Agreements](#). Disclosures of conflicts of commitment shall be made as required in that policy and be evaluated as indicated in that policy.

IX. Interpretation

The President or designee has the final authority to interpret the terms of this policy.

Forms:

[Employee Conflict of Interest Disclosure Statement](#)

[Conflict of Interest Checklist](#)

Revisions: June 5, 2017 (original policy); _____, 2019.

References: T.C.A. §§ 8-50-501; 12-2-208; 12-2-412; 12-2-415 – 417; 12-4-106; 12-4-101 – 104; Policies 140 Intellectual Property; 404 Conflict of Interest for Externally Funded Projects; 632 Purchasing Card (P-Card) Program; 637 Cash Purchases and Petty Cash Funds; 685 Disposal of Surplus Property; 814 Outside Employment, Extra Compensation, and Dual Services Agreements; 816 Nepotism.

MIDDLE TENNESSEE STATE UNIVERSITY
Employee Conflict of Interest Disclosure Statement
Corresponding Policy 12 Conflict of Interest

For HR Use Only

Faculty
 Dean/Chair
 Vice-Provost
 Executive/VP
 Staff

INSTRUCTIONS

If you have a conflict of interest, please complete this Employee Conflict of Interest Disclosure Statement (Disclosure Statement) by entering the appropriate information below.

If you do NOT have a conflict of interest, you do NOT need to complete this Disclosure Statement.

DEFINITIONS

The following definitions apply to this Conflict of Interest Disclosure Statement in compliance with MTSU [Policy 12 Conflict of Interest](#).

1. **Conflict of Interest.** Occurs when the personal interests, financial or otherwise, of a person who owes a duty to MTSU actually, or potentially, diverge from the person's professional obligations to, and the best interests of, MTSU. For the purposes of this policy, a conflict of interest with a vendor or contractor also creates a conflict of interest with any sub-vendor or sub-contractor of the vendor or contractor.
2. **Conflict of Commitment.** A conflict of commitment occurs when the personal or other non-University related activities of an employee impair the ability of that employee to meet his/her commitments of time and energy to the University.

SECTIONS

- I. [Financial Interests](#)
- II. [Family Relationships](#)
- III. [Business Relationships](#)
- IV. [Gifts](#)
- V. [Financial Transactions](#)
- VI. [Lobbying](#)
- VII. [Other Conflicts of Interest](#)

1. Name of Employee submitting the statement: _____
2. Title or position with MTSU: _____
3. Email: _____
4. The following statement is submitted in accordance with the annual Middle Tennessee State University (MTSU) Employee Conflict of Interest Policy:

I. Financial Interests

Please review the selections below, and check all that apply. For financial interests for which an employee has a financial interest conflict, please also complete the information in the table provided.

- I have a single-transaction financial interest in a specific business, contract, vendor, subcontractor, or purchase connected to MTSU (please attach an explanation and supporting documentation).
- I, or a member of my family (spouse, dependent, extended relative), holds a financial interest in one or more businesses, contracts, vendors, or subcontractors connected with MTSU, or from whom MTSU purchases products or services (please attach an explanation and supporting documentation).

| Name of Company or Business for which the MTSU Employee has an ownership interest | Type of Goods or Services offered by the Company and purchased by MTSU | Purchase Amount or Value (includes Goods, Services, or Contracts) |
|---|--|---|
| | | |
| | | |
| | | |
| | | |

II. Family Relationships

At any time during the preceding twelve (12) months, was any Board Trustee or Executive Officer of MTSU a family member of yours?

- Yes (If 'Yes,' please attach an explanation with any supporting documentation)
- No

| Name of Trustee or Executive Officer | Position Held by Executive Officer, or if a Board Trustee, indicate by stating "Trustee" | Specific Family Relationship |
|--------------------------------------|--|------------------------------|
| | | |
| | | |
| | | |
| | | |

III. Business Relationships

At any time during the preceding 12 months, did you, or any member of your family, have a Business Relationship with any Executive Officer or Board Trustee of Middle Tennessee State University?

Yes (If 'Yes,' please attach an explanation with any supporting documentation)

No

| Name of Trustee or Executive Officer | Position Held by Executive Officer, or if a Board Trustee, indicate by stating "Trustee" | Specific Business Relationship |
|--------------------------------------|--|--------------------------------|
| | | |
| | | |
| | | |
| | | |

IV. Gifts

Cash

At any time during the preceding 12 months, did you, or any member of your family, provide or receive a gift of cash of any value to or from an Executive Officer or Board Trustee of Middle Tennessee State University?

Yes (If 'Yes,' please attach an explanation with any supporting documentation)

No

| Name of Trustee or Executive Officer | Position Held by Executive Officer, or if a Board Trustee, indicate by stating "Trustee" | Cash Amount |
|--------------------------------------|--|-------------|
| | | |
| | | |
| | | |
| | | |

Non-Cash

At any time during the preceding 12 months, did you, or any member of your family, provide or receive a non-cash gift of more than \$50 to or from an Executive Officer or Board Trustee of Middle Tennessee State University?

Yes (If 'Yes,' please attach an explanation with any supporting documentation)

No

| Name of Trustee or Executive Officer | Position Held by Executive Officer, or if Board Trustee, indicate by stating "Trustee" | Gift Description |
|--------------------------------------|--|------------------|
| | | |
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| | | |
| | | |

V. Financial Transactions

During the preceding twelve months, did you, or any family member, provide or receive a loan, grant, lease, license, commercial contract, investment agreement, prize, scholarship, consulting contract, or fellowship to or from an Executive Officer, Board Trustee, or Management member of Middle Tennessee State University in connection with the University's regular business operations?

Yes (If 'Yes,' please attach an explanation with any supporting documentation)

No

| Name of Trustee or Executive Officer | Position Held by MTSU Executive Officer, Management Member, or if Board Trustee, indicate by stating "Trustee" | Type of Financial Transaction |
|--------------------------------------|--|-------------------------------|
| | | |
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| | | |
| | | |

VI. Lobbying

During the preceding twelve months, did you or any organization or firm with whom you were affiliated or hired, engage in compensated, registered legislative lobbying related to any educational issue?

Yes (If 'Yes,' please attach an explanation with any supporting documentation)

No

| Agency or Entity Represented in Your Lobbying Capacity | Measures or Legislation Supported or Opposed | Participating Public/Political Official or Legislative Committee Name |
|--|--|---|
| | | |
| | | |
| | | |
| | | |

VII. Other Conflicts of Interest (please describe in detail below)

1. Examples include, but are not limited to:

1. Your spouse is your direct or indirect supervisor;
2. You and your spouse are involved in the same Research Project;
3. You are involved in a hiring decision involving a relative, spouse, or significant other;



**Middle Tennessee State University
Board of Trustees**

MEETING: Spring Quarterly Board Meeting

SUBJECT: **Executive and Governance Committee**

DATE: April 3, 2019

PRESENTER: Committee Chair Steve Smith

ACTION REQUIRED: Voice Vote

-
- Institutional Mission Statement / Mission Profile
 - Establishment of Expense Limit for Spouse of University President



**Middle Tennessee State
University Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

SUBJECT: [Institutional Mission Statement / Mission Profile](#)

BACKGROUND INFORMATION:

T.C.A. §49-8-101(d) requires the institution to annually submit its institutional mission statement to THEC for review and approval. On February 22, 2019, the University Planning Committee reviewed the mission statement and mission profile. It approved one correction of fact to keep the mission profile current. The mission statement and mission profile were then reviewed and approved by the President. Once approved by the Board at its April meeting, the mission statement and mission profile 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 [date] 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 the 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 confers approximately 5,000 degrees annually. 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 [date] by the MTSU Board of Trustees



**Middle Tennessee State
University Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

SUBJECT: **Establishment of Expense Limit for Spouse of
University President**

BACKGROUND INFORMATION:

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

The Board recognizes that the spouse of the University President is often called upon to devote substantial time and energy to activities which benefit the University. Dr. McPhee's spouse is hereby authorized to serve when called upon as a representative of the institution, and to accept reimbursement from the University or Foundation for expenses incurred in connection with such activity, to the extent such reimbursements are requested by Dr. McPhee and must be approved for payment by the Vice President for Business and Finance, the Foundation, or the Chair of the Audit & Compliance Committee in writing and in advance of any reimbursement, and approved exceptions shall be reported by the Vice President for Business and Finance to the Audit & Compliance Committee at its next meeting. It is understood that Dr. McPhee's spouse may use facilities

and other resources of the University in the same matter as an employee when involved in such activities. The institution shall also assume the travel expenses for Dr. McPhee's spouse on business trips to which she is officially invited or for which her presence is regarded by Dr. McPhee as necessary to carry out his official representational duties to promote a favorable image of the institution. Dr. McPhee will be responsible for any tax consequences resulting from benefits provided to Dr. McPhee's spouse pursuant to this Section F. The Board of Trustees shall annually establish a reasonable cap on expenses allowed by this Paragraph F. From time to time, the Board Chair may increase the cap based on need. An annual accounting of expenses will be provided to the Audit and Compliance Committee.

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

The Executive and Governance Committee recommends a cap in the amount of \$5,000.



**Middle Tennessee State University
Board of Trustees**

MEETING: Spring Quarterly Board Meeting

SUBJECT: **Finance and Personnel Committee**

DATE: April 3, 2019

PRESENTER: Committee Chair Joey Jacobs

ACTION REQUIRED: Voice Vote/Roll Call Vote

-
- Rule Promulgation and Related Policy Revision
 - a. Traffic, Parking, and Safety Enforcement
 - Building Naming – Stark Agriculture Center



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

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

BACKGROUND INFORMATION:

Current Policy 775 – Traffic, Parking, and Safety Enforcement does not identify a specific duration for the awarding of a temporary disabled permit. The Policy only states that such permits “will be issued for injuries or disabilities of limited duration as specified by a physician’s statement certifying an impairment.” We are requesting approval for a revision to Policy 775 that will set the issuance duration to “a period not to exceed one (1) semester or four (4) consecutive months, whichever is of greatest benefit to the individual requesting the permit.” This revision will allow the University to be consistent

with current per semester permit issuances, and will eliminate the potential for oversight error by requiring matters concerning temporary disabled permits to be resolved by the conclusion of the current or upcoming term.

Corresponding revisions to Rule 0240-07-03 will also be required.

Copies of the redline policy and final revised policy are attached for your review and approval. Rule 0240-07-03 Traffic, Parking, and Safety Enforcement has been revised and is also attached for your review and approval.



775 Traffic, Parking, and Safety Enforcement

Approved by Board of Trustees

Effective Date: _____, 2019

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 permits will be issued for injuries or disabilities for a period not to exceed one (1) semester or four (4) consecutive months (whichever is of the greatest benefit to the individual requesting the permit), provided that the request is accompanied by a physician's statement certifying the impairment.
 - 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 permit 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 permit, 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 permits 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 website](#) which provides the specific hearing procedures.
- B. Any MTSU employee or campus visitor holding a faculty/administrative/staff parking permit 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. 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 (original); March 27, 2018; _____, 2019.

References: T.C.A. § 55-21-108.



775 Traffic, Parking, and Safety Enforcement

Approved by Board of Trustees

Effective Date: ~~March 27, 2018~~ _____, 2019

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 permits will be issued for injuries or disabilities for a period not to exceed one (1) semester or four (4) consecutive months (whichever is of the greatest benefit to the individual requesting the permit), provided that the request is accompanied by a physician's statement certifying the impairment. ~~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 permit 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 permit 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 permits 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

**Department of State
Division of Publications**

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Email: publications.information@tn.gov

For Department of State Use Only

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

Proposed Rule(s) Filing Form

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

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

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

Revision Type (check all that apply):

- Amendment
 New
 Repeal

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

| Chapter Number | Chapter Title |
|----------------|--|
| 0240-07-03 | Traffic, Parking, and Safety Enforcement |
| Rule Number | Rule Title |
| 0240-07-03-.01 | Purpose |
| 0240-07-03-.02 | Scope |
| 0240-07-03-.03 | Definitions |
| 0240-07-03-.04 | Registration of Vehicles and Parking Permits |
| 0240-07-03-.05 | Operation of Vehicle Enforcement |
| 0240-07-03-.06 | Towing/Booting of Vehicles |
| 0240-07-03-.07 | Violations and Penalties |
| 0240-07-03-.08 | Visitors |
| 0240-07-03-.09 | Resident Parking |
| 0240-07-03-.10 | Bicycles on Campus |
| 0240-07-03-.11 | Appeal of Citations |
| | |

Rules
of
Middle Tennessee State University, Murfreesboro
Chapter 0240-07-03
Traffic, Parking, and Safety Enforcement

New

Table of Contents is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

Table of Contents

0240-07-03.01 Purpose
0240-07-03.02 Scope
0240-07-03.03 Definitions
0240-07-03.04 Registration of Vehicles and Parking Permits
0240-07-03.05 Operation of Vehicle Enforcement
0240-07-03.06 Towing/Booting of Vehicles
0240-07-03.07 Violations and Penalties
0240-07-03.08 Visitors
0240-07-03.09 Resident Parking
0240-07-03.10 Bicycles on Campus
0240-07-03.11 Appeal of Citations

0240-07-03-.01 Purpose is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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).

0240-07-03-.02 Scope is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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).

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

0240-07-03-.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).

0240-07-03-.04 Registration of Vehicles and Parking Permits is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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 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.
- (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 permits will be issued for injuries or disabilities for a period not to exceed one (1) semester or four (4) consecutive months (whichever is of the greatest benefit to the

individual requesting the permit), provided that the request is accompanied by a physician's statement certifying the impairment.

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.

0240-07-03-.05 Operation of Vehicle Enforcement is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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).

0240-07-03-.06 Towing/Booting of Vehicles is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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. 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 0240-07-03-.11 and on the Parking Services website.
- (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).

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

0240-07-03-.07 Violations and Penalties

- (1) 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.
- (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 parking meters.
- (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).

0240-07-03-.08 Visitors is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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 permit 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.
- (3) Upon securing a visitor parking permit, 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 permits 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).

0240-07-03-.09 Resident Parking is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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).

0240-07-03-.10 Bicycles on Campus is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and shall read as follows:

0240-07-03-.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).

0240-07-03-.11 Appeal of Citations is added to Chapter 0240-07-03 Traffic, Parking, and Safety Enforcement and

shall read as follows:

0240-07-03-.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 which provides the specific hearing procedures.
- (2) Any MTSU employee or campus visitor holding a faculty/administrative/staff parking permit 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. 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. 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.
- (5) 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).

* 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 | | | | | |
| Tony Johnston | | | | | |
| 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 __/__/2019, and is in compliance with the provisions of T.C.A. § 4-5-222. The Secretary of State is hereby instructed that, in the absence of a petition for proposed rules being filed under the conditions set out herein and in the locations described, he is to treat the proposed rules as being placed on file in his office as rules at the expiration of ninety (90) days of the filing of the proposed rule with the Secretary of State.

Date: _____

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 Traffic, Parking, and Safety Enforcement

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 its policies. This review was necessitated due to the separation of MTSU from the Tennessee Board of Regents system. MTSU is in the process of establishing rules as required by statute.

This rule describes the terms and conditions under which students, employees and visitors may drive and park on the Middle Tennessee State University campus. It also describes when citations and fines may be levied, and includes a process to appeal such.

- (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. § 49-8-203(a)(1)(D).

- (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 and employees of MTSU are most directly impacted by this rule. A policy that mirrors the proposed rule was reviewed and approved by the FOCUS Act Transition Team which included students, staff and faculty representatives. The MTSU faculty, staff and students 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 Ron Malone, Assistant Vice President, Events and Transportation Services

- (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 Ron Malone, Assistant Vice President, Events and Transportation Services

(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
Murfreesboro, TN 37132
615-898-2025
Heidi.zimmerman@mtsu.edu

Ron Malone
Assistant Vice President, Events and Transportation Services
1301 E. Main Street, Box 130
Murfreesboro, TN 37132
615-898-2853
ron.malone@mtsu.edu

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



**Middle Tennessee State University
Board of Trustees**

Action Item

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

SUBJECT: **Building Naming – Stark Agriculture Center**

BACKGROUND INFORMATION:


The faculty in the School of Agribusiness & Agriscience met on February 21, 2018 and voted to change the name of the department to the “School of Agriculture.” This was the name of the department prior to the name change in the late 1990s. The change was approved and became effective July 1, 2018. In alignment with the department name change, a request was made in October 2018 to change the name of the Stark Agribusiness and Agriscience Center back to the “Stark Agriculture Center”, which was the name given to the building when it was erected in 1978. As required by MTSU Policy 160, the request was submitted to the Building Name Advisory Committee for consideration and recommendation. The Committee concurred with the request, and included in the meeting materials for your review and approval is a recommendation for the building name change, along with the supporting documentation.

ON-CAMPUS MEMO

Vice President for Business and Finance

Cope Administration Building 119
o: 615-898-2852 • f: 615-898-5906



To: Dr. Sidney A. McPhee, President 
From: Alan Thomas, Vice President
for Business and Finance
Date: December 6, 2018
Re: Building Naming Request for Stark Agriculture


Attached is a request to rename the Stark Agribusiness and Agriscience Center to the Stark Agriculture Center. This request is being made to align with the recent department name change.

Individuals and groups for whom buildings are named must have made a significant contribution to the field of education, government, science, or human betterment according to criteria for naming a building outlined in MTSU Policy 160. In order to preserve the integrity of all buildings named on the campus of MTSU, this honor must be reserved for individuals of recognized accomplishment and character. Also, a facility may be named for an individual or organization benefactor who makes a significant contribution toward the costs of the initial construction or renovation of a facility or component of a facility.

The Building Name Advisory Committee has reviewed this request, along with other related documents. The Committee concurs with the request and is recommending your approval.

With your approval, this request will be submitted to the Board of Trustees for consideration at their March 2019 meeting.

I am available to discuss or provide additional information if needed.

Approved: 
Dr. Sidney A. McPhee, President

Date: 12-7-2018

School of Agriculture

P.O. Box 5
Middle Tennessee State University
Murfreesboro, Tennessee 37132
Office: (615)898-2523
FAX: (615) 898-5169

Date: October 17, 2018

From: Dr. Jessica Carter, Director *Jessie Carter*

Subject: Request name change for the Stark Agribusiness & Agriscience Center (SAG) to align with department name change

The faculty in the School of Agribusiness & Agriscience met on February 21, 2018 and unanimously voted to change the name of the department from the "School of Agribusiness & Agriscience" to the "School of Agriculture." This was the previous name of the department and it is our understanding that the name change occurred in the late 1990s. The faculty & staff believe that the name change to "Agriculture" will simplify things and be easier for branding/marketing our programs. This change was approved and became effective on July 1, 2018. We would like for our building name to change as well to reflect the new name for the department. We would like to keep the "Stark" name since Dr. Stark played a significant role in the early years of the Agriculture Department. We propose that the new name of the building be: Stark Agriculture Center. This was also the previous name of the building (see attached plaque).

Thank you for your consideration of our request.

Robert Fischer

Dr. Bud Fischer, Dean, College of Basic & Applied Sciences

Mark Byrnes

Dr. Mark Byrnes, Provost

Dr. Sidney McPhee, President



STARK AGRICULTURE CENTER

Honoring Dr. Clifford Nicks Stark and Pauline Whitson Stark

Graduates of this University, the Stark husband-wife team served Tennessee schools for several years and then moved to Cornell University with which institution Dr. Stark was affiliated for 27 years. Master teacher, researcher, and writer, particularly in the area of bacteriology as it relates to milk and other dairy products, he gained nationwide acclaim. The Stark team returned to this University in 1949 where Dr. Stark, for seven prolific years, shared his talents with the Agriculture Department. Later, he and Mrs. Stark spent two memorable and productive years as agricultural consultants in Madras, India. In contemplating their arduous but fruitful years of service, Dr. and Mrs. Stark decided to make their accumulated life assets available for use by University students. The designation of the Stark Center is in recognition of this unselfish decision.



ERECTED APRIL 17, 1978



**Middle Tennessee State
University Board of Trustees**

Board Secretary Report

Information Item

DATE: April 3, 2019

SUBJECT: **Board Secretary Report**

PRESENTER: Board Secretary Heidi Zimmerman

BACKGROUND INFORMATION:

- Policy Revisions.



**Middle Tennessee State University
Board of Trustees**

MEETING: Spring Quarterly Board Meeting

DATE: April 3, 2019

SUBJECT: **Board Secretary Report**

BACKGROUND INFORMATION

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

| Policy | Date Edited | Explanation |
|--|--------------------|---|
| 312 Academic Misconduct | 12/12/2018 | Replaced "Coordinator of Academic Misconduct" with "Director of Academic Integrity". |
| 541 Residential Life and Housing Rules | 12/12/2018 | Corrected refrigerator in dorm size from 3.2 to 3.7 cubic feet and from 2.5 to 3.0 amps. |
| 608 Taxability of Employee Benefits | 1/1/2019 | New President-approved policy was created. |
| 605 Reports of Expenditures by the President | 1/17/2019 | Corrected title of Responsible Officer to Chief Audit Executive. |
| 71 Preventing and Reporting Fraud, Waste, and Abuse | 1/17/2019 | Corrected title of Responsible Officer to Chief Audit Executive. |
| 50 Timely Reporting of a Substantive Change for Accredited Institutions of the SACSCOC | 1/23/2019 | Corrected title of Responsible Officer to Associate Provost for Strategic Planning and Partnerships |
| 100 Use of Campus Property and Facilities Scheduling | 1/29/2019 | Removed example of property not owned or leased by MTSU in Section II.D. |
| 251 Approval of Academic Programs, Units, and Modifications | 3/5/2019 | Updated links to THEC Policies in Section V as they were changed by THEC. |